



*Employee Handbook*

*Effective Date: December 8, 2016*

***MISSION STATEMENT***  
**Of The City of Frankfort, Indiana**

**To provide first class customer service to the residents of Frankfort with a positive, progressive and innovative attitude utilizing foresight, wisdom and courage for the improvement of our community.**

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## **SECTION ONE - INTRODUCTION**

On behalf of my fellow elected leaders, appointed officials and staff, welcome to the Frankfort municipal government team!

Your experience, skills and commitment to public service will play a vital role in the City of Frankfort's current and future progress. We believe individual pride in and dedication to a healthy work ethic blended with strong teamwork make a powerful and successful combination.

The McBarnes administration's four cornerstones of ***Neighborhood Revitalization*** (revitalizing Frankfort one block, one home, one yard, one neighborhood at a time), ***Economic Development*** (Frankfort is open for business), ***Communications*** (a two-way street: listening, sharing) and ***Citizen Voice*** (operating from the consent of the governed) are reflected – one way or another – in every project, program and service provided to Frankfort residents, corporate citizens and visitors. These cornerstones are the foundation upon which we operate, both departmentally and as a City government entity as a whole.

I encourage you to read our current 200-Day Plan found on the City's Web site ([www.frankfort-in.gov](http://www.frankfort-in.gov)) or hard copies are available in my office to familiarize yourself with our current initiatives surrounding each cornerstone.

We also have a foundation for rules and policies for you as a team member: this employee handbook. Please take time to read the information contained in here and let your department head know if you have any questions.

To ensure all employees are aware of the policies and rules outlined within this document, you will be required to sign a form acknowledging you have read, understand and will comply with the rules in place designed for everyone's successful employment.

We strive to practice the values of respect, fairness, equality, kindness, open communication and teamwork as keys to everyone's positive employment experience.

Congratulations on your new position with the City of Frankfort! We are pleased to have you as valuable member of our team.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris McBarnes". The signature is written in a cursive style with a large, sweeping initial "C".

Mayor Chris McBarnes

### **Introductory Statement**

This Employee Handbook is designed to acquaint you with the City of Frankfort and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City of Frankfort to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No Employee Handbook can anticipate every circumstance or question about policy. As the City of Frankfort continues to grow, the need may arise and the City of Frankfort reserves the right to revise, supplement, or rescind any policies or portion of the Employee Handbook from time to time as it deems appropriate, in its sole and absolute discretion. The interpretation and administration of these policies shall be under the jurisdiction of the Board of Public Works and Safety. The only exception to any changes is our employment-at-will policy. Employees will, of course, be notified of such changes to the Employee Handbook as they occur.

In some circumstances individual department policies or SOP's have been established which supersede a policy which has been established in this handbook. These policies have been developed because certain department structures or work requirements require a different policy to follow. Individual Department policies which are an exception to the employee handbook policies are listed below:

EMPLOYEE HANDBOOK PAGE NUMBER	POLICY DESCRIPTION	DEPARTMENTS WITH ALTERNATIVE POLICY
6	Length of Introductory Period	Fire and Police Departments
12	Working Hours	Fire and Police Departments
12	Overtime	Fire and Police Departments
18	Vacation Schedules	Fire and Police Departments

Although every effort is made to ensure that our personnel policies are in strict compliance with State and Federal regulations, should a discrepancy exist due to changing regulations or for any other reason, State and Federal guidelines will always supersede any unintended policy deviation from regulations.

Nothing contained in this Employee Handbook is intended to create, nor shall be construed as creating, an expressed or implied contract of employment or guarantee of employment for any term or for any specific procedures.

There is no contract of employment between the City of Frankfort and any one or all of its employees. Employment security cannot be guaranteed for or by any employee.



## ***SECTION TWO - EMPLOYMENT***

### **Equal Employment Opportunity**

The City of Frankfort provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws.

The City complies with applicable state and local laws governing nondiscrimination in employment in every location in which the City has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, and transfer, leaves of absence, compensation and training.

The City of Frankfort expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of the City of Frankfort employees to perform their expected job duties is absolutely not tolerated.

### **Disability Accommodation**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City of Frankfort to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our City policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City of Frankfort. Contact the Mayor's office with any questions or requests for accommodation.

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

This policy is neither exhaustive nor exclusive. The City of Frankfort is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in

accordance with the ADA and all other applicable federal, state, and local laws.

### **Employment at Will**

Employment with the City of Frankfort is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City of Frankfort may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

The policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the handbook have been developed at the discretion of the Board of Public Works and, except for its policy of employment-at-will, may be amended or canceled at any time, at the Board of Public Works sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to by any department or office of City government without the express written approval of the Board of Public Works.

### **Immigration Law Compliance**

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

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form, 1-9, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed a 1-9 with the City within the past three years, or if their previous 1-9 is no longer retained or valid.

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

### **Employment Physical Examination & Drug Testing**

For certain positions or under certain circumstances and after an offer of employment, a physical examination and/or drug test will be required. A physician appointed by the City of Frankfort at the City's expense will conduct the employment physical examination.

When an employment physical examination and or drug test is required, employment and assignment will be conditional pending the receipt of a satisfactory physician's report.

### **Background Checks & Criminal Investigations**

To ensure that individuals who join the City of Frankfort are well qualified and to ensure that the City maintains a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who accept an offer of employment.

Background checks may include verification of any information on the applicant's resume or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the City. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead the City to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related.

The City also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

For certain positions or under certain circumstances a background check and criminal investigation will be required.

When a background check and criminal investigation is required, employment and assignment will be conditional pending the receipt of a satisfactory report.

### **Motor Vehicle Record (BMV) Inquiry**

Prospective employees expected to drive City vehicles will provide the City of Frankfort with current and acceptable motor vehicle driving information. Employment and assignment will be conditional pending the receipt of a satisfactory report from the appropriate Bureau of Motor Vehicles (BMV).

### **Categories of Employees**

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the Department Head or Elected Official.

Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. The Board of Public Works may change an employee's exempt or non-exempt classification.

At the time of hire, employees will be advised if they are in a position that has been designated as "Essential" by the Elected Official or Department Head. These positions are those deemed necessary to maintain critical operations of the County in emergency situations such as severe weather, power failures or other situations where it is necessary to close certain offices of the County yet maintain essential services to the City. (refer to Emergency Closings page 11)

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

**REGULAR FULL TIME:** employees who are not in a temporary or seasonal status and who are hired to work a regular schedule of at least thirty (30) hours per week. These employees are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Part time employees who average thirty (30) hours or more per week or 130 hours in a month during the City's designated measurement period are also eligible for the City's benefit package. Hours worked include all hours worked and all hours for which payment is made or due for vacation, illness, holidays, incapacity, layoff, jury duty, military duty or leave of absence.

Part time employees who meet the eligibility requirements will become eligible for health care benefits and all other benefit plans based on the date the employee is designated as a full time employee.

**REGULAR PART-TIME** employees are those who are not assigned to a temporary status and who are regularly scheduled to work no more than twenty eight (28) hours per week and have a specific work schedule. Elected Officials and Department Heads must have prior approval of the Board of Public Works to schedule a part time employee for more than 28 hours per week. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance) they are not eligible for any of the benefits offered to full time employees.

**INTRODUCTORY** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration.

**TEMPORARY/SEASONAL** who are hired as temporary/seasonal replacement for regular full-time or regular part-time employees, or for short periods of employment such as summer months, peak periods and vacations are considered temporary/seasonal employees. Temporary/Seasonal employees are eligible for some benefits by specific reference only.

Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change to another status. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are not eligible for the City's benefits programs.

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and the City.

### **Introductory Period**

Following the acceptance of employment, the Department Head will discuss job duties and areas of responsibility with a new employee. City of Frankfort policies and procedures will be reviewed.

All employees of the City of Frankfort, except Police and Fire who are under separate statute, are employed on a probationary period basis until they have completed the first 60 calendar days of their employment. These 60 calendar days are a trial period designed to determine whether the employee is suited to the job and capable of satisfactorily performing the work assigned. Termination and transfer actions may be taken during this period without need of an appeal or hearing process. An unsatisfactory rating at any time during the probationary period may result in your immediate termination.

### **Continuous Service Date**

In order to have a record of an employee's benefits, a continuous service date will be maintained for each employee.

The continuous service will be the employee's first day of employment and will continue uninterrupted as long as the employee remains an employee of the City of Frankfort.

Length of service for all regular employees shall be determined by the date of most recent hire except for reinstatements subsequent to separation for the following reasons:

- Entry into the Armed Services.
- Illness, including pregnancy, or injury during a period of six (6) months or less.
- Negotiated transfer to or from another affiliated city or municipality.

Employees who do not return from an authorized leave of absence within the approved period shall be classed as terminated at expiration of approved leave.

Length of service for persons hired on a Temporary/Seasonal or Regular Part-Time basis, and later change to regular Full-Time status (while continuously employed), will be determined from

time of original employment. This policy is not retroactive from date of adoption for any previous employment situations.

### **Nepotism**

Employees who are relatives of an Elected Official or Department Head may not be employed by the City in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Direct line of supervision means an Elected Official or Department Head who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the City, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the City.

Employed means an individual who is employed by the City on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an employee who is a party to an employment contract with the City.

Relative means any of the following: (1) A spouse, (2) A parent or stepparent, (3) A child or stepchild, (4) A brother, sister, half-brother, half-sister, stepbrother, or stepsister, (5) A niece or nephew, (6) An aunt or uncle, (7) A daughter-in-law or son-in-law. An adopted child is considered the same as natural child of the individual.

This policy does not apply to employees in their current position as of June 30, 2012 unless the employee has a break in employment.

If an employee is absent from workplace while on paid or unpaid leave, including vacation, sick or family medical leave, or worker's compensation or employment with the City is terminated followed by immediate reemployment by the City, without loss of payroll time then they are not considered to have a break in employment.

### **Employment of Minors**

The following provisions apply with respect to the City's employment age requirements: The City of Frankfort will fully comply with the Child Labor provisions of the Fair Labor Standards Act and applicable state statutes, which govern the employment of minors.

For purposes of insurance risk, it is the City of Frankfort's policy to not employ individuals younger than age 18 in any position with the City except for Temporary/Seasonal park employees.

Should the City have any reason to question whether an individual applicant is under age 18, the applicant may be required to furnish proof of birth date.

### **Personnel Data Changes**

It is the responsibility of each employee to notify promptly the Clerk/Treasurer's office of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names

of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Clerk/Treasurer's office.

### **Personnel Files**

The City of Frankfort will maintain a file on each employee in the Clerk/Treasurer's office. An employee's personnel file begins with the employee's completed employment application form. From time to time various information will be added to the personnel file regarding an individual's employment status with the City. Personnel files are the property of the City of Frankfort and will be treated the same as any other confidential City of Frankfort information.

The following provisions apply with respect to the City of Frankfort's standards for establishing, maintaining and handling employee personnel files;

- All official records concerning an employee will be kept up to date insofar as possible, and all employees shall promptly report all pertinent personal information and data changes to the City Clerk/Treasurer's office.
- Employees will be permitted to review their personnel files as permitted by applicable laws and City policy in the Clerk/Treasurer's office in the presence of the Clerk/Treasurer.
- Information regarding the medical condition or history of an employee will be maintained in accordance with applicable federal and state laws and will be maintained in a separate file under the supervision of the City of Frankfort's Medical Review Officers. The designated Medical Review Officers of the City of Frankfort are the Mayor and the Clerk/Treasurer.
- The personnel file of an employee terminating employment will be maintained in accordance with applicable state and federal laws.
- All employee disciplinary documentation will be kept in a separate personnel filing system under the supervision of the Mayor of the City of Frankfort.

### **Contents of Personnel Files**

Employee personnel files will include the following:

- a) Original employment application
- b) Performance appraisal reports
- c) Special commendation information
- d) Educational achievement records
- e) Status changes affecting employee's work and salary history
- f) Employee's resume (if submitted)
- g) Other relevant documents as determined by the Clerk/Treasurer or Mayor
- h) W2 and W4 forms
- i) Employee's job description

### **Employee's Request for Review of Personnel File**

The following provisions apply with respect to an employee request to review the employee's personnel file:

- The Department Head will have the responsibility of coordinating the review of an employee's personnel file with the employee's immediate supervisor.
- The Department Head or the immediate supervisor must be present while the employee reviews the employee's personnel file.
- The employee may take notes, but may not remove, deface or otherwise make notations on the documents in the employee's personnel file.
- Upon request from the employee, the City will provide a copy of any item(s) in the employee's personnel file.

### **Review of Personnel Files**

All information in the employee personnel files is considered confidential. This information will only be available to the Mayor, the Clerk/Treasurer, the Board of Public Works, the employee, and the direct supervisor or Department Heads who are responsible for the employee. Any violations of this policy are considered a very serious offense.

One exception will be in a transfer situation where the Department Head of the department to which an employee may be transferred will be allowed to review the employee's file with the approval of the Mayor. In the absence of the Mayor the Board of Public Works may give the approval.

### **Outside Employment**

Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete with, conflict with or compromise the City interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any services for customers on nonworking time that are normally performed by the City. This prohibition also extends to the unauthorized use of any City tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If the City determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

### **Family Emergency**

In the event the Mayor's Office or the respective work site receives word of an emergency related to a member of any employee's family, the employee would be notified as soon as



possible. Should an employee be at a location away from the employee's normal workplace, arrangements will be made to contact the employee, and if necessary, arrange for the employee to return home immediately.

### **Severe Weather Conditions**

If there is any question regarding hours of work during severe weather conditions, employees are responsible for contacting their Department Head or the Mayor's Office regarding opening and closing hours.

### **Emergency Closings**

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt governmental operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

In city declared weather-related emergencies, employees who can safely travel to and from work may be asked by their Department Head to report for work due to the office workload or time-sensitive nature of the work to be performed. In all such cases, first consideration shall be given to employee safety.

Employees in essential operations may be required to report for work on a day when operations are officially closed. Employees scheduled to work on these days who do not report for work may use a vacation day, personal day or take the time as unpaid.

When facilities are officially closed due to an emergency declared by the Mayor's Office, and employees are unable to get to work, employees may use a vacation day, personal day or take the day as unpaid time off.

When operations are not officially closed and employees are unable to get to work, employees may use a vacation day, personal day or take the time as unpaid. For the purposes of timekeeping and attendance, an emergency refers to states of emergency declared by the Mayor's Office or by authorities of the state or Federal Governments.

All employees who due to inclement weather conditions are unable to perform the regular duties of their respective classification shall receive no reduction in pay for the time they are unable to perform such duties, and shall remain during the hours of their shift on the premises or on location to which they may be assigned and if required to perform services other than those required of their job classification, shall do so.

### **Performance Evaluations**

The Department Head should evaluate performance of employees annually. The evaluation consists of a personal interview during which an employee's strengths and weaknesses are discussed and evaluated and recommendation for improvements is made. These interviews also identify the short and long-range goals of employees and determine how they interrelate with the City of Frankfort's goals, purpose, and objectives. The completion of the evaluation period should not be considered a guarantee of permanent employment. The City of Frankfort evaluates

employee's performance on a continuing basis and reserves the right to terminate an employee at any time during or after the evaluation period.

### **Job Descriptions**

The City of Frankfort makes every effort to create and maintain accurate job descriptions for positions within the organization. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, and a work environment section.

The City of Frankfort maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities. The supervisor and the Department Head prepare job descriptions when new positions are created.

Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the Department Head if you have any questions or concerns about your job description.

### **Advancement**

The City of Frankfort believes in promoting from within the City of Frankfort. We want employees to have the opportunity for promotion to higher paying positions within the City of Frankfort. A promotion will be based on such factors as quality and quantity of work, prior job performance, experience, educational background, attendance record, safety record, the ability to work well with others, and the potential to successfully perform the duties of the new position.

## ***SECTION THREE - PAY AND HOURS OF WORK***

### **Working Hours**

The City of Frankfort's standard workweek begins at 12:01 AM Saturday and runs through 12:00 midnight on Friday. The standard workday is an eight (8) hour day Monday through Friday, with the exception of Firefighters, Police Officers, Fire Department Dispatchers, and Police Department Dispatchers. The Fire Department and Police Department will establish separate working hours and work weeks to facilitate their operations. Actual starting and quitting times will be established by each individual Department Head.

Each employee is expected to complete a normal workday and work week and work whatever reasonable additional hours that are required to meet the City of Frankfort's needs.

If overtime is required, employees will be expected to work any additional time necessary. The Department Head must approve additional time worked in advance.

Department Heads will inform employees of breaks and/or lunch periods. Employees are expected back at their workstation ready to start work at the end of each break and/or lunch period.

### **Overtime**

Employees will be expected to work overtime in case of emergency or when necessary in the best interests of the City of Frankfort. If determined necessary, overtime work will be authorized by the Department Head beyond an employee's standard workweek. Overtime will be paid at the rate of time and a half for hours worked in excess of forty (40) hours per week.

Comp time in lieu of overtime pay may be offered at the discretion of the department head. No employee shall accumulate more than 80 hours of total comp time. Pay for sick days, holidays, excused absence for death in the family, vacation time, and personal days not actually worked is considered hours not worked when computing overtime. In special situations some employees may be requested to work overtime and the above hours taken may be considered as hours worked.

### **Emergency Call-In Pay**

Employees who are called in to work for emergency purposes will be paid a minimum of two (2) hours of pay. All hours will be paid at time and one half.

### **Compensatory Time Off (Non-Exempt Employees)**

If an Elected Official or Department Head elects to use compensatory time off (comp time) in lieu of extra hours and overtime compensation for non-exempt employees, the employee will be compensated at the rate of one (1) hour of comp time off for every hour worked up to forty (40) hours per week and one and one-half (1 1/2) hours of comp time off for every hour worked over forty (40) hours per week.

If the department elects to give comp time off, an employee will be required to sign a Compensatory Time Off Agreement upon initial employment in the department or prior to the

pay period in which the comp time is earned.

Employees will not be allowed to earn more than two (2) times the number of hours they are regularly scheduled per week. (e.g. an employee who is scheduled to 40 hours cannot earn more than 80 hours of comp time). Extra hours and overtime worked after an employee earns the maximum amount of comp time will be paid as monetary compensation.

When an employee is promoted or transferred from a non-exempt to an exempt position, the employee may be paid the earned comp time or continue to use the comp time. In either case, an accurate record must be kept to ensure that the employee uses the comp time or receives monetary compensation at the time of separation from City employment.

Elected Officials and Department Heads will be responsible for maintaining a record of comp time earned and used by each employee. Comp time that is earned and used should be recorded on the employee's time record.

### **Compensatory Time Off (Exempt Employees)**

Compensatory time off (comp time) may be granted to City employees who are classified as exempt under the Fair Labor Standards Act (FLSA). There is no legal requirement or obligation of the City to grant comp time off to exempt employees.

The Board of Public Works may choose to grant comp time off to exempt employees who are required to work in excess of their regular weekly schedule for special projects, during weekends or in an emergency situation. Employees may make a request for comp time to the Board of Public Works indicating the amount of time worked and the reason for the work. This request must be made within fifteen (15) days of the event requiring the extra work.

Comp time earned by an exempt employee in any pay period should be taken during the two-month period following the end of the pay period during which the comp time was earned. The Board may deny the request if the use of comp time that will "unduly disrupt" the department's operations. The Board may require an employee to take comp time off in order to manage the earned limitation.

An exempt employee should record the appropriate comp time taken on a timesheet and report the time to the Clerk/Treasurer.

An exempt employee cannot earn compensatory hours in excess of 80 hours in a twelve (12) month period. An exempt employee will not be paid for any unused compensatory when he or she terminates employment.

### **Pay Period and Payment**

The salaries of each and all elected officials, appointive officers, and employees of the City of Frankfort shall be paid bi-weekly, on Friday. In the event the due date falls on a legal holiday, payment shall be made on the working day preceding.

All employees of the City of Frankfort working by the hour or whose annual salary is not fixed shall be paid bi-weekly on Friday, after the employee's supervisor has filed with Clerk-Treasurer a signed payroll voucher. In the event the due date falls on a legal holiday, payment shall be made on the working day preceding.

Sundays, Holidays, and Overtime will be paid at the rate of regular pay plus one-half (1/2), except police officers and firefighters, per state statute, over forty hours each week. Employees may choose to take comp time off in lieu of pay, at the rate of one and one-half (1 1/2) hours for each one (1) hour overtime. All overtime hours must be approved by the Supervisor.

### **Direct Deposit**

Direct Deposit is a safe and convenient check handling system which automatically deposits your payroll check into your personal checking or savings account. The City offers a direct deposit program with most financial institutions. Contact payroll in the Clerk/Treasurer's office for a list of approved institutions.

To set up direct deposit: (1) obtain a Direct Deposit Authorization Form, (2) complete your portion of the form, (3) attach a voided check or take the authorization form to your financial institution and obtain from them the necessary authorization information, and finally, (4) return the completed Direct Deposit Authorization form to payroll.

Direct deposits should go into effect for the pay date following the date that the Clerk/Treasurer's Office receives the authorization form. On payday employees will receive a check stub detailing all payroll information and indicating the check was directly deposited.

Employees may request a waiver of the direct deposit requirement if he/she meets one of the following criteria. A waiver may be granted for one of the following reasons:

- The employee does not currently have a savings or checking account and is unable to establish such an account without payment of a service fee. Submitted with the waiver request should be a written statement from a financial institution of the inability to establish an account without payment of a service fee.
- The employee's financial institution is unable to accept an electronic deposit or withdrawal. The employee must submit with the waiver a written statement by your financial institution of the inability to accept electronic deposit or withdrawal.

Submission of a waiver does not guarantee that the waiver will be granted. All waivers will be considered and approved by the Clerk/Treasurer.

### **Time Records**

Government regulations require that the City of Frankfort keep an accurate record of hours worked by employees. Employees are required to write in the times when they report to work and when they leave. Employees' time cards should reflect no earlier than five (5) minutes prior to their starting time and no later than five (5) minutes after their scheduled workday has ended unless approved by the Department Head. Pay will be calculated to the nearest 15 minutes.

All hourly-paid employees will have all "write-in" or overtime approved by their supervisor daily. Each employee must take the employee's scheduled lunch unless prior approval has been obtained from the immediate supervisor because of extenuating circumstance.

It is a violation of City of Frankfort policy for one employee to complete another employee's time card or to alter the employee's own time card or that of another employee.

If an employee has a question concerning the employee's time card, he should discuss the matter with the employee's Department Head.

### **Pay Deductions**

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes.

The City also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City matches the amount of Social Security taxes paid by each employee.

Other taxes, such as property taxes, may be deducted from employee compensation. Under Indiana Code 6-1.1-22-14, the City's payroll list must be given to the County Treasurer bi-annually. The County Treasurer then certifies any delinquent property taxes owed by a City employee. The code further instructs the Clerk/Treasurer's Office to make periodic deductions from money due the employee and direct payment to the Clerk/Treasurer's Office.

The City of Frankfort offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs that have been authorized by the Public Works.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Clerk/Treasurer's office can assist in having your questions answered.

### **Error in Pay**

The City of Frankfort takes precautions to ensure that employees are paid correctly; however, if an error does occur, the employee should notify the Clerk-Treasurer's Office. The City of Frankfort will make every attempt to adjust the error no later than the employee's next pay period.

## ***SECTION FOUR - EMPLOYEE BENEFITS***

### **Employee Benefits**

Eligible employees of the City of Frankfort are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Details of all benefit programs are available at the Clerk/Treasurer's office.

Regular Full-Time, Regular Part-Time, and Newly Hired Regular Full-Time and Regular Part-Time employees are eligible for benefits provided by the City of Frankfort if they meet specific requirements.

The terms of the benefit plans described are subject to change at any time by the insurer(s) or Board of Works.

### **Benefits Eligibility**

The term "eligible employee(s)" used in This Employee Handbook refers to regular full-time employee(s) unless otherwise designated. Employees will be advised of the status of their position when they are hired.

- Public Safety employees are entitled to the benefits stated in this Employee Handbook provided they qualify for each individual benefit.
- Regular full-time employees are entitled to the benefits stated in this Employee Handbook provided they qualify for each individual benefit.
- Regular part-time employees are eligible for some benefits by specific references only.
- Elected or Appointed officials are eligible for some benefits by specific references only.
- Temporary/Seasonal employees are eligible for some benefits by specific reference only.

### **PERF (Public Employees Retirement Fund)**

Regular full time employees are eligible to participate in PERF. An employee must enroll in the plan on their first day of employment. A designated percentage of pay, as defined by the state code, will automatically be deducted as the employee's contribution. The City contributes a designated percentage to the plan as defined by state code.

This Plan is designed to assist employees in their retirement years. All employees are eligible to participate in PERF after completing one (1) year of continuous service with the City of Frankfort.

Employees will be provided with written information when they become eligible to participate in PERF. Questions regarding PERF should be directed to the Clerk/Treasurer.

### **Employee Deferred Compensation Plan / 457 B Plan**

This Plan is designed to assist employees in their retirement years. All employees are eligible to participate in the State of Indiana 457 B plan.

The City of Frankfort offers a 457 B plan to allow all employees the opportunity to help save additional dollars towards their retirement. The Clerk/Treasurer will provide the specifics of the plan to employees.

### **Holidays and Holiday Pay**

The Board of Public Works will establish a holiday schedule each year and post it prior to the beginning of the upcoming year. Regular Full Time and Introductory employees are eligible for holiday time off.

Part Time employees are eligible for holiday pay when the holiday falls on a regularly scheduled work day. Temporary employees are not eligible for holiday under any circumstances

Holiday pay will be based on the employee's base pay rate, as of the date of the holiday times the number of hours the employee would otherwise have worked on that day. Employees shall receive monetary compensation for holiday pay and shall not be credited with compensatory time-off credit in lieu of monetary compensation. Employees may not substitute another day off instead of the designated day off.

If a recognized holiday falls during an eligible employee's paid absence (e.g. vacation, annual leave), holiday pay will be provided instead of the paid time off benefit that would otherwise be applied. Employees on an approved leave, including FMLA, for the entire week in which a holiday occurs will not be eligible for holiday pay.

To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday unless excused by the Department Head or Elected Official.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. If the holiday falls on a Sunday will be observed on the following Monday. If a full-time non-exempt employee works on a holiday, he/she will receive their regular holiday pay and will receive compensatory time equal to the number of hours worked on the holiday.

If a Police Department employee is required to work on a holiday, the employee will receive another day off with pay. Temporary and Seasonal employees are not eligible for holiday pay.

### **Vacation Eligibility**

The City of Frankfort recognizes that employees need a scheduled time away from normal work duties for their personal well-being. The City of Frankfort grants annual vacation with pay to regular full-time employees. Eligibility for vacations is computed as of the calendar date of hire. The following table outlines the vacation schedule for all employees of the City of Frankfort based on years of service.

Vacation days will be credited at the beginning of the year based on the employee's length of service for the upcoming year. Vacation days are evenly accrued throughout the year on a quarterly basis.



If an employee terminates employment during the year and has taken less than the vacation time accrued, payment will be made for the balance of accrued but unused vacation. If the employee terminates during the year and has taken more vacation time than accrued, the amount taken above the accrual will be deducted as an overpayment, to the extent possible, from the final paycheck.

The following table outlines the vacation schedule for all employees of the City of Frankfort based on their years of service. New employees, with the exception city firefighters, shall earn one day of vacation during the year in which they are hired up to a maximum of 6 days as outlined below. City firefighters will be eligible for two (2) days of vacation following completion of 6 months of service.

MONTH HIRED	VACATION DAYS EARNED	MONTH HIRED	VACATION DAYS EARNED
January	6	July	3
February	6	August	3
March	5	September	2
April	5	October	2
May	4	November	1
June	4	December	1

YEARS OF SERVICE	CITY EE'S VACATION DAYS PER YEAR, INCLUDES POLICE OFFICERS	FIREFIGHTERS VACATION WEEKS PER YEAR, INCLUDES FIRE DEPARTMENT DISPATCHERS
0-1	6 days	1 week
2 thru 5	12 days	2 weeks
6 thru 10	18 days	3 weeks
11 thru 14	24 days	4 weeks
15 thru 19	25 days	5 weeks
20	26 days	6 weeks
21	27 days	6 weeks
22	28 days	6 weeks
23	29 days	6 weeks
24	30 days	6 weeks
All existing employees earned vacation will be grandfathered up to the adoption of this employee handbook by the Board of Works, following the adoption of the handbook all employees will earn vacation days per the above schedule.		

**Vacation Schedules**

Employees are expected to take their paid vacation time as a means of rest and diversion for themselves and their families. Employees are expected to turn in their tentative vacation schedule requests for the year by January 31 to their immediate supervisor. The Department Head must approve vacation in advance.

Employees with one week or more vacation eligibility are requested to take their vacations in multiples of one week or more if work permits. No more than two weeks vacation should be taken at one time.

Vacation days must be taken by December 31 of each year. Unused vacation time may not be carried over into the next calendar year unless approved by the Board of Works.

A holiday observed by the City of Frankfort that falls during the vacation period will be considered as a paid holiday and not vacation time. This day of vacation may be taken at another time as approved.

Vacations must be scheduled in consideration of seasonal job requirements and so that operation of all departments will not be impaired by vacation absences.

Job requirements will always have precedence over vacation schedules. Length of service will be considered in the event a conflict of vacation schedules arises. Part-time employees accrue no vacation eligibility.

#### **Vacation Pay**

Pay in lieu of unused vacation at any time will be provided only at the convenience of the City of Frankfort when approved in advance by the Board of Public Works.

#### **Personal Business Hours**

Each employee shall be permitted 40 personal business hours during each calendar year for personal business to be taken in 4 hour minimum increment. These personal business hours should be scheduled with the supervisor prior to the start of the day requested. These personal business hours are non-cumulative. Employees who resign or are terminated in any way will not be compensated for unused personal business hours.

#### **Family Medical Leave**

The City of Frankfort will comply with the Family and Medical Leave Act and implement regulations as revised effective February 1, 2013. The City posts the mandatory FMLA Notice of Employee Rights And Responsibilities Under the Family And Medical Act on the City's bulletin boards. At the time of hire, new employees will be provided with this notice as part of their employee orientation.

The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If employees have any questions, concerns, or disputes with this policy, they should contact the Human Resources Director.

## **A. General Provisions**

Under this policy, the City will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

## **B. Eligibility**

To qualify for leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years.

Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, stating the City's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave will not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

## **C. Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the City's paid time off policy are encouraged to consult with the Clerk/Treasurer.

If an employee takes paid time off for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. short-notice deployment.
- b. military events and activities,
- c. child care and school activities,
- d. financial and legal arrangements,
- e. counseling,
- f. rest and recuperation,
- g. post-deployment activities and
- h. additional activities that arise out of active duty, provided that the City and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

a) A “son or daughter of a covered service member” means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

b) A “parent of a covered service member” means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”

c) Under the FMLA, a “spouse” means a husband or wife as defined under the law in the state where the employee resides.

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

When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin.

Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. The City is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(j).

“Covered active duty” means:

(a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

(b) “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code. (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

The leave may commence as soon as the individual receives the call-up notice. (son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term “covered service member” means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness means:

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a

covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

(c) Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

#### **D. Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured forward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the preceding months starting with the initial date of leave and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

#### **E. Employee Status and Benefits During Leave**

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium.

While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Clerk/Treasurer's office by the end of the month.

If the employee is unable to pay their portion of benefit costs, the employee will be required to reimburse the City for all payments made on the employee's behalf either through payroll deduction or direct payment.

If the employee fails to return to work, the City will recover from the employee its share of all premiums paid on the employee's behalf during the leave. Arrangements for repayment can be made with the approval of the City Council.

If the employee contributes to any other benefit plans, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City may discontinue coverage during the leave. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **F. Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the City's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions.

#### **G. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave for any of the reasons listed under Section C must use all unused Sick and Personal Days prior to being eligible for unpaid leave.

Disability leave as a result of a work related injury, to the extent that it qualifies, will run concurrently with FMLA.

#### **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hours schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member



is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hours schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hours schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### **I. Certification for the Employee's Serious Health Condition**

The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The City may directly contact the employee's health care provider for verification or clarification purposes using the designated leave administrator. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

### **J. Certification for the Family Member's Serious Health Condition**

The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The City may directly contact the employee's family member's health care provider for verification or clarification purposes using the designated leave administrator. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's family member's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee's family member to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **K. Certification of Qualifying Exigency for Military Family Leave**

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

#### **L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

#### **M. Recertification**

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

## **N. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must complete the Leave of Absence Request form and submit it to their Department Head or Elected Official. Within five business days after the employee has provided this notice, the Clerk/Treasurer will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the City with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

## **O. Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the Clerk/Treasurer will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

## **P. Intent to Return to Work From FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. Employees who do not return to work following the use of all paid and unpaid leave as described above may, subject to approval by the City Council be terminated as an active employee.

## **Sick Leave Pay**

The City of Frankfort recognizes the policy of granting paid sick leave for its employees within certain limitations. This policy applies to all full time employees.

Sick leave is a privilege granted to an employee as a protection in the event the employee becomes ill and is unable to work.

All employees will be credited with one (1) sick day per month for those months when they do not use a sick day, up to a maximum of thirty (30) sick days. New employees will be credited with three (3) days sick leave after three (3) months of employment

Paid sick leave can be used only for personal illness which absolutely necessitates the employee's absence from work along with the inability to perform their regular assigned duties. Employees may also use sick leave benefits for an absence due to personal illness or injury of a family member.

The City defines "immediate family" as the employee's spouse, parent, or child. Special consideration may also be given to any other person whose association with the employee is similar to any of the above relationships.

Sick leave is only eligible to be used for work days. The employee or someone on their behalf shall notify the department head of the absence of the employee as soon as possible prior to the scheduled hours of work.

The presentation of a physician's written certification of illness will be required when the Department Head deems a certificate necessary, or when the employee is absent more than two (2) consecutive days.

Employees who qualify for retirement under their respective retirement plan will be eligible for payment of one half of their accumulated sick days. Payment will be based on their hourly base rate at the date of retirement.

In the event the employee dies while on the active payroll and has qualified for retirement, their beneficiary will be paid for their accumulated sick days on the same basis as stated above.

### **Extended Military Leave Of Absence**

The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Mayor's Office.

### **Eligibility**

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

### **• Procedures for Military Leave**

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the City with notice of the need for leave as far in advance as is reasonable under the circumstances. when they are notified of their active duty schedule.
2. To request an extended military leave of absence, the employee should submit a Leave of Absence Request form to their Department Head or Elected Official.

3. The Clerk/Treasurer will review and sign the Request for Leave of Absence Form, collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly.

4. Employees on extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

5. When the employee intends to return to work, he or she must make application for reemployment to the Clerk/Treasurer within the application period set forth below.

#### • **Benefits**

If an employee is absent from work due to military service, benefits will continue as follows:

1. An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue group health insurance up to 24 months at 102% of the overall (both employer and employee) premium rate. Be sure to elect your coverage and make the required payments to the Clerk/Treasurer in a timely manner to continue your coverage.

2. With respect to the City's retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated City match for such contributions.

#### • **Reemployment**

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. *Less than 91 days of military service* - in a position that the employee would have attained if employment had not been interrupted by military service; or if found not qualified for such position after reasonable efforts by the City, in the position in which the employee had been employed prior to military service.

2. *More than 90 days and less than 5 years of military service* - in a position that the employee would have attained if employment had not been interrupted by military service or a position of

like seniority, status and pay, the duties of which the employee is qualified to perform; or if proved not qualified after reasonable efforts by the City, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.

3. *Employee with a service-connected disability* - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the City; or if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

#### • **Application for Reemployment**

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

1. *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)* - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.

2. *If service is for 31 days or more but less than 181 days* - the employee must submit an application for reemployment with the Clerk/Treasurer no later than 14 days following the completion of service.

3. *If service is over 180 days* - the employee must submit an application for reemployment with Human Resources no later than 90 days following the completion of service.

4. *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reemployment with the Clerk/Treasurer no later than two years following completion of service.

#### • **Exceptions to Reemployment**

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

2. The employee did not receive an honorable discharge from military service.

## • **General Benefits Upon Reemployment**

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at the City.

## • **Documentation**

An employee's Department Head or Elected Official will, upon the employee's reapplication for employment, request that the employee provide The City with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

## **Military Reserve Or National Guard Leave Of Absence**

Regular full-time and regular part-time employees are eligible for a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniform services for a period not to exceed fifteen calendar days within one calendar year. The amount of the military leave compensation paid is the difference between military pay and the employee's regular pay based on a 40-hour workweek. Employees will have the option of using the total number of days either for annual summer camp or weekend drills.

Employees who serve in U.S. military organizations groups may take the necessary time off without pay to fulfill this obligation, and will retain all of their legal rights for continued employment under existing laws. These employees may apply unused earned vacation time and personal time to the leave if they wish; however, they are not obliged to do so.

Employees should submit a Leave of Absence Request form to their Department Head or Elected Official when they are notified of their active duty schedule so that arrangements can be made for replacement during this absence. The employee must provide copies of the military orders at the time of notification.

While on active duty, employees will still be required to pay their employee portion for all benefit plans they have elected to receive.

## **Military Family Leave (State)**

City employees who are the spouse, parent, grandparent, or sibling of an individual who is called to full time active duty in the armed forces or the National Guard are eligible for up to ten (10) days of leave. To be eligible for this leave the employee must have been employed by the City for at least one year and have worked 1500 hours during this period.

Employees should submit a Leave of Absence Request form to their Department Head or Elected Official, in writing, at least thirty (30) days in advance or as soon as orders are received. A copy of the orders must be given to the Elected Official or Department Head. The leave may occur within thirty (30) days prior to active duty, during the period of active duty or within thirty (30) days after the conclusion of active duty.

Employees will be required to first use unused personal days and one half of their vacation time before taking unpaid leave.

During the leave the employee will retain all benefits. When the leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If the employee is not receiving a check, the employee must pay the employee's portion of all benefits to the Clerk/Treasurer in advance on or before the first day of each month.

If you are a full-time employee and are inducted into the U.S. Armed Forces, you will be eligible for re-employment after completing military service, provided:

- 1) You show your orders to your manager as soon as you receive them.
- 2) You satisfactorily complete your active duty service.
- 3) You enter the military service directly from your employment with the City of Frankfort
- 4) You apply for and are available for re-employment within ninety (90) days after discharge from active duty. If you are returning from up to six (6) months active duty for training, you must apply within a reasonable time (usually thirty (30) days) after discharge.

### **Civic Leave**

The City of Frankfort encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Employees should submit a Leave of Absence Request form along with the jury duty summons to their Department Head or Elected Official as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. The amount of per diem paid to an employee for jury duty shall be paid to the City or deducted from the employee's pay if kept by the employee. Mileage compensation shall be kept by the employee.

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Regular Full Time, Regular Part Time and Introductory Employees are eligible for paid jury duty leave.



The City will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits, will continue to accrue during unpaid jury duty leave.

### **Funeral Leave**

In the event of a death in an employee's immediate family, the employee will be allowed up to three (3) days off with pay in order to assist with arrangements or to attend the funeral. Employees should submit a Leave of Absence Request form to their Department Head or Elected Official as soon as possible so that the supervisor may make arrangements to accommodate their absence.

If additional time is necessary, vacation time or personal hours may be used provided the employee is eligible for vacation time. Immediate family is considered: spouse, parent, stepparent, child, stepchild, brother, sister, stepbrother, stepsister, grandparent, grandchild, and in-laws. Documentation of the appropriate circumstances may be required of the employee, e.g. death certificate or printed article.

### **Social Security**

The cost of Social Security is shared between employees and the City of Frankfort. For every dollar an employee puts into Social Security, the City of Frankfort puts in a dollar with the exception of police officers and firefighters.

Social Security provides benefits for employees and their families as specified by law in the event of retirement, hospitalization, total and permanent disability, and death at any time. Contact the local Social Security Office for details.

### **Workers' Compensation**

Employees of the City of Frankfort are covered by Workers' Compensation insurance, which is purchased by the City of Frankfort. This insurance provides an employee with compensation for illness, accidental injury, or death suffered in the course of or as a result of the employee's employment with the City of Frankfort in accordance with the applicable state laws.

Eligibility for benefits under Workers' Compensation insurance is automatic and is effective on date of hire.

Workers' Compensation benefits provide weekly payments based upon a statutorily specified amount of the employee's regular earnings as well as payments for medical and hospital expenses arising out of an occupational illness or injury.

Any time lost by an employee due to an occupational illness or injury covered by Workers' Compensation insurance is credited as active service for all City of Frankfort benefits. All workers compensation leave will run concurrent with FMLA leave.

The City of Frankfort fully complies with all state and federal laws pertaining to Workers' Occupational Diseases and Workers' Compensation.

Before returning to work from an absence of three calendar days or more, an employee must provide a physician's verification that he or she may safely return to work. The Department Head may request a second opinion on the employee's ability to return to regular full time status without restrictions. The decision of the Department Head on the return to work status of the employee will be final.

If an employee is unable to return to work after 180 work days of absence resulting from a work related injury or illness to perform the essential duties of their job with reasonable accommodations then the City of Frankfort will release the employee from their employment with the City of Frankfort.

### **Workers' Compensation Injury Reporting Policy and Return To Work Program**

Statement of Injury Reporting Policy: Our goal is to provide the best possible medical care to employees following job-related injuries or occupational illnesses and to comply with regulatory reporting requirements. Therefore, all injuries, no matter how slight, shall be reported immediately, but under no circumstances later than 24-hours following the work-related injury or illness, to the employee's immediate supervisor.

All employees, divisions, and units of The City of Frankfort are expected to comply with this policy and the procedures to implement this program. This policy is subject to any and all modifications dictated by Federal and State Workers' Compensation laws.

It is beneficial to both The City of Frankfort and all of our employees for each employee to be available for work every day, ready and capable of performing the duties and responsibilities for which he or she was hired. Because work-related injuries can happen, we have established a "Return to Work" (RTW) program.

The goal of our RTW program is to return employees with job-related injuries or occupational illnesses to productive work as quickly as possible by working closely with each employee, their supervisor and their attending physician(s).

If an employee is not capable of returning to full duty (see definition below), but can work on a limited basis while recovering, our RTW program provides opportunities for these employees. Under our RTW program, these employees can return to meaningful and productive Temporary/Seasonal employment where they can perform a Temporary/Seasonal assignment, either modified or alternative duty, as defined herein.

All employees, divisions, and units of The City of Frankfort are expected to comply with this policy and the procedures to implement this program. This RTW program only applies to employees receiving workers' compensation benefits.

Definitions: The following definitions apply to this program and associated procedures:

- Lost Time: Time spent away from work at the direction of the treating medical provider as a result of an allowed compensable (paid) injury sustained in the course and scope of

employment. The term does not include time worked in a Temporary/Seasonal assignment.

- Full Duty: Performance of all duties and tasks of the position for which the employee was hired. Full duty entails performing all essential and non-essential functions of the employee's regular job.
- Temporary/Seasonal Alternate Duty (TAD): Performance of a Temporary/Seasonal job assignment intended to return an injured employee to work at less than the employee's full duties when a serious job-related injury or occupational illness prevents the employee from working full duty.
- Temporary/Seasonal assignments of modified duty and alternative duty will be identified, assigned and managed on a case-by-case basis according to business necessity. The length of TAD assignments shall not exceed 30 days.
- Modified Duty: Modified duty allows the employee to return to employment in the employee's regular job and perform all of the essential functions of the position and those non-essential duties and tasks that are within the capabilities of the employee, given the restrictions imposed by the treating medical provider. Modified duty is a Temporary/Seasonal arrangement until the injured employee can resume full duty.
- Alternative Duty: Alternative duty allows the employee to temporarily perform the essential functions of a job and other non-essential duties and tasks, within the restrictions prescribed by the treating medical provider, other than the position for which the individual is employed (full duty).

Authorization for Time off Work: The employee is responsible for making every reasonable effort to return to full duty in the employee's job. The employee is expected to maintain close communication and cooperation with the City of Frankfort.

In the event full duty status is not immediately practicable or possible, the employee shall inform the treating medical provider of the City of Frankfort Return to Work program. If necessary, the employee shall obtain the physical restrictions and workability for the City of Frankfort's consideration of the employee's participation in the RTW program during the period of recuperation.

For an employee to be considered off work, an authorized medical provider must certify in writing that an employee must miss work due to a job-related injury or occupational illness. All the days allowed during a lost time workers compensation related leave will run concurrent with FMLA leave. It is the employee's responsibility to obtain written certification from the medical provider regarding the employee's physical restrictions and workability and to return it to the supervisor upon returning to work or within 24-hours, whichever is sooner. Proper medical certification regarding employee's workability will be required after each visit to the medical provider.

Failure to report to work or to provide appropriate documentation will cause the employee to be considered absent without authorization and the employee will be subject to appropriate disciplinary measures, up to and including dismissal.

**Authorization to Return to Work:** After an employee has been on workers' compensation leave, a medical provider's certification authorizing return to work must be submitted to the employee's supervisor prior to reinstatement to full duty.

**Notification of Employment:** The employee is responsible for notifying the City of Frankfort if he/she accepts or continues other employment while on workers' compensation leave. The treating physician is to be advised of such work so it can be determined whether or not it will not interfere with the employee's recovery from the job-related injury or occupational illness.

**Monitoring the Return to Work Program:** Modified and alternative jobs and work hours are Temporary/Seasonal in duration and subject to regular re-evaluation. The treating medical provider on the next scheduled medical appointment will re-evaluate the physical restrictions and workability of the employee. The City of Frankfort will re-evaluate its ability to provide Temporary/Seasonal, modified work and to increase or decrease the assigned tasks, based on the restrictions outlined by the physician.

**Employee Roles & Responsibilities:** The following sets forth the roles and responsibilities of the employee in establishing the processes and procedures for reporting injuries and returning employees to work at the earliest date medically possible:

### **Employee**

1. Report all injuries, no matter how slight, immediately to your supervisor.
2. Inform your medical provider of the City of Frankfort's Return to Work program.
3. Return to work following medical treatment and report to your immediate supervisor.
4. Provide your supervisor with documentation of workability from your medical provider.
5. If it is not medically possible to return to work, report to your supervisor via phone immediately following your medical evaluation.
6. Report to work in your Temporary/Seasonal job assignment per your supervisor's directions.
7. Follow your medical provider's recommendations with respect to established work restrictions, limitations and medical treatment.
8. Return to your normal work assignment as soon as your medical provider deems it is safe.

Questions regarding workers' compensation benefits, injury reporting procedures and the above Workers' Compensation Return to Work program should be directed to the Mayor of the City of Frankfort.

### **Unemployment Compensation**

Unemployment compensation is another form of insurance, which is paid for entirely by the City of Frankfort. Unemployment compensation helps employees meet a loss of income resulting from unemployment beyond their control by paying certain benefits while they are out of work. This form of protection is in addition to group insurance, Social Security, and Workers' Compensation.

**Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

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

## ***SECTION FIVE - STANDARDS OF CONDUCT***

### **Workplace Etiquette**

The City of Frankfort strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to the employee's attention. In most cases, common sense will dictate an appropriate resolution. The City of Frankfort encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact your department head if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.

- Try to minimize unscheduled interruptions of other employees while they are working.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Try not to block walkways while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to voice mail or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.

### **Personal Conduct**

The City of Frankfort expects that all of its employees will conduct themselves with the pride and respect associated with their positions, fellow employees, citizens, and the City of Frankfort. Employees should always use good judgment and discretion in carrying out the City of Frankfort's business. Employees of the City of Frankfort should always use the highest standards of ethical conducts.

Improper conduct by and between employees and/or by and between employees and business associates on the City of Frankfort's premises or adversely affecting City of Frankfort work will not be tolerated. Employees demonstrating improper conduct will be subject to disciplinary action including termination of employment.

## **Progressive Discipline**

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

The City supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedure. The City reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines the City's progressive discipline process:

- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Performance improvement plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days.

Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

The City reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.

## **Examples of Misconduct**

- ❖ The following are only examples of misconduct for which an employee may be subject to discipline and these examples do not constitute a complete list of the circumstances for which discipline will be warranted.
- ❖ Falsification of any records or reports pertaining to absence from work, claims pertaining to injuries occurring on City of Frankfort premises, claims for any benefits provided by the City of Frankfort, communications or records including personnel and production records.
- ❖ Giving false fire alarms, or causing false fire alarms to be given, or tampering with protection equipment.
- ❖ Restricting output, or persuading others to do so, or promoting, encouraging, agitating, engaging in or supporting suspension of work, slowdowns, or any other interruptions of production.
- ❖ Sabotage or subversive activity of any kind.
- ❖ Misuse or removal from the premises, without authorization, of any City of Frankfort property, or possession of any property removed from City of Frankfort premises without proper authorization.
- ❖ With the exception of law enforcement personnel, bringing, using or having in your possession weapons inside City of Frankfort premises at any time.
- ❖ Bringing, using, having in possession, transporting, selling or promoting the use of alcohol, any intoxicant, any narcotic, any barbiturate, any amphetamine, any hallucinogen, or any other stimulating or depressing drug on City of Frankfort premises at any time.
- ❖ Striking or manhandling another person or fighting while on the City of Frankfort's premises at any time.
- ❖ Striking a City of Frankfort employee at any time in connection with any matter relating to employment.
- ❖ Theft of any property on City of Frankfort premises, or theft of City of Frankfort property at any time.
- ❖ Willful abuse or deliberate destruction of City of Frankfort property, tools or equipment or of any property on City of Frankfort premises at any time.
- ❖ Altering or removing safety devices from equipment.
- ❖ Gross insubordination - a willful and deliberate refusal to follow reasonable orders given by a Department Head.
- ❖ Violation of the City of Frankfort's Equal Employment Opportunity Policy or Harassment Policy.
- ❖ Committing an immoral or indecent act while on City of Frankfort property regardless of whether the act was committed during the employee's shift.
- ❖ Altering any employee time card regardless of whether it is the employee's own card or that of another employee.
- ❖ Intentionally punching the time card of another employee or having another employee punch their time card.
- ❖ Conviction of any offense by a court of law which in the Department Head's judgment would make that employee undesirable for association with the City of Frankfort and its other employees.



- ❖ Reporting for work under the influence of or when suffering from a hangover from alcohol, any intoxicant, any narcotic, any barbiturate, any amphetamine, any hallucinogen, or any other stimulating or depressing drug.
- ❖ Threatening, intimidating, coercing or interfering with any person on City of Frankfort premises at any time
- ❖ Sleeping on City of Frankfort time.
- ❖ Altering, defacing or removing governmental or City of Frankfort notices and bulletins that are posted on the City of Frankfort bulletin board.
- ❖ Gaining unauthorized access to City of Frankfort records and files whether they are locked or otherwise.
- ❖ Handling or operating machines, tools or equipment, which do not come within the employee's authority. Careless or negligent use or operation of City of Frankfort tools or equipment.
- ❖ Failure to immediately report any injury or accident to the Department Head resulting from an on-the-job situation.
- ❖ Performing substandard work both in quality and quantity after having been instructed in proper procedure and technique.
- ❖ Unauthorized leave from the work area during work schedule exceeding the time allowed for scheduled break or lunch period.
- ❖ Unauthorized manufacture of products for personal use (including sale or gifts).
- ❖ Unauthorized distribution of literature in the work area or posting on City of Frankfort property.
- ❖ Distraction of other employees, or causing confusion by unnecessary shouting, catcalls, whistling or demonstration while on City of Frankfort property.
- ❖ Punching in more than five (5) minutes prior to the start of the employee's shift or punching out more than five (5) minutes following the conclusion of their shift without authorized permission.
- ❖ Engaging in horseplay, practical jokes, gambling, selling merchandise, solicitation or general loitering while on City of Frankfort property. This applies to non-shift time as well as shift time.
- ❖ Having non-employees on City of Frankfort property at any time without authorized permission.
- ❖ Using profane language on City of Frankfort property, which in the Department Head's opinion is offensive to citizens and to other employees.
- ❖ Writing out one's own purchase ticket.
- ❖ Driving City of Frankfort vehicles without a current and appropriate license.
- ❖ Dealing dishonestly with fellow employees and/or citizens.
- ❖ Discussing confidential City of Frankfort information with citizens.
- ❖ Any actions that may cause an unsafe workplace.

The City recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps. Such action is within the discretion of each Department Head with prior approval of the Mayor.

## **Problem Resolution**

The City of Frankfort has an open door policy to ensure that all Department Heads are available to listen to employee complaints, questions, or suggestions at any time. The best solutions are those worked out between employees and their supervisors. Occasions may exist, however, when an employee and a supervisor cannot resolve a problem or when the supervisor is part of the problem. When this occurs, this open door policy gives you the alternative of consulting higher levels of the City of Frankfort administration.

To facilitate certainty and uniformity under this policy, complaints must be brought to the appropriate supervisor or Department Head's attention within two weeks of the incident or event-giving rise to the complaint. The procedure for resolving these timely complaints is outlined below:

- **Step 1 – Meet with Supervisor.** Employees are encouraged to meet with their supervisor to define and discuss any work related problems or complaints. We believe most problems can be resolved at the supervisory level. If the employee is dissatisfied with the supervisor's response or decision, or if the supervisor is the problem, the employee may present the problem/concern to the Department Head. The employee and/or the supervisor/Department Head may involve outside consultation.
- **Step 2 – Meet with Department Head.** If the problem has not yet been resolved after Step 1, or if the problem is the supervisor, the employee may request a meeting with the Department Head.  
This request must be in writing and include a written description of the employee's complaint, and, if applicable, the supervisor's response from step 1
- **Step 3 – Mayor and Board of Works.** If the employee is still dissatisfied after using the prior two steps, he/she may request a meeting with the Mayor. The Mayor and the Board of Works will review all written communications generated pursuant to or during the prior steps. After the problem has been reviewed and the meeting held, a final decision will be made and relayed to the employee within seven workdays after the meeting.

Not all complaints can be resolved to everyone's satisfaction. However, in each case, the reason for the decision will be clearly explained to the employee.

## **Anti- Harassment**

The City of Frankfort is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. The City prohibits any such discrimination or harassment.

The City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports. The City prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on City time or using City equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Individuals who believe they have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, the Mayor's office, Clerk/Treasurer, or member of the Board of Public Works.

When possible, the City encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The City recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

If a party to a complaint does not agree with its resolution, that party may appeal through the Problem Resolution policy. (page 35)

False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

### **Workplace Bullying**

The City of Frankfort defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the City Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

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

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The City considers the following types of behavior examples of bullying:

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

### **Workplace Violence Prevention**

The City of Frankfort is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City of Frankfort has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Unauthorized firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City of Frankfort without expressed authorization from the Mayor.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of the Department Head. This includes threats by employees, as well as threats by citizens, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

The City of Frankfort will promptly and thoroughly investigate all reports of violence, or threats of violence, and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City of Frankfort may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for violence, or threats of violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City of Frankfort encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Mayor before the situation escalates into potential violence. The City of Frankfort will assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

### **Workplace Monitoring**

The City of Frankfort may conduct workplace monitoring to help ensure quality control, employee safety, security, and customer satisfaction.

You may ask to see information about you that was gathered by workplace monitoring if it might impact employment decisions. We will give you access unless there is an ongoing investigation or a legitimate business reason to protect confidentiality.

The City of Frankfort prohibits videotaping, or photographing in the workplace, or of the workplace by employees, citizens, visitors, or passer-bys without the prior approval from a member of the City of Frankfort the Department Head staff.

Because we are sensitive to employees' legitimate privacy rights, we will make every effort to guarantee that workplace monitoring is always done ethically and with respect.

### **Whistleblower Policy**

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

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

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee should submit those concerns in writing to the Compliance Officer appointed by the Board of Public Works or any member of the Board of Public Works.

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

Whistleblower protections are provided in two important areas -- confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

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

Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the Compliance Officer immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Compliance Officer who will be responsible for investigating and coordinating corrective action.

The Compliance Officer will be appointed by the Board of Public Works and the name posted with the City's legal postings.

### **News Media / Public Information**

The City of Frankfort's public image and its image or perception with citizens is critical to its success. Occasionally, news releases or discussions with the media are appropriate and needed. To insure all information and facts regarding a situation are known and presented accurately, the Mayor or his designee will handle all questions or discussions from or with the news media. This includes any information involving accidents or natural disasters.

### **Social Media**

Online social media, such as blogs, social networks, professional networks, and social bookmarking sites, have become increasingly popular. This policy pertains to employee use of such media as it relates to the City of Frankfort.

Employees may not post financial, confidential, sensitive or proprietary information about the City, clients, employees or applicants.

Employees may not post obscenities, slurs or personal attacks that can damage the reputation of the City, clients, employees or applicants.

It is important to remember that even while off-duty employees represent the City to the public and should strive to preserve the City's reputation and good will. Employees are responsible for the content of their postings and may be subject to all appropriate legal and disciplinary action

resulting from any unlawful statement or City-policy violations in their social media and networking activities.

This policy shall not be applied to interfere with employee's rights to discuss their terms and conditions of employment or to otherwise interfere with their rights under the National Labor Relations Act. The City may monitor content out on the Internet.

Policy violations, including posting information on City time, may result in disciplinary action up to and including termination of employment.

### **Internet Usage**

The City of Frankfort may provide you with Internet access to help you do your job. This policy explains our guidelines for using the Internet. Internet usage is intended for job-related activities.

All Internet data that is written, sent, or received through our computer systems is part of official City of Frankfort records. That means that we can be legally required to show that information to law enforcement or other parties. Therefore, you should always make sure that the business information contained in Internet email messages and other transmissions are accurate, appropriate, ethical, and legal.

The equipment, services, and technology that you use to access the Internet are the property of The City of Frankfort. Therefore, we reserve the right to monitor how you use the Internet. We also reserve the right to find and read any data that you write, send, or receive through our online connections or is stored in our computer systems.

You may not write, send, read, or receive data through the Internet that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.

Examples of unacceptable content include (but are not limited to) sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The City of Frankfort does not allow the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet. As a general rule, if you did not create the material, do not own the rights to it, or have not received authorization for its use, you may not put the material on the Internet. You are also responsible for making sure that anyone who sends you material over the Internet has the appropriate distribution rights.

Before you download or copy a file from the Internet, it must be checked for viruses. All compressed files must be checked for viruses both before and after decompression.

If you use the Internet in a way that violates the law or the City of Frankfort policies, you will be subject to disciplinary action, up to and including termination of employment. You may also be held personally liable for violating this policy.



The following are some examples of prohibited activities that violate this Internet policy:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Sending or posting confidential material, trade secrets, or proprietary information
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Sending anonymous email messages
- Engaging in any other illegal activities

### **Computer and Email Usage**

To help you do your job, the City of Frankfort may give you access to computers, computer files, the email system, and software. You should not use a password, access a file, or retrieve any stored communication without authorization. To make sure that all employees follow this policy, we may monitor computer and email usage.

We try hard to have a workplace that is free of harassment and sensitive to the diversity of our employees. Therefore, we do not allow employees to use computers and email in ways that are disruptive, offensive to others, or harmful to morale.

At the City of Frankfort you may not display, download, or email sexually explicit images, messages, and cartoons. You also may not use computers and email for ethnic slurs, racial comments, off-color jokes, or anything that another person might take as harassment or disrespect.

You may not use email to ask other people to contribute to or to tell them about businesses outside of The City of Frankfort, religious or political causes, outside organizations, or any other

non-business matters.

The City of Frankfort buys and licenses computer software for business purposes. We do not own the copyright to this software or its documentation. Unless the software developer authorizes us, we do not have the right to use the software on more than one computer.

You may only use software on local area networks or on multiple machines according to the software license agreement. The City of Frankfort prohibits the illegal duplication of software and its documentation.

### **No Solicitation, Distribution and Access**

The City of Frankfort prohibits the solicitation, distribution and posting of materials on or at City property by any employee or nonemployee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by the City and City-sponsored programs related to the City's services.

Provisions:

- Nonemployees may not solicit employees or distribute literature of any kind on City premises at any time.
- Employees may only admit nonemployees to work areas with management approval or as part of a City-sponsored program. These visits should not disrupt workflow. An employee must accompany the nonemployee at all times. Former employees are not permitted onto City property except for official City business.
- Employees may not solicit other employees during work times, except in connection with a City-approved or sponsored event.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a City-sponsored event
- The posting of materials or electronic announcements are permitted with approval from the Board of Public Works.

Violations of this policy should be reported to the Board of Public Works.

### **Attendance**

Regular and on-time attendance is expected and essential for efficient operations at The City of Frankfort. Excessive absenteeism and tardiness is not only inconvenient but also causes costly problems. While it is recognized that an occasional illness or extenuating personal reason may cause unavoidable absence from work or tardiness, regular on-time attendance is required for continued employment.

Absence due to illness, for an employee scheduled to work, shall be defined as absence caused by the illness (or off-the-job injury) of an employee. Employees are to report absence occasioned by illness to their immediate supervisor prior to the start of their shift.

Employees are expected to personally make the effort to notify the City of Frankfort of any absence or tardiness. Employees should contact the Department Head directly to report any

absence or lateness prior to their starting time so that arrangements may be made to alter the distribution of work if necessary.

Any employee who fails to maintain an acceptable attendance record will be subject to disciplinary action. Unexcused absence or tardiness will affect future promotions and/or raises. Tardiness applies to returning from lunch and/or break periods as well as the beginning of the workday.

If an employee is absent from work for three (3) consecutive days without informing their Supervisor or the Department Head, it will be understood that the employee resigned and employment will be terminated as of the last day worked by the employee.

Following are descriptions of disciplinary actions that may result from any unexcused absence or tardiness that occurs.

- ❖ 1st Offense - Verbal reprimand with written notice to employee's personnel file
- ❖ 2nd Offense - Written notice (copy to employee's personnel file)
- ❖ 3rd Offense - Suspension for three (3) working days without pay with the Department Head review
- ❖ 4th Offense - Subject to termination after the Department Head review

Depending on the severity of the problem and the number of occurrences, there may be circumstances when one or more steps are bypassed.

### **No Smoking**

State law (HEA #1149) prohibits smoking in any of the City's places of employment and within eight feet of any City-owned building. By City direction, smoking is also prohibited in all city owned vehicles.

Employees have a responsibility to report violations by a member of the public or other employees to their Elected Official or Department Head. An employee may do so without fear of reprisal or retaliation. Employees who violate this policy are subject to disciplinary action up to and including termination. In addition, any person who smokes in a non smoking area commits a Class B infraction and a Class A infraction if they have at least three (3) prior violations.

This policy applies to all Department Heads, Elected Officials, employees, customers, and visitors.

In addition to the potential infraction penalties applicable to violations of Indiana law on smoking, violation of this policy by an employee is subject to disciplinary action up to and including termination. Violations of this policy by others in the presence of employees shall be handled in accordance with the policies and procedures adopted by the Board of Public Works for all premises under the control of the City.

### **Personal Appearance / Clothing**

Every employee of the City of Frankfort contributes to the City of Frankfort's overall public image during working hours. Appropriate attire enhances an employee's effectiveness in providing superior service. Each employee personally represents the City of Frankfort and is required to dress in a manner appropriate with prevailing business style. Since the City of Frankfort provides a clothing allowance for certain job functions, it is required that those uniforms be worn. Each department of the City of Frankfort will identify the appropriate clothing to be worn by the respective department employee, and the individual department's standard will prevail.

The City of Frankfort does not object to employees having reasonably long hair if it is groomed. Nor does it object to mustaches and/or beards if they are kept trimmed and do not hinder the employee's job performance or safety on the job subject to department rules.

### **Personal Belongings**

The City of Frankfort recognizes an employee's desire to display mementos pertaining to the employee's family or other personal items. While the City of Frankfort can take no responsibility for the safekeeping of these items, it welcomes its employees to personalize their work areas for added comfort or pleasantness. However, several guidelines must be observed. They are as follows:

- Safety Comes First - No object can interfere with job safety as viewed by the Department Head
- Nothing can be displayed that (in the opinion of the Department Head) is derogatory to any person or system of beliefs.
- Objects (in the opinion of the Department Head) that are inappropriate or hinder work efforts will not be allowed and must be removed upon request.

### **Security**

All doors, files, desk, gates, and other equipment with locks must be kept locked securely when not in direct use and at the end of each day. Locks should be checked regularly. City of Frankfort vehicles should be kept locked at all times when not in use. Lost keys must be reported to the Department Head immediately. Any concerns about security should be directed to the Mayor.

Employees shall avoid outside employment, activities, investments, and other interests that involve obligations, which may compete with or be in conflict with the interest of the City of Frankfort. A conflict of interest can arise in dealings with anyone that the City of Frankfort transacts business; i.e., citizens, owners, buyers, suppliers, banks, insurance companies, and people in other organizations with whom we contact and make agreements.

### **Confidentiality**

The City of Frankfort requires that a code of confidentiality of information be maintained. No employee will store information outside of the City of Frankfort (either in written or electronic form) about any matter pertaining to the conduct of the City of Frankfort's business. No information regarding purchase prices of the City of Frankfort shall be given to any citizen or vendor.

Do not discuss prices of suppliers with vendors. This is delegated to top Department personnel. Likewise, conversations regarding prices, service, problems, gossip, etc. about one vendor to another is only for the discretion of top Department personnel. Lack of discretion in these matters is looked upon as a very serious matter and may be subject to dismissal.

In addition, idle gossip or dissemination of confidential information within the City of Frankfort, such as personal information, financial information, etc. will subject the responsible employee to disciplinary action or possible termination.

### **Employee Suggestions**

We welcome your ideas and suggestions. Sometimes the most unusual or simplest suggestion is an excellent cost-saving idea. Anything that will help do a job better, improve working conditions, provide better public or customer relations, eliminate unnecessary expense, or increase earnings will receive thorough consideration. Please give any suggestion to your supervisor, or if you prefer, to the Mayor. Although not all ideas can be adopted, every effort will be made to adopt or utilize any practical suggestion.

### **Visitors In The Workplace**

Only visitors who are properly authorized may be on the City of Frankfort premises. This helps to maintain safety standards, safeguard employee and customer welfare, protect our property and facilities, guard confidential information against theft, and reduce potential distractions and disturbances.

All visitors should enter the City of Frankfort facilities at the main entrance and sign-in if they intend to conduct business or visit with an employee on the premises. If you have visitors, you are responsible for their conduct and to watch out for their safety.

If you see an unauthorized person at work, notify your supervisor immediately or direct the person to the main entrance.

### **Electronic Communication and Internet Use**

The following guidelines have been established for using the Internet, City-provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, City-provided equipment (e.g., cell phone, laptops, and computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon the City or be contrary to the City's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and City-provided equipment such as cell phones and laptops.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.

- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact the IT Administrator with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the City.

### **Right to Monitor**

All City-supplied technology and City-related work records belong to the City and not to the employee. The City routinely monitors use of City-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

- Only software obtained from or approved by the City's IT Administrator may be used.
- Each new piece of software shall be tested for virus contamination at installation and periodically thereafter. The City's IT Administrator will assist all departments with virus detection procedures.
- All signs or suspicions of virus contamination shall be immediately reported to the City's IT Administrator to isolate and control any contamination.

No employee-owned or non-City purchased software is to be installed on City-owned equipment, whether intended for legitimate business matters or for personal purposes or amusement. At no time should a new City software program be loaded on the City's network, file server, or on an individual computer without the prior approval of the City's IT Administrator. Any new programs that are loaded and detected without such approval may be deleted without prior notice.

Violation of software licensing agreements is a serious matter which places the violator and the City at risk of copyright infringement claims. It is City policy to pay all proper software licensing fees and to prohibit the use of copies of "bootlegged" software. Unauthorized software will be deleted upon discovery by the City IT Administrator and reported to the employee's Department Head or Elected Official and to the Board of Public Works.

Each software product purchased has a license agreement that:

- a) Gives the buyer the legal permission to use the software package, and
- b) Specifies the conditions under which the program can be used.

Software license agreements generally prohibit users from "sharing" software. Giving copies of software that the City has purchased, or that one has purchased personally, to others would be in violation of most software licenses. Because the City's software has been transferred onto the Network File Server, taking the original disks, or copies of the software, home for private use would be in violation of most license agreements.

Employees in violation of this policy shall be subject to appropriate disciplinary action up to and including termination.

### **Drug-Free Workplace**

The City of has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, the City is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of the City.

### **Employee Assistance and Drug-Free Awareness**

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resource department, whose members have been trained to make referrals and assist employees with drug/alcohol problems.

The City will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

### **Work Rules**

The following work rules apply to all employees:

- Whenever employees are working, are operating any City vehicle, are present on City premises, or are conducting related work off-site, they are prohibited from:
  - Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
  - Being under the influence of alcohol or an illegal drug as defined in this policy.
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing City business or while in a City facility is prohibited.

- The City will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.
- Required Testing
- The City retains the right to require the following tests:
  - Pre-employment: All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
  - Reasonable suspicion: Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. The Mayor's office must be consulted before sending an employee for reasonable suspicion testing.
  - Post-accident: Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
  - Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, The City may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.



The City reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

The City prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on City premises or while conducting City business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

Employees who request assistance in dealing with a personal drug or alcohol problem will receive help from the City so long as the offense is on a first time basis only; and, the employee agrees to stop any and all involvement with drugs and alcohol. The City will have the right to refer the employee to an appropriate treatment resource that can best help the employee with their problem. However, by volunteering for help an employee cannot avoid disciplinary action for a violation of the Policy that has already occurred. At the same time, such voluntary action will be taken into consideration.

All City of Frankfort employees and applicants for employment shall be subject to the Policy. Street Department employees who are required to hold a CDL license will be subject to DOT testing requirements.

### **Hazardous Wastes**

The City of Frankfort believes in the protection and preservation of the valuable natural resources. Commitment to the environment is demonstrated through responsible business practices and through our efforts to educate and encourage our citizens to a similar commitment.

- The City of Frankfort strives to prevent the introduction of damaging materials into the air, soil, or water. As stewards of the environment, we are committed to minimizing risk in the production, handling, transportation and use of our products and also in the disposal of waste.
- The City of Frankfort voluntarily discloses all risks to public safety and health and also enacts measures to protect employee safety and health. Open communication is encouraged to allow the reduction of risk in the work environment.
- The City of Frankfort provides technical information and targeted training to help employees and consumers handle products safely and responsibly.

The Environmental Protection Agency has classified certain chemicals and chemical groups into categories, which have been classified as toxic. This means that in concentrated forms or by accumulating and combining with other chemicals (even the air) these chemicals can be hazardous to human health if exposure occurs.

As a City, we are committed to not creating or disposing of hazardous wastes, which will contaminate the environment. We will choose materials which have been judged as non-

hazardous whenever possible and will properly dispose of hazardous materials if used. Also, we will not knowingly dump any wastes into the environment at any time.

We will inform employees how to control hazardous wastes and what to do if they are exposed to hazardous wastes. If any employee suspects that the wastes he may encounter as an employee are hazardous (whether or not they are being created or used by the City of Frankfort), he should inform the Department Head immediately.

- Do not take chances.
- Be alert for hazardous wastes.
- Know how to properly dispose of hazardous wastes.
- Direct any questions to the Department Head.

### **Reporting Injuries and Accidents**

Employees must advise the Department Head of all accidents, injuries or illnesses that occur while at work. All accidents, injuries or illnesses that occur while at work must be reported immediately, however minor, to your immediate supervisor.

The City of Frankfort will provide the proper forms for reporting job-related accidents, injuries and illnesses. Any employee failing to report these occurrences is subject to disciplinary action.

In the event of a vehicular accident involving a City of Frankfort-owned vehicle or while on City of Frankfort business, report all information immediately to the Mayor and/or Department Head. In no instance should responsibility for an accident be expressed to anyone until the proper person in the City of Frankfort has been notified and permission has been obtained to make statements.

### **Life Threatening Illnesses in the Workplace**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City of Frankfort supports these endeavors as long as employees are able to meet acceptable performance standards.

Medical information on all employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. All employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

### **Transportation Security Policy**

The City of Frankfort recognizes the importance of transportation security for our employees, citizens and the community of which we are a part and as a result, strive to be in compliance with federal, state and local regulations.

Transportation security, facility security and the safety of our employees are an integral part of our daily business activities. The Department Head and supervisors are responsible for ensuring

employees are properly screened and trained to perform their duties and work safely. In addition, employees are trained to report to their supervisors all mishaps, breaches of security and hazard in the workplace.

Employees are expected to participate in all phases of this policy and conduct their daily duties in a manner consistent with its objectives and the regulations.

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## ***SECTION SIX - USE OF CITY EQUIPMENT AND VEHICLES***

### **Safety**

It is the policy of the City of Frankfort to conduct our business and operate our facilities in a manner that will protect the health and safety of our employees and the public. We will provide the leadership, resources, and training necessary to eliminate or reduce the exposure of employees to conditions adversely affecting their safety or health on the job. We will encourage off-the-job employee safety and health.

All managers and supervisors are directly responsible for the development and implementation of programs and procedures to ensure safety and to create an environment that encourages and supports employee involvement.

Safety depends upon active participation by everyone. Employees must understand that they are responsible for their behavior and for prevention of injuries on and off the job. No job is so important and no service so urgent that employees cannot take time to perform work safely.

Unsafe acts, unsafe conditions, accidents, and injuries are all preventable and therefore, with effort, can be minimized. The Department Head will measure the success of our safety efforts and strive for continuous improvement.

The City of Frankfort is committed to the safety of its employees and its property and equipment. To this end, we will utilize a safety program in our daily activities. Any employee who disregards any City of Frankfort safety rule and/or regulation is subject to disciplinary action including termination of employment.

It is necessary that the City of Frankfort establish safety rules and regulations to be observed by all employees at all times. With regard to these rules, the following will be considered standard procedure for all employees.

1. Should a safety regulation be modified so that an employee's safety is something less than it should be, the employee should inform the Mayor
2. All questions concerning the reason for doing something in a certain manner may be asked of any member of the Department Head at any time.

Employees' decisions should always be guided by the City of Frankfort's commitment to safety. Should a hazardous situation or condition exist and a decision has to be made on safety or production, safety concerns should always take precedence over production.

The City of Frankfort has established a Safety Committee. The purpose of the Safety Committee is to bring employees together in a cooperative effort to promote safety and health in the workplace while continually improving our safety culture. The following are the duties and responsibilities of the Safety Committee:

- ❖ Attend all committee meetings.
- ❖ Promote health and safety at all times.
- ❖ Act as a sounding board on health and safety issues.
- ❖ Provide feedback.
- ❖ Promote and monitor compliance with health and safety regulations.
- ❖ Attempt to raise health and safety standards above legal requirements.
- ❖ Assist in training fellow employees.
- ❖ Participate in the identification and control of physical hazards.
- ❖ Make health and safety recommendations.
- ❖ Advise on personal protective equipment.
- ❖ Assist in the development of health and safety rules.
- ❖ Assist in the development of safe work procedures.
- ❖ Monitor accident experience.

It is the Department Head's responsibility to see that every employee at the City of Frankfort is provided with safe working conditions. All safety regulations must be observed, and employees must use good common sense to protect themselves as well as others. The Department Head will periodically inspect working conditions and may suspend all work activity until an unsafe condition is corrected.

The most important part of safety is YOU. It is your responsibility to abide by the safety rules - these rules are made for your protection. Report any personal injury IMMEDIATELY, however minor, to your immediate supervisor. The Department Head must also be notified as soon as possible following the occurrence of the injury. Report all dangerous conditions and practices to the Department Head and/or Mayor.

### **Safety Equipment**

Employees will be provided with safety equipment if it is a requirement for a particular job with the exception of safety prescription glasses and safety shoes that are required for some positions (the employee is responsible for providing these).

### **Care Of Equipment And Facilities**

All employees should be concerned with the care and safe use of City of Frankfort-owned equipment and facilities. Good housekeeping is expected of every employee

### **Use of Telephones and Business Radios**

If you make personal calls on The City of Frankfort business phones, we may require that you pay us for any charges.

Our telephone communications are an important reflection of our image to citizens and the community. Always use proper etiquette when using the telephones or business radios. The following are some examples of good telephone and radio etiquette: use the approved greeting, speak courteously and professionally, repeat information back to the caller, and only hang up after the caller hangs up. During working hours, employees should refrain from making or receiving personal telephone calls except for emergencies.

We provide cell phones to some employees for business use. Employees with cell phones are allowed to use them for short personal calls within reasonable limits. Sometimes we may check cell phone bills to make sure this policy is being followed.

### **City of Frankfort Tools and Equipment**

The City of Frankfort will furnish all necessary tools and equipment to complete job assignments. Each employee is reminded that all items purchased by the City of Frankfort are the property of The City of Frankfort and represent a very valuable asset of the City of Frankfort. It is the responsibility of the employee to whom tools and equipment are assigned to maintain and safeguard these assets.

### **Use of Equipment and Vehicles**

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

Employees should notify the Department Head or Elected Official if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Department Head or Elected Official can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees will also submit to a drug test immediately following the accident. Failure to report such incidents must be explained or supported by facts and may result in disciplinary action up to and including termination.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. An inventory of tools and equipment will be made periodically. If it is determined that an employee is negligent in the proper storage of tools, materials, or supplies or they are misplaced or stolen, the employee will be asked to replace same at fair market value or the cost of the item will be deducted from the employee's paycheck. When leaving a work area, it is required that all tools be removed from the work area and secured in locked storage where available or placed back in designated storage areas.

### **Safe Practices for Drivers of Motor Vehicles:**

- Do not manually dial while the car is moving – use speed dial; pull over;
- Wait until you come to a full stop at a red light or a stop sign.
- When available, use a hands-free device such as an earpiece or a phone cradle.
- Avoid using cell phones and radios in bad weather or congested traffic.
- Cell phones and radios should only be used for short, urgent calls while driving. If the call is lengthy, you should pull off the roadway and into a safe parking area, such as a parking lot.

- Get to know your wireless phones and radios such as speed dial and re-dial.
- Position your cell phone and radio within easy reach.
- Let the person you are speaking with know you are driving. If necessary, suspend the call in heavy traffic or hazardous weather conditions.
- Do not take notes or look up phone numbers while driving.
- Do not engage in stressful or emotional conversations that may divert your attention from the road.
- Hang up in tricky traffic situations – without warning if necessary. You can explain later – because you’ll still be ALIVE!
- Let your voice mail pick up your calls when it is unsafe to answer the phone or radio.
- Turn off cell phones at gas stations – better safe than sorry.
- Include cell telephone and radio etiquette in training – teach employees how to properly and politely refuse, postpone, or abruptly halt a conversation when driving conditions demand.

When using a cell phone, please remember to keep your conversations private and quiet. If you know about any violations to this policy, notify your supervisor, the Supervisor or any member of the Department Head. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

### **Use of Phone and Mail**

Employees should practice discretion in using City telephones when making local personal calls and will be required to reimburse the City for any charges resulting from their personal use of the telephone. The use of City-paid postage equipment for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the appropriate greeting and speak in a courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

### **Use of Cell Phone and Texting**

To avoid disruptions and ensure productivity and focus on serving the public, personal cell phones and other communications devices such as Blackberries, i - phones, text pagers, and other wireless devices are not to be used for non-work purposes during working time unless for emergency situations.

If personal cell phones and other communication devices are left in the "on" position during work hours, they should be set to a silent ringing mode and the voice mail options should be used for incoming calls.

Employees should only use personal cell phones and other communication devices during scheduled lunch and break periods. Personal texting should also be reserved for non-work time.

### **Business Travel Expenses**

The City of Frankfort will reimburse employees for expenses incurred while traveling on official City business. Copies of the policy and filing procedures are available from the Clerk/Treasurer's office.

## ***SECTION SEVEN - CODE OF ETHICS***

### **Conflicts Of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Conflicts of interest are defined by Indiana law which may, under some circumstances, prohibit a transaction or require written disclosure and approval before a contract or transaction is entered. Employees may refer questions about actual or potential conflicts to the City Attorney.

A City employee is considered to have resigned their position with the City if the employee assumes the elected executive office of the City or becomes an elected member of the City's legislative or fiscal body after January 1, 2013.

The City may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must::

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

Each elected official shall, by December 31 of each year, certify in writing subject to the penalties of perjury, on forms provided by the City that the official is in compliance with the provisions of this policy.

### **Ethics and Conduct**

It is the objective of the City of Frankfort to maintain an organization guided and governed by the highest standards of conduct and ethics. The reputation of the City of Frankfort is a direct reflection of the business conduct of all who work for it.

To protect and enhance our reputation, The City of Frankfort requires that all employees be guided by the highest standard of conduct in their business contacts and relationships. The following examples have been deemed to involve a conflict of interest, which violates the City of Frankfort policy:

- 1) Serving as an employee, officer, director, or consultant of a customer, client, or supplier of materials or services to the City of Frankfort.
- 2) Holding by an employee or an immediate family member of an employee (including father, mother, brother, sister, son, daughter, husband, or wife) any financial interest in the business of any customer, client, supplier of materials or services, or competitor of the City of Frankfort. This does not include a financial interest in widely held corporations that are quoted and sold on the open market, unless the amount held is in



excess of 10 percent of the outstanding stock of the corporation or the stock held has a value representing more than 10 percent of the individual's personal net worth.

- 3) Borrowing money from or lending money to any customer, client, supplier of materials or services to the City of Frankfort other than recognized financial institutions, i.e., banks, credit unions, etc.
- 4) Accepting gifts, entertainment, or anything of value from any customer, client, supplier of materials or services to the City of Frankfort, other than minor Christmas or holiday gifts, occasional meals, and entertainment of a nominal nature, or earned incentives.

It is important to avoid not only any situation that is an obvious conflict of interest such as those listed above, but also any situation that might give the appearance of being a conflict of interest.

If you have any questions concerning this subject, please contact the Board of Public Works.

The successful operation and reputation of the City of Frankfort is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

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

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

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor, department head, and if necessary, with the Mayor for advice and consultation.

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

### **Code of Ethics**

All City personnel shall adhere to the highest of ethical standards. Any employee associated with the expenditure of public funds shall be held to the highest degree of public trust. No employee shall engage in or permit any illegal or improper purchasing practice. Further, any employee having knowledge of any questionable practices shall immediately report this knowledge to the Board of Public Works or the Mayor.

The Board of Public Works find that the proper operation of representative government requires that public officials and employees be independent, impartial and responsible to the people; that

government decisions and policies should be made in the proper channels of government structure; that public office should not be used for personal gains; and that the public should have confidence in the integrity of its government. Accordingly, it is the purpose of this policy to establish ethical standards of conduct for all officials and employees of the City whether elected or appointed, paid or unpaid.

This policy is not intended to impair the ability of employees to participate in the ceremonial, representational, or informational functions in furtherance of their City employment or official duties.

**Economic Interest:** An interest distinct from that of the general public in the City's purchase, sale, lease, contract, option or other transaction or arrangement involving property or service in which a public official or public employee may gain economic benefit of \$50 or more.

**Employee:** An individual, other than an official of the City, receiving compensation for service performed for the City, except individuals who perform service as independent contractors.

**Relative:** Relative means any of the following: (1) A spouse, (2) A parent or stepparent, (3) A child or stepchild, (4) A brother, sister, half-brother, half-sister, stepbrother, or stepsister, (5) A niece or nephew, (6) An aunt or uncle, (7) A daughter-in-law or son-in-law. An adopted child is considered the same as natural child of the individual.

**Gift:** Money or other property having economic value which is transferred to an official or employee without consideration in money or worth other than a contribution pursuant the Indiana Campaign Finance laws. The term includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the general public without regard to that person's status as an official, employee, candidate or consultant. The term does not include the following:

- Printed informational promotional material. Free printed material which can be distributed for the public awareness or public education, that is brochures, safety manuals and the like;
- A gift that is not used and not later than 30 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
- Food or drink consumed by an official or employee or a member of his or her immediate family, during the conduct of official public business or attendance at public ceremonies as a public official or employee;
- Mementos or souvenirs of nominal value received at public ceremonies or commemorating official business;
- Invitations or tickets to political fund raising dinners or public charitable benefits when used by an officer or employee or member of his or her immediate family;
- Food or drink consumed by an official or department head during attendance in connection with his or her official duties at a convention if consumed at a reception or gathering with other public officials.

Employees are to be impartial in the discharge of their duties. Decisions and policies are not to be made outside the proper channels of local, state, and federal laws and procedures.

Employees shall not use their positions with the City as a means for influencing others for personal gain. Except when used by officials and employees in the performance of the assigned responsibilities of their positions, items imprinted with the City's name, logo, or letterhead shall not be used as a means for influencing others for any purpose without the authorization of the City Council.

Employees may not use information of a confidential nature gained through positions with the City to benefit themselves or a family member financially.

Employees may not accept a gift, favor, service, entertainment, food or drink that has more than a nominal value or that could create the public perception that it is intended to influence the employee's action. Employees may not solicit or accept outside payments for the performance of City duties or for any activity related to their service to the City.

Payment for an appearance, a speech, or article may not be accepted if the appearance, speech, or article could be considered part of the employee's duties.

An employee may not accept outside payment of expenses for travel, conventions, conferences, or similar activities that could create the public perception that it is intended to influence the employee's action.

Employees may not solicit political contributions from other employees or from persons or entities that have a business relationship with the City.

## ***SECTION EIGHT –SEPARATION OF EMPLOYMENT***

### **Employment Termination**

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

**RESIGNATION** – voluntary employment termination initiated by an employee. The employee will be required to complete a Resignation Form, which can be obtained from the Clerk/Treasurer’s office. Although advance notice is not required, the City requests at least two (2) weeks written notice of resignation from non-exempt employees and four (4) weeks' notice from exempt employees. (Refer to Vacation Benefits, page 19. If an employee does not provide advance notice as requested above, the employee will be considered ineligible for rehire.

**DISCHARGE** – involuntary employment termination initiated by the City.

**REDUCTION IN FORCE/LAYOFF** - Involuntary employment termination initiated on behalf of the City by the Appointed or Elected Official due to lack of work, lack of funds or projected lack of funds, job elimination, or reorganization.

Whenever a reduction is necessary, the City will determine the classification(s) in which the layoff(s) will occur and the number of employees to be laid off in each department.

Employees will be laid off with consideration of length of continuous service and the operational needs of the City. Employees may displace less senior employees in other departments provided they possess the minimum qualifications and licenses required for the position. Length of service is one factor in the layoff/displacement decision. The operational needs of the City may require the retention of less senior employees over a more senior employee. Attendance and punctuality may also be a factor in determining who shall be retained and who shall be laid off.

A recall list will be established for each classification affected by the layoff listing each laid off employee in order of layoff. A laid off employee will be eligible for recall for a period of one (1) year following the date of layoff. An employee who is laid off retains reinstatement rights in the agency from which he or she was laid off. Reinstatement rights continue for one (1) year from the date of layoff.

During this one (1) year period, the City will not hire or promote anyone into that classification until all persons on a layoff list for that classification are reinstated or decline the position when it is offered.

The employee will be responsible for keeping a current address on file with the Clerk/Treasurer’s Office. Failure to do so may result in the inability to notify the employee of his or her eligibility for reinstatement.

Each recalled employee will be allowed fourteen (14) calendar days from the date of receipt of the certified letter to return to work. The City will consider extenuating circumstances submitted in writing by the laid off employee.

Any employee who declines reinstatement to the same classification from which the layoff occurred will no longer be eligible for recall and will be considered terminated from employment.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid.

RETIREMENT – voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the City. (Refer to Vacation Benefits, Page 16).

#### **EXIT INTERVIEWS**

Department Heads and Elected Officials will schedule exit interviews for their employees with the Clerk/Treasurer's office at the time of employment termination.

The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City, or return of City-owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time. Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid.

#### **Payroll Notification**

Department Heads and Elected Officials must notify the Clerk/Treasurer's Payroll Clerk that an employee is terminating employment as soon as notice is given by the employee. This includes part time and seasonal employees. This will facilitate the proper payment of time worked in compliance with state law.

#### **Pay At Time of Separation from Employment**

The City of Frankfort will determine if the terminating employee has any outstanding debt owed to the City of Frankfort and whether the individual has in their possession any City of Frankfort credit cards, uniforms, tools, keys, safety equipment, manuals, vehicles, or any other City of Frankfort property.

After a full accounting of the employee's and the City of Frankfort's accounts (as determined by the City of Frankfort) is completed, a final paycheck will be issued to the employee in accordance with state law. The final check will not reflect any time not actually worked except for an employee separated from employment with the City of Frankfort for any reason before he has taken part or all of the employee's earned but unused vacation and unused comp time. The employee will receive the employee's earned vacation pay at the time of separation from employment.

Upon resignation or termination, the employee is required to contact the Clerk/Treasurer for possible conversion of group insurance and to address any financial issues. Any employee terminating employment is expected to return any City of Frankfort property in their possession.

In the event of the death of an active employee, the heirs or estate will be paid the amounts, which would have been paid the employee for accrued vacation pay during that year. An employee who has exhausted all accrued vacation for the current calendar year under these policies would receive no additional monies. However, in event vacation benefits were not exhausted for the calendar year, as indicated by length of service, the remaining amount would be paid.

**EMPLOYEE ACKNOWLEDGEMENT FORM**

The Employee Handbook describes important information about the City of Frankfort, and I understand that I should consult my supervisor regarding any questions not answered in the Employee Handbook. I have entered into my employment relationship with the City of Frankfort voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the City of Frankfort or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Employee Handbook may occur, except to the City of Frankfort's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Mayor of the City of Frankfort has the ability to adopt any revisions to the policies in this Employee Handbook.

I acknowledge that I have received the Alcohol and Drug Abuse Policy and the Drug Testing Policy of the City of Frankfort. I understand that these policies are inserted in the Employee Handbook, and that I have read these policies.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document. I have received the Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this Employee Handbook and any revisions made to it.

EMPLOYEE'S NAME (PRINTED)

\_\_\_\_\_

EMPLOYEE'S SIGNATURE:

\_\_\_\_\_

WITNESS: \_\_\_\_\_

DATE: \_\_\_\_\_

**COMPENSATORY TIME OFF AGREEMENT**

The \_\_\_\_\_ (insert department here) utilizes compensatory time off (comp time) In lieu of monetary compensation for departmental employees. An employee will be compensated at the rate of one (1) hour of comp time off for every hour worked up to forty (40) hours per week and one and one-half (1 1/2) hours of comp time off for every hour worked over forty (40) hours per week.

An employee will be allowed to earn a maximum of \_\_\_\_ hours. After an employee reaches the maximum amount earned of comp time, they will be paid for any additional overtime worked at a rate of one and one-half (1 1/2) times his or her regular rate.

When requesting comp time off, an employee must give their Elected Official or Department Head five (5) days' notice in writing. Every effort will be made to grant requests for comp time off, unless the request will unduly disrupt the Department's operations. In the event that the initial request cannot be granted, the Elected Official or Department Head will arrange for an alternate, mutually acceptable time with the employee.

In the event that an employee separates employment from the City, all earned comp time remaining will be paid to the employee pursuant to the requirements of the Fair Labor Standards Act.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Elected Official/Department Head

\_\_\_\_\_  
Date

**LEAVE OF ABSENCE REQUEST**



DATE:

TO:

FROM:

COPY: Human Resources

This is a request for the following leave of absence:

\_\_\_\_\_ FMLA \_\_\_\_\_ Civic Leave

\_\_\_\_\_ Funeral Leave - Name and relationship of deceased\_\_\_\_\_

\_\_\_\_\_ Military Family Leave (State)

\_\_\_\_\_ Military Reserve Active Duty

I understand that the City provides 15 days of military differential pay per calendar year for employees called to active military duty. I am scheduled to be on active duty for the following time periods.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree to provide my Department Head/Elected Official with the proper documentation verifying my military pay. I will also promptly notify my Department Head/Elected Official with any changes in my active duty schedule. I understand that my benefits will continue while I am on active duty and that I am required to pay my portion of the benefits I have elected.

I have read and understand the provisions for military pay differential as outlined in the Employee Handbook.

\_\_\_\_\_ Extended Military Leave

I have read and understand the provisions Extended Military Leave policy as outlined in the Employee Handbook.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date Received by Human Resources

\_\_\_\_\_  
Human Resources Director