

Martinsville Board of Works and Safety
Meeting Agenda
Monday, January 12, 2026
6:30 PM - City Hall, Council Chambers (Room 202)

THE CITY OF
Martinsville
INDIANA



Call to Order

Roll Call

Consideration of the Minutes

- A. Consideration of the December 29, 2025, Board of Works and Safety Meeting Minutes

Unfinished Business

- A. Sewer Adjustment Application - 5910 Hacker Dreck Rd. -- \$878.25

New Business

- A. Consideration of Agreement for Services - Morgan County Economic Development Corporation
- B. Consideration of Job Description - City Planner
- C. Consideration of 2025 Personnel Policies Handbook Draft
- D. Consideration of Quote to Replace Equipment - Wastewater Treatment Plant
- E. Employment Contract for Janitorial Services - Kathy Finley

Consideration of Claims

Consideration of Sewer Adjustment Applications

- A. Sewer Adjustment Application - 820 South Marion St. -- \$192.55
- B. Sewer Adjustment Application - 260 N. Mulberry St. -- \$37.16
- C. Sewer Adjustment Application - 399 E. Green St. -- \$15.76
- D. Sewer Adjustment Application - 389 N. Park Ave. -- \$957.10
- E. Sewer Adjustment Application - 509 St. Rd. 39 Bypass -- \$172.28
- F. Sewer Adjustment Application - 50 Dalton Lane -- \$104.72
- G. Sewer Adjustment Application - 1619 Genes Way -- \$189.18

Any individuals who requires aid or service for effective communication, or a modification of policies or procedures to participate in a public meeting, program, service, or activity of the City of Martinsville, IN, contact Ben Meridia, ADA Coordinator, 56 North Main Street, Martinsville, IN, 46151, 765-342-6012, as soon as possible, but no later than 48 hours before the scheduled event.

H. Sewer Adjustment Application - 159 Tulip St. -- \$144.88

Next Regular Meeting

A. The next regular meeting will be on Monday, January 26, 2026, at 6:30 PM in the Council Chambers (Room 202), City Hall, 59 S. Jefferson St., Martinsville, IN.

Adjournment

Any individuals who requires aid or service for effective communication, or a modification of policies or procedures to participate in a public meeting, program, service, or activity of the City of Martinsville, IN, contact Ben Meridia, ADA Coordinator, 56 North Main Street, Martinsville, IN, 46151, 765-342-6012, as soon as possible, but no later than 48 hours before the scheduled event.

**MARTINSVILLE BOARD OF WORKS AND SAFETY
MARTINSVILLE INDIANA
MORGAN COUNTY, INDIANA
DECEMBER 29, 2025**

Call to Order

Roll Call

Board of Works Kelly Bray
Mayor Kenneth Costin

A quorum was declared present.

Consideration of the Minutes

- A. Consideration of the December 8, 2025, Board of Works and Safety Meeting Minutes

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The minutes were Passed 2-0.

New Business

- A. Consideration of the Bid Recommendation for the Parking Lot Project

Mr. Oakes presented the proposal to the board for their consideration. The bid came from Wallace Construction in the amount of \$190,286.00.

The city will need to remove the gas tank prior to Wallace doing work.

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- B. Consideration of the Bid Recommendation for the Next Phase of Sidewalks Installations

Mr Dunn presented the recommendation to the board for their approval.

The recommendation was to award the project to Wallace Construction for the amount of \$1,219,580.00.

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- C. Consideration of Agreement for Legal Services - Dale S. Coffey

Mr Coffey presented the agreement to the board for their consideration.

The agreement is for an annual fee of \$100,000.00.

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- D. Consideration of Agreement for Services - Kari Palma

Mr. Coffey presented the agreement to the board for their consideration.

The agreement is to pay Kari Palma \$2,500 monthly to be the executive director of the Martinsville Entertainment Theatre.

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- E. Consideration of Sending a Tort Claim to the Insurance Provider - Allen & Nora Ashbrook

Mr Coffey presented the tort claim to the board for their consideration. The request was to forward the claim to the insurance carrier.

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- F. Consideration of Quote for Blower Motors Replacement - Brehob Corporation

Mr Oakes presented the quote to the board for their consideration.

The quote is in the amount of: \$41,943.00 and is from Brehob.

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- G. Consideration of Quote for SCADA System Upgrade - Maxim Automation

Mr. Oakes presented the quote to the board for their consideration. Maxim Automation quote is for \$26,836.75.

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

Consideration of Claims

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

Consideration of Sewer Adjustment Applications

- A. 820 S. Marion St. -- \$1,502.08

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- B. 5910 Hacker Creek Rd. -- \$878.28

A motion to Table was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

- C. 60 W. Pike St. -- \$1,851.14

A motion to Approve was made by Board of Works Kelly Bray. Kenneth Costin seconded the motion. The motion was Passed 2-0.

Next Regular Meeting

- A. The regular meeting of the Board of Works and Safety will be on Monday, January

12, 2026, beginning at 6:30 PM in the Council Chambers (Room 202), City Hall, 59 S., Jefferson St., Martinsville, Indiana.

Adjournment

Name		Signature
Kelly Bray, Member	Aye ☐ Nay ☐ Abstain ☐	
John Lillywhite, Member	Aye ☐ Nay ☐ Abstain ☐	
Kenny Costin, Mayor	Aye ☐ Nay ☐ Abstain ☐	
ATTEST		
Name	Signature	Date
Benjamin K. Merida, Clerk-Treasurer		

Account Number 45440009
 Date 12/10/2025
 Name Pamela Asher
 Phone Number 7653424576
 Email Address mrsvaultman@gmail.com
 Service Address 5910 Hacker Creek rd
 City Martinsville
 State IN
 Zip Code 46151
 Month of Excessive Bill October 2025
 Excessive Bill Amount \$1101.91
 Did the water pass through the sewer? No
 Detailed description of leak Outside of house, under the outside hydrant
 Repair Company Information
 Name Drain-tek Bryan Pryor
 Phone 3175313288
 Address 211 Bishop St
 City Mooresville
 State IN
 Zip Code 46158
 Please attach copy of repair bill IMG_20251210_145549.jpg

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months 0
 Excessive Usage 818 Excessive Sewer Amount \$928.44
 Average Usage 38 Average Sewer Amount \$50.16
 Requested Adjustment Amount \$878.28

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor Date _____

Kelly M. Bray, Member Date _____

John Lillywhite, Member Date _____

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**MORGAN COUNTY ECONOMIC DEVELOPMENT CORPORATION
2026 ECONOMIC DEVELOPMENT SERVICES AGREEMENT**

This Agreement made and entered into by and between the Morgan County Economic Development Corporation, Inc. (hereinafter "Corporation") and the City of Martinsville (hereinafter "City");

WHEREAS, the Corporation is organized for the purpose of encouraging, promoting and developing economic expansion (within the broadest meaning of the words) within Morgan County, Indiana ("County");

WHEREAS, in effectuating its purpose, the Corporation will provide various services to promote economic development, to attract investment, encourage business retention and expansion and job creation, as more particularly described on Exhibit A attached hereto and incorporated herein by reference ("Economic Development Services");

WHEREAS, the City, as a political subdivision located within the County, will be a beneficiary of the Economic Development Services provided by the Corporation;

WHEREAS, the City and the Corporation have negotiated compensation for Economic Development Services ("Fees") in exchange for the provision of such Economic Development Services;

WHEREAS, the amount of the Fees to be paid pursuant to this Agreement is not based upon and does not involve a consideration of the tax revenues or receipts of the City;

WHEREAS, the Corporation will submit invoices to the City requesting payment of the Fees to be paid pursuant to this Agreement;

WHEREAS, Indiana Code § 5-11-1-9, as amended by P.L. 172-2011, SECTION 12,

provides that an examination by the State Board of Accounts of a nonprofit corporation deriving at least fifty percent, but less than \$200,000, of its disbursements from public money is limited to matters relevant to the use of the public money received by the nonprofit corporation annually; and

WHEREAS, the Corporation is a nonprofit corporation that derives at least fifty percent, but less than \$200,000, in public money annually;

NOW THEREFORE, the parties agree as follows:

SECTION 1. The Corporation shall provide to or on behalf of the City one or more of the Economic Development Services for 2026 for the benefit of the City. The amount of Fees to be paid by the City for Economic Development Services rendered to or on behalf of the City for 2026 shall not exceed Sixty Thousand Dollars (\$60,000).

SECTION 2. The Corporation agrees to submit to the City an itemized bill for Fees for Economic Development Services quarterly, no later than the fifteenth day of the month following the end of the calendar quarter.

SECTION 3. The Corporation further agrees to pursue economic development activity for new and existing businesses within the City and to assist City in its economic development efforts including tax abatement, negotiations with prospective businesses and communications for accomplishing these goals with the City Council and the Martinsville Redevelopment Commission.

SECTION 4. The Corporation agrees to make available its records so that the State Board of Accounts may, in accordance with Indiana Code § 5-11-1-9(b)(2), examine matters relevant to the use of the Fees received by the Corporation.

SECTION 5. This Agreement shall be effective as of January 1, 2026 through and including December 31, 2026.

**MORGAN COUNTY ECONOMIC
DEVELOPMENT CORPORATION, INC.**

By: _____

Printed: Mike Dellinger

Title: Executive Director

CITY OF MARTINSVILLE

By: _____

Printed: _____

Title: _____

EXHIBIT A
Economic Development Services

This contract is for all services expected by both parties to assist with investor expectations for economic development.

**JOB DESCRIPTION
CITY OF MARTINSVILLE, INDIANA**

POSITION: City Planner
DEPARTMENT: City Hall
WORK SCHEDULE: As Scheduled
LOCATION: City Hall, 59 S. Jefferson St., Martinsville, IN 46151
JOB CATEGORY: PAT (Professional, Administrative, Technological)

DATE WRITTEN: July 2023 **STATUS:** Full-time, Regular
DATE REVISED: December 2025 **FLSA STATUS:** Exempt

To perform this position successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed in this document are representative of the knowledge, skill, and/or ability required for the position. In accordance with applicable law, the City of Martinsville provides reasonable accommodation to qualified employees and applicants with known disabilities who require accommodation to complete the application process or perform essential functions of the job, unless the accommodation would impose an undue hardship.

Incumbent serves as City Planner for the City of Martinsville, Indiana to develop plans that plot out the best use of geographic resources in urban areas. The City Planner is responsible for planning resource-efficient urban infrastructures that will be long-lasting and sustainable.

DUTIES:

Planning the design and construction of new urban infrastructures.

Assisting in the management of the City's current infrastructure and urban resources.

Designing and adapting city plans for population growth and development.

Keeping communities informed of city planning developments.

Recommending the most suitable placement of various urban infrastructures, such as schools or roads.

Helping draft legislation pertaining to land use and development.

Ensuring the environment is protected throughout the planning and urban development process.

Suggesting and implementing zoning regulations for private properties within urban areas.

Using computer software applications to assist the planning process, including mapping land areas, forecasting planning and development costs, and predicting trends, such as population growth.

Preparing reports that detail the location and characteristics of different urban infrastructures, as

City Planner

well as population factors.

Holding public meetings with government officials, land developers, lawyers, special interest groups, and the general public to address issues regarding urban land use and development.

Performs special studies and research, as may be required.

Performs related duties as assigned, including tasks handed down from the Mayor, Continuing Education as required/suggested by Board of Works or Common Council.

This job description is not intended to be a comprehensive list of the duties and responsibilities of the position, and responsibilities and duties may change without notice.

I. SKILLS, KNOWLEDGE, AND REQUIREMENTS:

Must be at least 18 years of age.

High school diploma or HSE.

Ability to meet all Department hiring requirements, including verification of eligibility to work in the United States.

Three (3) years of experience in urban or regional planning, environmental planning, urban design, or a related field preferred.

Previous experience working as a city planner preferred.

Certification with the American Institute of Certified Planners (AICP), preferred.

Member of the American Planning Association (APA), preferred.

Superb project management skills.

Excellent analytical skills.

Strong communication and interpersonal skills, including adhering to City policies and applicable law with respect to professional ethics, gender, cultural diversities, and disabilities.

Detailed knowledge of the principles behind new urbanism, transit-oriented development, and complete street design.

Possession of a valid Indiana driver's license and demonstrated safe driving record, and ability to be insurable to drive assigned vehicles under the City's insurance policy.

II. DIFFICULTY OF WORK:

Incumbent's work is broad in scope, in some situations of a new and unprecedented nature requiring study and consideration of impact of alternative possible solutions on other major programs, situations, organizations, or future developments. Professional judgment or exercise of discretion may be needed to adapt or make significant compromises fitting unusual or complex situations.

III. RESPONSIBILITY:

Incumbent makes authoritative application of City policies and procedures, discussing unusual situations with Mayor at incumbent's discretion. Work is periodically reviewed for attainment of objectives and soundness of judgment. Periodically, decisions are made in the absence of specific policies and/or guidance from supervisor.

IV. PERSONAL WORK RELATIONSHIPS:

Incumbent maintains frequent contact with co-workers, other City departments, Common Council, Board of Zoning Appeals, Plan Commission, engineering firms, and the public for purposes of executing policies and maintaining coordination of division operations.

Incumbent reports directly to the Mayor.

V. PHYSICAL EFFORT AND WORK ENVIRONMENT:

Incumbent performs duties in a standard office environment, involving sitting/walking at will, standing/walking for long periods, crouching/kneeling, bending, keyboarding, close/far vision, color/depth perception, speaking clearly, lifting/carrying object weighing less than 25 pounds, hearing sounds/communication, and handling/grasping/fingering objects. Incumbent periodically performs duties outdoors, involving driving to/from inspection sites, walking on uneven terrain, exposure to inclement weather conditions, traffic, and normal hazards associated with construction sites. Safety precautions must be followed in accordance with City policies and procedures at all times to avoid injury to self and others. Incumbent may work with or be exposed to irate/hostile individuals.

Incumbent occasionally works extended hours, evenings and/or weekends and occasionally travels out of town for seminars/workshops, sometimes overnight. Incumbent occasionally responds to emergencies on a 24-hour basis.

VI. POLITICAL APPOINTMENT:

The City Planner position is a political appointive position of the Mayor. Specific job duties and job requirements are established at the discretion of the Mayor. A person appointed to the City Planner position serves at the pleasure of the Mayor, works exclusively for the Mayor, and may be terminated by the Mayor at any time.

APPLICANT/EMPLOYEE ACKNOWLEDGMENT

The job description for the position of City Planner in the City Hall Department describes the duties and responsibilities for employment in this position. I acknowledge that I have received this job description and understand that employment with the City is at will and that the Position Description is not a contract of employment. I am responsible for reading this job description and complying with all job duties, requirements, and responsibilities contained herein, and any subsequent revisions.

Are you able to perform the essential functions of this position, with or without reasonable accommodation?

Yes___ No___

Applicant/Employee Signature

Date

Print or Type Name

City of Martinsville

Personnel Policies Handbook

Effective January 2026

approved by Board of Works and Safety on [DATE]

City of Martinsville
Personnel Policy

TABLE OF CONTENTS

City of Martinsville Personnel Policy

1.	Personnel Policies Handbook	1
1.1	Use and Revision of Personnel Policies Handbook	1
1.2	Exceptions and Special Conditions	1
1.3	“City of Martinsville” Defined	2
1.4	Board of Works and Safety	2
1.5	Equal Employment Opportunity	2
1.6	Management Rights	3
1.7	Productive Work Environment	5
1.8	Authorized Alien Status and Citizenship	5
1.9	E-Verify	5
1.10	Eligibility for Local Public Benefits	5
2.	Employment Policies	6
2.1	Recruitment	6
2.2	Employment Applications	7
2.3	Applicant Testing	7
2.4	Pre-Employment Interviews	8
2.5	Conditional Offer of Employment	8
2.6	Medical Examinations	8
2.7	Employment Status	9
2.8	Seniority-Teamsters Union	10
2.9	Probationary Period	11
2.10	Employment Reference Checks and Criminal Background Checks	12
2.11	Personnel Files	12
2.12	Access to Personnel Files	13
2.13	Personal Information Changes	14
2.14	Orientation/Exit Interviews	14
2.15	Performance Evaluation	14
2.16	Disciplinary Procedure	15
2.17	Employment Termination	16
2.18	Return of Property	17
2.19	Outside Employment/Conflict of Interest	17
2.20	Requests for Information	18
2.21	Layoff and Recall	19
2.22	Nepotism	20
2.23	Elective Officer and City Employment Restricted	20
2.24	Contracting with the City	21
3.	Salary Administration	22
3.1	Normal Workweek	22
3.2	Work Hours	22
3.3	Job Descriptions	23
3.4	Compensation	24
3.5	Wage Policy	25

City of Martinsville
Personnel Policy

3.6	Timekeeping.....	25
3.7	Work Time Restricted	26
3.8	Rounding.....	26
3.9	Multiple Positions	27
3.10	Timesheets/Time Records	27
3.11	Paydays	28
3.12	Pay Corrections.....	28
3.13	Pay Deductions/Garnishments	28
3.14	Overtime Compensation/Compensatory Time.....	29
3.15	Longevity Pay	30
3.16	Flex Time	31
3.17	Emergency Closing	31
4.	Employee Benefits	32
4.1	Paid Time Off.....	32
4.2	Fire PTO Leave.....	35
4.3	Police PTO Leave	35
4.4	Employee Birthday	35
4.5	Holidays	35
4.6	Emergency Care Leave.....	36
4.7	Bereavement Leave.....	37
4.8	Family and Medical Leave Act (FMLA)	37
4.9	Americans with Disabilities Act (ADA) and Disability Accommodation	55
4.10	Religious Accommodation.....	56
4.11	Pregnancy Accommodation	56
4.12	Military Leave.....	57
4.13	Jury Duty and Court Appearances	59
4.14	Workers' Compensation.....	60
4.15	Employee Insurance.....	62
4.16	Social Security/Indiana Unemployment Insurance.....	62
4.17	Health Insurance Portability and Accountability Act (HIPAA)	62
4.18	Benefits Continuation (COBRA).....	63
4.19	Indiana Public Retirement System (INPRS)/401A.....	63
4.20	Teamsters Union Leave of Absence Without Pay	65
5.	Working Conditions	66
5.1	Safety	66
5.2	Bloodborne Pathogens	66
5.3	Lactation Support.....	67
5.4	Use of Telephones and City Mail.....	68
5.5	Use of Cellular Phones and Pagers	68
5.6	Use of Information Technologies.....	69
5.7	Use of Internet and Electronic Mail (E-Mail).....	73
5.8	Social Media	76
5.9	Drug-Free Workplace.....	78
5.10	Tobacco Free	82
5.11	Use of Equipment and Vehicles	83
5.12	Take Home Vehicles.....	85

City of Martinsville
Personnel Policy

5.13	Personal Use of Organization Facilities.....	85
5.14	Appearance of Work Areas	85
5.15	Business Travel	85
5.16	City Credit Cards	88
5.17	Political Activity	89
6.	Personal Conduct	90
6.1	Employee Conduct and Work Rules	90
6.2	Attendance and Punctuality	90
6.3	Personal Appearance	90
6.4	Anti-Discrimination, Anti-Harassment, Anti-Sexual Harassment/Hostile Work Environment, and Anti-Retaliation	91
6.5	Commission of a Felony or Unlawful Act.....	96
6.6	Gifts or Gratuities	97
6.7	Ghost Employment	98
6.8	Business Ethics/Conflict of Interest.....	98
6.9	Solicitation/Distribution.....	99
6.10	Security of Premises	99
6.11	Workplace Violence	100
6.12	Confidentiality	101
7.	Problem Resolution.....	102
	Severability	103
	Indemnification	103
	Enabling Ordinances.....	103
	Amendments	103
	Employee Acknowledgment Form	104
	Personnel Policies Handbook Supplement for Police and Fire Personnel.....	105

1. **PERSONNEL POLICIES HANDBOOK**

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

1.1 **USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

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

Nothing in this handbook is intended to in any sense constitute a contract of employment or an expectation of continued employment. The City of Martinsville is an “At-Will” employer which means the employee may resign at any time and the employer may discharge an employee at any time with or without cause. This handbook is not a contract of employment.

No employee handbook can anticipate every circumstance or question about policy. As the City of Martinsville continues to grow, the need may arise to change policies described in the handbook. The City of Martinsville, therefore, reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

Although we believe the descriptive materials contained in this handbook are accurate, some sections, like insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the Mayor and/or Personnel Department. Any questions regarding Police or Fire summaries, their underlying policies and procedures, the Personnel Policies Handbook Supplement for Police and Fire Personnel, if applicable, and any discrepancies between them should be directed to the Mayor.

1.2 **EXCEPTIONS AND SPECIAL CONDITIONS**

These policies and procedures apply to all City of Martinsville employees, except when in conflict with special employment conditions set forth for elected officials or when in conflict with specific statutes governing employment relationships, such as Police or Fire Department Standard Operations Procedures. Where federal

City of Martinsville
Personnel Policy

and state laws or regulations supersede City of Martinsville policies, employees will be instructed to observe the requirements of these federal and state laws.

All elected officials are excluded from the provisions of this City of Martinsville Personnel Policies Handbook except as noted.

1.3 “CITY OF MARTINSVILLE” DEFINED

In this personnel policy, the “City” shall be defined to mean the City of Martinsville Board of Works and Safety, the City of Martinsville Common Council, the elected officials of the City of Martinsville and/or agency, and department heads and supervisor are used throughout this handbook, acting individually or in conjunction with each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

1.4 BOARD OF WORKS AND SAFETY

The City of Martinsville Board of Works and Safety facilitates the implementation of the City’s personnel policies and procedures. The City of Martinsville Board of Works and Safety shall be comprised of three (3) members. The members of the Board of Works and Safety shall be appointed by the Mayor. The Board shall meet as deemed necessary to review the application of City personnel policies and perform certain advisory functions such as:

- A. Reviewing employee complaints in connection with the problem resolution procedure in the City of Martinsville Personnel Policies Handbook;
- B. Monitoring personnel policies and procedures and making revisions, modifications, additions, and deletions as deemed necessary; and
- C. Reviewing and adopting all standard operating procedures established for any Department.

Department heads and/or supervisors have responsibility for the day-to-day supervision and operation of their respective departments as authorized by the Mayor. The term “Department Head” and “Supervisor” are used interchangeably throughout this policy handbook. The Clerk-Treasurer has the responsibility for the supervision and operation of the Clerk-Treasurer’s Office.

1.5 EQUAL EMPLOYMENT OPPORTUNITY

The City of Martinsville does not discriminate on the basis of race, color, sex, national origin, religion, age, disability, or any other classification protected under applicable law in employment or in the provision of services.

City of Martinsville
Personnel Policy

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

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

1.6 MANAGEMENT RIGHTS

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

- A. The right to direct the work of its employees;
- B. The right to establish policy;
- C. The right to maintain the efficiency of public operations;
- D. The right to design and implement safety programs for employees;
- E. The right to design and implement job training for employees;
- F. The right to determine what services shall be rendered to the public;
- G. The right to determine job content and job descriptions;
- H. The right to determine and implement objectives and goals of the City;
- I. The right to establish, allocate, schedule, assign, modify, change, and discontinue City operations, work shifts, and working hours;
- J. The right to establish, change, and discontinue work standards;
- K. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions;
- L. The right to change, modify, and alter the composition of the work force;
- M. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law;

City of Martinsville
Personnel Policy

- N. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of City property and personnel;
- O. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies;
- P. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment;
- Q. The right to determine the size and character of inventories and their disposal;
- R. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the City; and
- S. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same.

The above enumeration of management rights is not inclusive of all such rights and all rights granted the City by constitution, statute, charter, ordinance, or in any manner are retained by the City.

1.6.1 Teamster Union Management Rights

It is recognized that the Employer has and will continue to retain the rights and responsibilities to direct the affairs of the Employer in all of its various aspects. Among the rights retained by the Employer, although not all inclusive, are:

- A. The Employer's right to direct the working force.
- B. To plan, direct, and control all operations and services of the Employer.
- C. To determine the methods, means, organization, and personnel by which such operations and services are to be conducted.
- D. To contract for and subcontract out services.
- E. To relieve employee due to lack of work or for other legitimate reasons.
- F. Eliminate existing methods, equipment, or facilities, provided, however, that the exercise of any of the above rights shall not

City of Martinsville
Personnel Policy

conflict with any of the express written provisions of the Teamsters Union Agreement.

1.7 PRODUCTIVE WORK ENVIRONMENT

It is a policy of the City of Martinsville to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

All new hires must cooperate with the City in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete a Form I-9 and show proof of identity and employment eligibility within the first three (3) days of employment. Employees who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be terminated.

The Personnel Department shall ensure that Form I-9s are properly completed and retained as required by law.

1.9 E-VERIFY

The Personnel Department shall administer the e-verify enrollment of all City's new-hires; and shall ensure that appropriate E-Verify are properly completed and retained as required by law.

1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS

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

2. **EMPLOYMENT POLICIES**

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

2.1 **RECRUITMENT**

Whenever vacancies occur or new positions are created, job information shall be publicly posted within all City facilities for a minimum of five (5) business days and/or until the position is filled. Bulletin boards located in each City building will be used for posting job openings. The City encourages internal promotion and transfer whenever possible.

Newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that the City is “An Equal Opportunity Employer.”

Basic qualifications of formal education, background, and experience shall be determined by the Mayor and/or Personnel Department and/or Fire/Police Chief, in conjunction with department heads before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

Under I.C. 36-4-9-8, the City’s executive (Mayor) shall appoint:

- A. A City Civil Engineer;
- B. A City Attorney;
- C. A Chief of the Fire Department;
- D. A Chief of the Police Department; and
- E. Other officers, employees, boards, and commissions required by statute.

Under I.C. 36-4-9-4, the head of each department or agency is under the jurisdiction of the executive.

Under I.C. 36-4-10-7, the Clerk-Treasurer shall appoint the number of deputies and employees needed for the effective operation of the Office, with the approval of the City legislative body.

2.1.1 **Teamsters Union Job Vacancies**

All vacant and newly created positions covered by the Teamster Agreement shall be posted for bid at the department or bureau at which the

City of Martinsville
Personnel Policy

opening exists for a period of three (3) working days. If no employee from the department or bureau bids and qualifies for that job opening, then the job opening shall be posted to all other City bargaining unit work sites and the Clerk-Treasurer's Office for a period of three (3) working days. There shall be a maximum of two (2) successive bids to fill vacancies caused by the initial bid. Only one (1) lateral move per employee within a six (6) month period may be exercised. This provision may be waived by mutual agreement between the Employer and the Union.

2.2 EMPLOYMENT APPLICATIONS

All applicants are required to complete a City of Martinsville Application form ("Application"), and additional forms as required for statistical purposes or deemed necessary to process the Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. The Application shall be maintained by the Personnel Department and made available to department heads and applicants for use. The Application shall request only the information necessary for rational decision-making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Application in its entirety, providing any requested information in its entirety and accounting for periods of employment and unemployment. The Personnel Department may screen applicants and conduct testing relevant to the skills needed to effectively complete the duties of the position.

The City of Martinsville relies on the accuracy of information on the Application, as well as other data presented throughout the hiring process and employment.

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

Placement of an Application with the City does not mean that all applicants will be granted an interview by the city. However, equal consideration will be given to all applicants based on the qualifications listed for the job. Applications will be retained in active files for sixty (60) days, or until the position is filled.

All newly hired employees shall report to the Personnel Department to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

2.3 APPLICANT TESTING

Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, and psychological instruments may be used by the City in the

City of Martinsville
Personnel Policy

selection process for certain positions. Such tests are to be related to the requirements of the position; and must be approved for use by the Personnel Department.

2.4 PRE-EMPLOYMENT INTERVIEWS

Pre-employment interviews may be used to gather information and screen applicants for City employment. Initial interviews may be conducted by the officer receiving the application, although the final interview is reserved for the administrative officer making the employment decision, (i.e. Mayor or designated department head, and/or Clerk-Treasurer for positions provided by statute).

2.5 CONDITIONAL OFFER OF EMPLOYMENT

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements. Applicants who receive a conditional offer of employment are not employees of the City unless they receive an official letter of employment. The City of Martinsville may withdraw the conditional offer of employment at any time for any reason.

2.6 MEDICAL EXAMINATIONS

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

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the City's choice, at the City's expense.

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

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the Personnel Department. Access to this information will be limited to the employee, department head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

City of Martinsville
Personnel Policy

2.6.1 Teamster Union Examinations

Physical, mental, or other examinations required by a government body or the Employer shall be promptly complied with by all employees, provided the Employer pays for all such examinations. The Employer shall not pay for any time spent in the case of applicants for jobs but shall be responsible to other employees for all time spent at the place of examination or examinations.

The City of Martinsville shall pay a portion of the Commercial Driver License (CDL) physical examination performed by a credentialed health care provider. The employee must forward a receipt for the examination or present a copy of the bill to accounts payable for payment to receive a partial reimbursement for the cost of the examination.

2.7 EMPLOYMENT STATUS

It is the intent of the City to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility. Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification.

FULL-TIME employees are those who are not in a part-time, temporary/seasonal, or probationary status and who are regularly scheduled to work the City's full-time schedule of forty (40) hours per workweek. Full-time employees are eligible for the following City benefits, subject to the terms, conditions, and limitations of each benefit program: PTO, Paid Holidays, Emergency Care Leave, Paid Funeral Leave, Paid Jury Duty, Worker's Compensation, Leave of Absence Without Pay, Social Security benefits, Health Insurance, and City retirement programs.

FULL-TIME (Fire Department) Fire department employees are those who are not in a part-time, temporary/seasonal and who are regularly scheduled to work the fire department's full-time schedule of twenty-four (24) hours on-shift and forty-eight (48) hours off (7:00 a.m. - 7:00 a.m.).

PART-TIME employees are those who are not assigned to a full-time, temporary or probationary status. Part-time employees shall not work more than twenty-nine (29) hours per workweek, with the exception of mandatory certification training required of the position. Part-time employees retain that status until expressly notified of a change.

Part-time employees are eligible for legally mandated benefits such as Worker's Compensation and Social Security benefits subject to the terms, conditions and limitations of each benefit program. Part-time employees are *not* eligible for the following benefits: PTO, Emergency Care Leave, Paid Holidays, Paid Funeral

City of Martinsville
Personnel Policy

Leave, Paid Jury Duty, Leave of Absence Without Pay, and City retirement benefit programs.

TEMPORARY/SEASONAL employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and are not assigned to a full-time or part-time status. Employment assignments in this category are of a limited duration. It is the policy of the City that a Temporary/Seasonal employee who works for one hundred twenty (120) days in a calendar year shall not be rehired by the City without a minimum of six (6) months separation period between temporary engagements. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary/Seasonal employees retain that status until notified of a change.

Temporary/Seasonal employees are eligible for legally mandated benefits such as Worker's Compensation and Social Security benefits subject to the terms, conditions, and limitations of each benefit program. Temporary/Seasonal employees are *not* eligible for the following benefits: PTO, Paid Holidays, Emergency Care Leave, Paid Funeral Leave, Paid Jury Duty, Leave of Absence Without Pay, and City retirement benefit programs.

2.8 SENIORITY-TEAMSTERS UNION

City employees within a bargaining unit shall obtain seniority on their one hundred eightieth (180th) day of continuous, full-time employment, and such seniority shall be calculated to include the prior one hundred eighty (180) days' probation when successfully completed. There shall be two (2) types of seniority for City employees, as follows:

- A. City-wide Seniority shall be computed from the employee's most recent date of hire in a bargaining unit within the City.
- B. Departmental Seniority shall be computed from the employee's more recent date of hire within the specific department/bureau in which he/she is presently employed.

2.8.1 Computation of Seniority

For purposes of computation of total length of service, time spent by the employee on paid leaves provided by the City, and military leave shall be included.

2.8.2 Loss of Seniority

The seniority of an employee shall terminate under any of the following conditions:

- A. When a laid-off employee fails to give notice of his/her intention to return to work within three (3) working days after the Employer has sent to his/her last known address a certified letter requesting his/her return to work.
- B. When the employee gives such affirmative notice but fails to return to work on the specified date and time of recall.
- C. When an employee resigns his/her employment with the Employer.
- D. When an employee is discharged for just cause.
- E. When an employee is laid off for more than eighteen (18) months.
- F. When an employee receives total permanent disability compensation.
- G. When an employee retires or accepts a pension for Indiana Public Employees Retirement System (INPRS).

2.9 PROBATIONARY PERIOD

The probationary period is intended to give new, rehired, promoted, and/or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance.

All new, rehired, promoted, and/or transferred employees work on a probationary basis for the first one hundred eighty (180) calendar days after their “date of hire”, except when the one hundred eighty (180) days is in direct conflict with statutory requirements (such as merit officers of the Police Department and Fire Department Firefighters whose probationary period is one (1) year). Any significant absence, except for fire and police, will automatically extend the probationary period by the length of the absence. If the City determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee’s performance, the probationary period may be extended for a specified period, except for fire and police.

During the probationary period, new full-time employees are eligible for insurance benefits and all those benefits that are required by law, such as workers’ compensation insurance and Social Security. They may also be eligible for other

City of Martinsville
Personnel Policy

employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

A probationary employee may be discharged at any time during their probationary period, or any extension thereof, with or without cause and without compliance with any of the disciplinary rules or procedures by the City, the department head, or any other person involved in the discharge of the employee.

2.10 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS

To ensure that individuals who are employed by the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of all applicants. Information regarding this procedure is contained in the “Employment History and Work Experience” section of the City’s Employment Application.

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

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

Applicants shall be subject to criminal background and credit checks.

Employees and former employees shall be provided copies of past performance records upon request; and must acknowledge receipt in writing.

2.11 PERSONNEL FILES

The employment selection procedure shall be documented and recorded and will remain strictly confidential. Accurate personnel records should be kept on file for each employee for a period of not less than seven (7) years and may be used to substantiate employment decisions in the event of inquiry. Fire Department employee files shall be maintained by the Fire Department, and Police Department employee files shall be maintained by the Police Department.

The City of Martinsville shall maintain four (4) separate personnel records concerning the employee’s employment history. Those shall be the employee’s personnel file, confidential performance file, medical file, and CDL file:

- A. Personnel File: The employee’s personnel file shall contain information regarding position(s) held by the employee, dates of employment, salary information, documentation of retirement enrollment, change of address,

City of Martinsville
Personnel Policy

beneficiary forms, e-verify, verification of eligibility for local public benefits, health insurance, and Form I-9. This file shall be maintained by the Clerk-Treasurer and must be retained as required by law and OSHA.

- B. Confidential Personnel File: The employee's performance file shall contain, performance, evaluations, emergency information sheet, disciplinary records, and other documentation concerning disciplinary actions, including educational accomplishments, records of training, absences, tardiness, and other related data. This file shall be maintained by the Personnel Department (with copies relating to payroll and benefits to the Clerk-Treasurer).
- C. Medical File: The employee's confidential medical file shall contain all medical information, including disability information, worker's compensation and/or FMLA documentation, results of drug tests, and other medically related information. This file shall be maintained by the Personnel Department (with copies relating to payroll and benefits to the Clerk-Treasurer).
- D. CDL File: The CDL file is maintained by the Personnel Department.

The employee's confidential personnel file and medical file shall be deemed as confidential personnel records and exempt under the Indiana Public Records Law.

2.12 ACCESS TO PERSONNEL FILES

Access to confidential personnel files shall be limited to the employee, the Personnel Department, the department head of the employee, City Attorney, and other persons authorized by the City Attorney on a need-to-know basis. The Personnel Department shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the City Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

Personnel files are property of the City and access to the information they contain is restricted. Only officials or representatives of the City who have a legitimate reason to review information in a file are allowed to do so. With an appointment with their supervisor, an employee may review material in his/her file. Upon request, the City will provide the employee copies of any documents contained in his/her personnel file.

No information shall be provided to any person concerning the employment of an employee other than the information set out in this policy.

2.13 PERSONAL INFORMATION CHANGES

Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the City's benefit plans. It is the employee's responsibility to convey personal information in written form to the Personnel Department with copies relating to payroll and benefits provided to the Clerk-Treasurer.

2.14 ORIENTATION/EXIT INTERVIEWS

Once employed by the City, the employee will receive a copy of the City of Martinsville Personnel Policies Handbook and any applicable workplace rules, including the drug-free workplace policy. It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged. Department heads are encouraged to conduct an informal orientation to familiarize new employees with the City.

Upon termination of the employment relationship with an employee, an exit interview should be scheduled with the Personnel Department. Upon termination, employees are directed to contact the Personnel Department regarding compensation and the status of any City benefits.

2.15 PERFORMANCE EVALUATION

The City Superintendent is responsible for conducting performance evaluations of Department Heads. Department heads and employees are strongly encouraged to discuss job performance and goals on a formal, annual basis.

The Clerk-Treasurer is responsible for conducting performance evaluations of employees of the Clerk-Treasurer's office.

Formal performance evaluations shall be conducted on employees at the end of their probationary period, before entering full-time status, especially if the probationary period is extended. This allows the department head and employee the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees shall be evaluated on an annual basis. Evaluations are to be completed by February 15 of each calendar year.

Performance evaluations shall be confidential and shall be made available only to the employee evaluated, their department head, the Personnel Department, or the

City of Martinsville
Personnel Policy

appropriate Merit Board and to a prospective department head if a transfer or promotion is being considered. Performance evaluations shall be kept in the employee's personnel file and maintained by the Personnel Department.

2.16 DISCIPLINARY PROCEDURE

The City of Martinsville expects employees to comply with the City's standards of conduct and the City's policies and to correct any noncompliance with such standards and policies.

The City of Martinsville endorses a policy of progressive discipline in which it aims to provide employees with notice of deficiencies in performance and an opportunity to improve. It does, however, retain the right to administer discipline in any lawful manner it deems appropriate under the circumstances. This policy does not modify the at-will status of employees or in any way restrict the City's right to bypass the disciplinary procedures outlined in this policy.

The following steps are suggested in the disciplinary procedure. All steps should be documented in the employee's personnel file.

Step 1: Verbal Warning: When a performance problem is first identified, the supervisor should meet with the employee and discuss the following: (a) the nature of the problem; (b) any information the employee would like to share regarding the problem or their perspective on the problem; (c) the action necessary to correct the problem; and (d) that failure to correct the problem will result in further disciplinary action. The supervisor should document the verbal warning and discussion in the employee's personnel file.

Step 2: Written Warning. If satisfactory performance and corrective action are not achieved under Step 1, the supervisor should meet with the employee and discuss items (a) through (d) above and issue a written warning of the performance problem to the employee. The supervisor should document the written warning and discussion in the employee's personnel file.

Step 3: Final Written Warning: If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and a representative of the HR department should meet with the employee, discuss items (a) through (c) in Step 1 above, and issue a final written warning of the performance problem to the employee. The supervisor should document the final written warning and discussion in the employee's personnel file.

Step 4: Suspension or Termination of Employment: If satisfactory performance and corrective action are not achieved under Steps 1, 2, and 3, such failure can result in suspension or termination of employment.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job

performance or behavior. The employee's previous work performance and entire employment record may be taken into account when determining the appropriate disciplinary action for a performance issue.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the disciplinary procedure may deviate from the steps identified above (i.e., the disciplinary procedure may begin anywhere in the process or may skip steps). The disciplinary procedure guidelines do not prevent, limit, or delay the City from taking appropriate disciplinary action, including immediate termination of employment.

2.17 EMPLOYMENT TERMINATION

Since employment with the City of Martinsville is "At-Will" and based on mutual consent, both the employee and City have the right to terminate employment at any time, with or without cause.

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. Although advance notice is not required, the City requests at least two (2) weeks written notice from the employee.

Discharge: Involuntary employment termination initiated by the City for any lawful reason, including, but not limited to: unsatisfactory performance or behavior, lack of work, reorganization, reduction in force, inability to perform the duties of the position, positive drug test results.

Layoff: Involuntary employment termination initiated by the City for lawful, non-disciplinary reasons, including, but not limited to: lack of work, reorganization, reduction in force.

Retirement: Voluntary employment termination initiated by the employee meeting the City's retirement criteria, such as age and length of service. An employee meeting retirement criteria should notify the Department head, Mayor and the Personnel Department at least two (2) months in advance for completion of all necessary paperwork.

Accrued, vested, and unused benefits, including unused PTO and unused compensatory time, will be paid upon termination of employment (subject to the Paid Time Off policy); however, accrued and unused PTO will not be paid upon termination of employment if, in the case of resignation, the employee does not provide two (2) weeks' notice, in the case of retirement, the employee does not provide two (2) months' notice, or the employee is discharged for disciplinary

City of Martinsville
Personnel Policy

reasons, such as unsatisfactory performance or behavior. Any compensation for accrued and unused PTO or accrued and unused compensatory time for which an employee is eligible will be paid at the time of next payroll. Some benefits may be continued at the employee's expense, if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

An employee's termination date may not be extended for the sole purpose of gaining additional paid or unpaid time off (e.g., PTO days). The employee's termination date shall always be the last day he/she physically worked in the office, with the exception of employees on FMLA.

A. Police and Fire Department Employment Termination

For additional information regarding resignation, reinstatement, or reappointment applicable to police and fire personnel, see the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel.

2.18 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property, including uniforms must be returned by employees on or before their last day of work.

The City may also take all action deemed appropriate to recover or protect its property.

2.19 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the City and has written authorization. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements. It is the responsibility of department heads to evaluate any lack of ability or efficiency in the performance of employee duties and attempt to resolve any conflicts of interest. If there is not a satisfactory resolution, the matter shall be referred to the Personnel Department. Employees shall receive written authorization from the department head for any part-time employment or any employment outside the City.

Injuries sustained during outside employment shall not be covered under the City's worker's compensation program and may not be covered under the City's health insurance benefits.

City of Martinsville
Personnel Policy

Employees who are provided Family and Medical Leave under the City's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

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

Employees may not enter into dealings or financial interests in contracts and services performed by the City of Martinsville. This includes deriving any direct or indirect profit resulting from the sale, service, contracting, or purchases made on behalf of the City of Martinsville.

City employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential City information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to supervisors and/or the Personnel Department.

Employees are protected from requirements, whether real or implied, to contribute time or money to any person or party. Soliciting political party campaign contributions, promoting fund-raising drives, and even encouraging subordinates and colleagues to contribute to community non-profit organizations are prohibited activities. Violators will be subject to disciplinary procedures.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the City. City employees should file a Conflict of Interest statement with the Morgan County Clerk and the State Board of Accounts with a copy provided to the Clerk-Treasurer whenever an employee's outside business activities are directly or indirectly linked to the City in a business relationship, such as vendor, supplier, contractor, or independent subcontractor.

Permission shall be obtained from the Police Chief or Fire Chief prior to accepting or commencing secondary employment. Any City Police Officer or Firefighter who engages in employment outside of their regular duty hours shall be subject to call at any time to perform the duties and fulfill the responsibilities of their position with the Police or Fire department.

Conflict of Interest forms are maintained in the Clerk-Treasurer's office.

2.20 REQUESTS FOR INFORMATION

Occasionally, employees of the City are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. Communication with the public about City issues is the responsibility of the designated official/department head. Any request or question from the public must be referred to that official. Employees are advised to consult with

City of Martinsville
Personnel Policy

their supervisor before releasing information which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

2.21 LAYOFF AND RECALL

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

- A. Lack of work;
- B. Lack of funds or projected lack of funds;
- C. Job abolishment; and/or
- D. Reorganization.

Whenever a reduction is necessary, the Mayor and Board of Works and Safety will determine the positions in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include considerations of employee performance evaluations, employee qualifications, length of continuous service, and operational needs of the City. Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include any eligible paid leave and compensatory time.

2.21.1 Teamsters Union Layoff Procedures

Strict department seniority shall prevail in the layoff of employees within their prescribed job classifications. However, seniority employees so laid off shall have the right to work within their department/bureau if qualified in a classification where their seniority warrants. If a laid-off employee is not qualified in any other skilled or semi-skilled classification, he/she shall then be able to bid unto the general labor job classification within his/her department or bureau and replace the junior employee in that classification. All employees doing so will retain their department seniority.

In reducing the working force within the general labor classification because of lack of work or other legitimate cause, the employee with the least departmental seniority shall be the first employee laid off. Such laid-off employees shall be placed on the city-wide callback roster. In the event that an employee is laid off, the name of that employee will be placed on a city-wide callback roster. The roster will contain the employee's name, address, telephone number, amount of city-wide seniority, the department or bureau from which the employee was laid off, the employee's last job classification, and the employee's qualifications.

2.22 NEPOTISM

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the City in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the City as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this City in the future.

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

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

The Clerk-Treasurer and each City Department Head shall annually certify in writing that the office or department is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the Mayor not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The City's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the City's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the City is in compliance.

2.23 ELECTIVE OFFICER AND CITY EMPLOYMENT RESTRICTED

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a City employee is considered to have resigned from employment 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.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the City if the City receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the City or serve as a volunteer firefighter until the expiration of the term of office.

2.24 CONTRACTING WITH THE CITY

Effective July 1, 2012 Indiana Code 36-1-21 states that 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:

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

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

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

3. **SALARY ADMINISTRATION**

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

3.1 **NORMAL WORKWEEK**

The normal workweek begins on Sunday and ends on the following Saturday. It may be changed by the Board of Works and Safety and shall be specified in the City Salary Ordinance.

3.2 **WORK HOURS**

City offices and departments shall observe the hours of work designated and established by the Mayor. The regular work hours may be changed by the Mayor upon one (1) week's notice to each department head. Certain departments may maintain varied work schedules under special employment conditions set forth by governing statutes.

Employees shall be relieved of all duties and be free to leave their posts during their lunch time, unless otherwise directed by the department head.

Department heads will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

The normal work pattern for full-time employees, except in certain departments, shall be Monday through Friday.

CITY OFFICES: 8:00 a.m. – 4:00 p.m., Monday – Friday with one (1) hour paid meal period. Work schedule changes shall be approved by the Mayor.

FIRE DEPARTMENT: 24-hours on and 48-hours off. 7:00 a.m. – 7:00 a.m. the following day.

Fire Chief, Assistant Chief, Fire Marshall, and Administrative Staff work 5 days on/2days off (5-2) schedule with 8-hour shifts.

POLICE DEPARTMENT: Police officers work 3 (three) days on, 2 (two) days off, rotating with a 2 (two) day on, 3 (three) day off schedule with 12-hour shifts; 6:00 a.m. - 6:00 p.m. and 6:00 p.m. - 6:00 a.m.

Police Chief, Assistant Chief, Detectives, and Administrative Staff work 5 days on/2 days off (5-2) schedule with 8-hour shifts.

TEAMSTER UNION: All regular employees shall report to work in accordance with their established workday. The regular workday shall be eight (8) consecutive hours. The starting time for the day shift shall be between the hours of 7:00 a.m. and 9:00 a.m. It is also agreed that the start time for second shift shall be between the hours of 3:00 p.m. and 5:00 p.m. and the start time for third shift shall be between the hours of 11:00 p.m. and 1:00 a.m.

3.2.1 Teamsters Union Callback Time

When an employee is called back to work outside of his/her normal shift, he/she shall be compensated at the rate of one and one-half (1 ½) times his/her hourly straight time rate. Such employee shall be guaranteed a minimum of two (2) hours of callback pay or work.

If an employee is ordered to report to work on a scheduled day off, that employee will be guaranteed two (2) hours pay or work at one and one-half (1 ½) times his/her regular hourly rate. On the first call-out, an employee would be required to work two (2) hours. If the employee leaves and is required to come back during the first two (2) hours, no additional time would be paid until he/she completes two (2) hours of work on the time clock. If an employee is called back during an eight (8) hour period, he/she will be given one (1) hour pay at one and one-half (1 ½) times his/her hourly rate. If, after eight (8) hours, the employee is called out again, he/she will be given a guaranteed two (2) hours at one and one-half (1 ½) times his/her regular hourly rate.

3.2.2 Teamsters Union Show-up Time

Any regular, full-time employee who reports for his/her regular scheduled workday without being notified not to report either by the bulletin board notice or phone call to his/her home and is not permitted to work shall be paid a minimum of four (4) hours' report-in pay. If put to work, the employee shall receive eight (8) hours work or pay in lieu thereof.

3.2.3 Teamster Union Standby Time

An employee will be paid per the Union contract.

3.3 JOB DESCRIPTIONS

The City of Martinsville positions, except those of elected officials, have been described in job descriptions. Job descriptions are maintained by the Department heads and Personnel Department. Copies of job descriptions are provided to each employee who is responsible for performance of duties and maintaining job qualifications.

City of Martinsville
Personnel Policy

New job descriptions or any modifications to existing job descriptions shall be submitted to the Board of Works and Safety for approval.

3.4 COMPENSATION

The City of Martinsville compensates employees in accordance with decisions by the City or the State of Indiana as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period. Annual salaries are based on 2,080 hours for those employees working a Monday – Friday, forty-hour workweek.

For the Martinsville Fire Department, not including the fire administration positions of chief, deputy chief, fire marshal, and training officer, who work twenty-four (24) hour shifts, their annual salaries are based on 2912 hours.

The Martinsville Police Department, not including the administration positions of chief, deputy chief, major, administrative assistant, and detectives, who work twelve (12) hour shifts, their annual salaries are based on 2496 hours.

As stated in Indiana Code 36-4-7-3, the Mayor shall fix the compensation of each appointive officer, deputy, and other employee of the City, subject to the approval of the Common Council. The Common Council may reduce but may not increase any compensation fixed by the Mayor. Compensation must be fixed not later than September 30th of each year for the ensuing budget year. Compensation fixed under this section may be increased or decreased by the Mayor during the budget year for which it is fixed.

The Martinsville Common Council establishes compensation in an annual Salary Ordinance. To establish a new position or change a current position, the department head shall submit a request with a detailed job description to the Mayor. Water and Wastewater Treatment Department employees receiving certification pay shall maintain their certifications as a requirement to receive such active compensation.

The Mayor will review the new position requests and/or position revisions and make any necessary recommendations for action to the Common Council if additional funds are needed.

3.4.1 Teamster Union Compensation

Wages, shift differentials, and cost-of-living, if any, for all classifications, whether hourly rated or salaried are set out in the collective bargaining agreement.

3.5 WAGE POLICY

Employees violating the PTO or other paid leave policies of the City shall be penalized as follows:

Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, PTO.

If employees paid on an hourly wage have no existing leave time as described above, unauthorized time away from work shall not be paid.

For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.

The wages of an elected official cannot be docked, as set by law.

Additional disciplinary actions may be taken for violations of the PTO or other paid leave policies, up to, and including termination of employment with the City.

3.6 TIMEKEEPING

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

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

- A. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
- B. Address, including zip code;
- C. Birth date if younger than 19;
- D. Sex and occupation;
- E. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
- F. Basis on which the employee's wages are paid;
- G. Regular hourly rate;

City of Martinsville
Personnel Policy

- H. Total daily or weekly straight-time earnings;
- I. Total overtime earnings for the workweek;
- J. All additions to or deductions from the employee's wages;
- K. Total wages paid each pay period; and
- L. Date of payment and the pay period covered by the payment.

I.C. 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees.

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

Every employee is responsible for accurately recording their time worked on City forms or time keeping machines (i.e., time cards).

Employees should accurately record the time they begin and end their work and the time they begin and end each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the department head before it is performed.

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

3.7 WORK TIME RESTRICTED

Non-exempt employees shall not commence any work activities on behalf of the City of Martinsville before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift, unless specifically authorized by their department head.

3.8 ROUNDING

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

3.9 MULTIPLE POSITIONS

Non-exempt employees working in more than one City of Martinsville position shall count the combined hours worked in more than one position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

3.10 TIMESHEETS/TIME RECORDS

It is the responsibility of those employees who are required to maintain a timesheet and/or time record, to properly record the time that he/she has worked during a payroll period. Employees shall record the use of PTO, FMLA leave, or any other type of approved leave on their timesheet/time record. Failure to record the leave in any status may result in the employee not being paid for the leave.

Hourly employee timesheet/time records are to be submitted to the Clerk-Treasurer's office each payroll. Timesheet/time records must be signed by the department head. Copies of employee timesheets/time records and SBOA approved voucher shall be submitted to the Personnel Department after each payroll.

It is an employee's responsibility to sign his/her timesheet/time record to certify the accuracy of all time recorded. The department head will review and initial timesheets/time record before submitting them for payroll processing. If corrections or modifications are made to the timesheet/time record, both the employee and the department head should verify the accuracy of the changes by signing the timesheet/time record. Should an employee fail to sign such a time sheet, the time sheet shall be submitted by the department head with an acknowledgment that the employee has reviewed the modification.

For detailed instructions on how and when to complete timesheet/time record, employees should consult with their department head.

Department heads shall be required to complete general payroll form 99A, with each day's hours worked and submit to the Clerk-Treasurer's Office with first payroll in January, for the preceding year.

3.11 PAYDAYS

Regular full-time employees and part-time employees are paid bi-weekly on Friday, following the pay period worked. Each pay will include earnings for all work performed through the end of the previous payroll period. If a regularly scheduled payday falls on a holiday, employees will be paid on the last day of work before the regularly scheduled payday.

3.12 PAY CORRECTIONS

The City of Martinsville takes all reasonable steps to ensure that employees receive the correct amount of pay, and that employees are paid properly on the scheduled payday. The City prohibits improper deductions from wages.

Any employee who thinks that he/she has had incorrect deductions from his/her pay or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her department head with a copy of the notice sent to the Clerk-Treasurer.

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

3.13 PAY DEDUCTIONS/GARNISHMENTS

The City of Martinsville is legally required to make certain deductions from each employee's pay, including federal, state, and local income taxes. The City must also deduct Social Security taxes on each employee's earnings (excluding Police Officers and Firefighters), up to a specified limit called the Social Security "wage base." The City matches the amount of social security taxes paid by each employee.

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

When the City is served a writ of garnishment requiring payment of a portion of the employee's compensation a processing fee as allowed by law may be deducted from the employee's pay and retained by the City.

Questions concerning pay deductions and/or methods of calculation should be directed to the Clerk-Treasurer.

Required deductions include: Federal Income Tax (FIT), Social Security Tax (FICA), Medicare, State, County, or City Tax (where required), Indiana Public Retirement System (INPRS), and Garnishments (where required by law).

3.14 OVERTIME COMPENSATION/COMPENSATORY TIME

Employees will be given the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. Overtime assignments will be made to best meet the operational needs of the City.

Each City employee is designated as NON-EXEMPT or EXEMPT from federal and state wage and hour laws; and is specified on City job descriptions and in the Salary Ordinance.

Employees holding NON-EXEMPT positions are entitled to overtime pay under the specific provisions of federal and state laws.

For fire and police employees holding EXEMPT positions they are excluded from specific provisions of federal and state wage and hour laws and are not entitled to and shall not receive overtime compensation. Exempt employees are entitled to compensatory time off at the rate of time for time worked in excess of their regular workweek.

3.14.1 Overtime Pay (Except Firefighters and Police Officers) time and one-half (1 ½) will be paid for hours worked over eight (8) hours per day.

In the event that a department head requires a non-exempt employee to work overtime, time and one-half (1 ½) will be paid for hours worked over eight (8) hours per day. Time and one-half (1 ½) will be paid for hours worked over forty (40) hours per week. Overtime, holiday, and after-hours premium rates shall not be combined. Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour laws. Time off for City approved PTO, other paid leave, paid holidays, and compensatory time shall not count as hours worked for purposes of calculating overtime compensation.

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

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

After-Hours Premium Pay

When an employee is called out to work after their regular scheduled hours, they will receive after-hours premium pay (time and one-half their regular rate) for the hours worked during that call-out period, regardless of whether they have reached forty (40) hours in the workweek.

Employees who are scheduled in advance to work on a Saturday (or other nonstandard day) as part of their normal work schedule will not receive after-hours premium pay for those hours and will not receive overtime pay for those hours unless and until they exceed forty (40) total hours worked in that workweek

3.14.2 Teamsters Union Overtime

Time and one-half (1 ½) will be paid for time worked over eight (8) hours per day. Time and one-half (1 ½) will be paid for time worked over forty (40) hours per week. Overtime, holiday and premium rates shall not be pyramided.

For computation of overtime, the following shall not be defined as time worked:

- A. PTO or other paid leave;
- B. Standby pay;
- C. Unpaid leave of absences.

Employees will be allowed fifteen (15) minutes for wash up and equipment check at the end of their shift.

3.14.3 Fire and Police Personnel Overtime and Compensatory Pay

Personnel in the police and fire departments are directed to refer to the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel for policies applicable to their respective roles.

3.15 LONGEVITY PAY

All full-time City employees, except for fire and sworn police officers, will receive longevity pay annually in a lump sum on their hiring anniversary date . Longevity pay is one hundred fifty dollars (\$150.00) per year of service up to a maximum of twenty (20) years. For example, an employee in their fifth year will receive \$750.00, and an employee with twenty (20) or more years will receive the capped amount of \$3,000.00 each year.

Employees who retire in good standing after twenty (20) or more years of service and provide the required notice under Section 2.17 of this handbook will receive a final longevity payment based on their most recent anniversary year, even if the employee retires after that anniversary date but before completing an additional full year of service. For example, an employee who completes twenty-three (23) years of service and retires six (6) months later will receive longevity pay for year twenty-four (24) at final payout. Fire and sworn police officers are not eligible for longevity pay.

3.16 FLEX TIME

The City may utilize flexible hours to avoid having employees work in excess of forty (40) hours in a workweek. Flex-time scheduling shall be approved in advance by the department head and shall be submitted to the Mayor for exempt and non-exempt employees. Any flex-time shall be used by the end of the following pay period. Flex time is not a substitute for PTO or other types of leave.

3.17 EMERGENCY CLOSING

Periodic emergencies, such as severe weather or power failures, can disrupt City operations, sometime requiring closing of a work facility. When such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a City facility is officially closed for emergency conditions, before the beginning of the workday, the time off from scheduled work will be paid to full-time employees affected by the facility closing.

Any full-time employee who reports to work and the facility is later closed due to an emergency after his/her arrival, shall be paid for a full work day without being penalized by using PTO or being required to make up this time within the pay period.

Any full-time or temporary/seasonal employee who is designated by the Mayor as critical staff who reports to work and the facility is later closed due to an emergency after his/her arrival, shall be paid for a full work day.

City of Martinsville
Personnel Policy

However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged to PTO or time without pay. If a part-time employee does not report to work on a day in which the facility is later closed, time missed shall be without pay.

3.17.1 Fire Department Emergency Services

Whenever a condition exists that is deemed by the Chief to be of an emergency nature, regular tours of duty may be extended and/or days off for PTO and leaves of absences of any or all Department personnel may be cancelled.

4. **EMPLOYEE BENEFITS**

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

The City of Martinsville provides a wide range of benefits to eligible employees. Programs such as Social Security, worker's compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in this handbook. The Clerk-Treasurer can identify the programs for which an employee is eligible.

4.1 **PAID TIME OFF**

The City of Martinsville provides full-time employees with paid time off (PTO) to allow and encourage employees to renew their physical and mental capabilities and to remain fully productive. PTO may be taken for any reason, including vacation, sick time, or other personal time away from work. Full-time employees receive all PTO days for the year upfront when the probationary period ends in the employee's first year of employment and on each anniversary of the employee's hire date thereafter. Part-time and temporary/seasonal employees are not eligible for PTO. PTO is not earned while an employee is in a non-paid leave status, other than FMLA leave (i.e. disciplinary suspensions). The PTO schedule for full-time City employees is determined by years of service, as follows:

YEARS OF SERVICE	PAID TIME OFF
After probationary period ends but less than 1 year	15 days (prorated based on portion of first year after probationary period ends)
After 1 year but less than 2 years	20 days
2 years but less than 3 years	25 days
3 years but less than 4 years	26 days
4 years but less than 5 years	27 days
5 years but less than 6 years	28 days
6 years but less than 7 years	29 days
7 years but less than 8 years	30 days
8 years but less than 9 years	31 days
9 years but less than 10 years	32 days
10 years but less than 15 years	35 days
15 years but less than 16 years	36 days
16 years but less than 17 years	37 days
17 years but less than 18 years	38 days
18 years but less than 20 years	39 days
20 years or more	40 days

4.1.1 Terms and Conditions of PTO

Employees are eligible to use PTO upon accrual at the beginning of the applicable anniversary year. Employees are encouraged to use their full allotment of PTO each anniversary year. PTO shall be paid at an employee's regular hourly rate of pay at the time of which it is used.

An employee may carry over up to 40 hours of accrued and unused PTO into the next anniversary year. Any accrued and unused PTO that is carried over into the next anniversary year cannot be cashed out.

An employee may elect to "cash out" up to 56 hours of accrued and unused PTO at the end of the employee's anniversary year during which the PTO was earned. Any such time shall be paid out to the employee at the employee's standard hourly rate of pay at the time the hours are cashed out. Any accrued and unused PTO that is cashed out cannot be carried over into the next anniversary year.

To take PTO, employees should request advance approval from his/her department head. PTO may be taken in 4- or 8-hour increments. Approval of PTO is not guaranteed. PTO will be approved based on a number of factors, including departmental seniority, performance and conduct records, impact on department efficiency, business needs, and staffing requirements. However, 72 hours of available PTO may be used for illness upon notification to the employee's supervisor within 1 hour of the scheduled workday (excluding police officers and firefighters).

If a holiday occurs while an employee is on approved PTO, the holiday will not count against the employee's PTO.

Employees may be entitled to compensation at their current rate of pay for any accrued and unused PTO at the time of termination, subject to the conditions set forth in Section 2.17 of this handbook (Employment Termination). The PTO will be prorated on a quarterly basis for any partial year of employment. For example, if an eligible employee whose anniversary date is January 1 terminates employment on February 1, they will receive a PTO payout of any accrued and unused PTO up to the amount equivalent to one quarter of the employee's allotted PTO for the year.

Employees who retire meeting all retirement criteria of the City and provide the requisite advance notice of retirement in accordance with Section 2.17 of this handbook are eligible for a PTO payout upon retirement. Eligible employees will be paid for their accrued and unused PTO up to a maximum of six (6) months' worth of PTO. Any PTO balance above this amount will not be paid out.

City of Martinsville
Personnel Policy

PTO may not be taken in advance of being earned. Only continuous full-time employment shall be used in determining the amount of eligible earned PTO for use.

Scheduling of PTO shall be the responsibility of the department head.

PTO leave may be taken in full day (8-hour) or half day (4-hour) increments.

Employee years of service are calculated by time served in full-time employment status. Any time an employee may work under part time classification will not count towards PTO time years of service.

An employee's termination date may not be extended for the sole purpose of gaining additional PTO. Violations of this policy may result in disciplinary action, up to and including termination.

4.2 FIRE PTO LEAVE

Personnel in the fire department are directed to refer to the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel for policies applicable to their respective roles.

4.3 POLICE PTO LEAVE

Personnel in the police department are directed to refer to the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel for policies applicable to their respective roles.

4.4 EMPLOYEE BIRTHDAY

All City employees, excluding fire and police personnel who are covered by the Fire PTO or Police PTO policies, shall receive one (1) paid day off during the month of their birthday. The day must be used within employee's birthday month, or the day is forfeited by the employee.

This day off will not be paid out if not used or upon voluntary or involuntary termination.

4.5 HOLIDAYS

The City and Union employees will adhere to the same Holiday Schedule as the State of Indiana.

All employees who have completed their probationary period shall receive eight (8) hours of pay at their regular rate for such holiday.

City of Martinsville
Personnel Policy

If an employee is required to work on a holiday, he/she will receive eight (8) hours' pay in addition to such holiday pay at time and one-half (1 ½).

If a designated holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.

In observance of each authorized holiday, both full-time and part-time employees will normally be granted the day off from work. Only full-time employees shall receive straight-time holiday pay for each authorized holiday.

4.5.1 Fire Holidays

Martinsville Fire Department will adhere to the same Holiday Schedule as the State of Indiana.

Per the Salary Ordinance, hours worked by Firefighters on Holidays are to be paid at a rate of the Firefighter's hourly rate plus ten dollars and fifty cents (\$10.50) per hour worked. (See Ordinance No. 2021-0019)

4.6 EMERGENCY CARE LEAVE

The City provides banked emergency care leave for regular full-time employees for a catastrophic or major illness of employee or his/her spouse or child(ren). Use of banked emergency care leave must be approved in advance by the Mayor. Employees must use all available PTO and compensatory time before taking emergency care leave under this policy.

Catastrophic or major illness is defined as an illness, injury, impairment, physical or mental condition that involves:

Inpatient care in a hospital, hospice, or residential medical care facility and/or continuing treatment by a health care provider. For an illness, injury, impairment, or condition required continued treatments by a health care provider to qualify under this definition, the illness, injury, impairment, or condition must impair the individual to such a degree that the individual cannot safely and effectively perform his/her duties.

Each full-time employee (excluding Fire and Police) regularly working a forty (40) hour workweek shall accrue emergency care leave with pay at the rate of two (2) workdays for each completed calendar month of service. No emergency care leave credit shall be allowed for any calendar month in which an employee is off duty and not in paid status.

Unused emergency care leave shall be cumulated from year to year, up to a maximum of one hundred-ten (110) days. Upon termination of employment, time accumulated for emergency care leave shall not be paid out to employee.

City of Martinsville
Personnel Policy

4.6.1 Emergency Care Leave – Police

Personnel in the police department are directed to refer to the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel for policies applicable to their respective roles.

4.6.2 Emergency Care Leave - Fire

Personnel in the fire department are directed to refer to the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel for policies applicable to their respective roles.

4.7 BEREAVEMENT LEAVE

Full-time employees are entitled to paid bereavement leave. An employee wishing to take time off for the death of a family member should notify his/her department head immediately.

Bereavement leave begins in conjunction with the date the death of an employee's relative or in conjunction with the date of the memorial service or funeral.

Employees are eligible for five (5) business calendar days, and the days must be in conjunction with the date of the death or the funeral or memorial service of an immediate family member. Such leave may be granted upon the death of spouse, domestic partner, child, mother, father, grandparents, grandchildren, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, or other family member living in the same household as the employee.

Employees are eligible for three (3) business calendar days in the event of the death of an employee's first cousin, aunt, uncle.

Employees are eligible for one (1) business paid day for the death of a niece, nephew, brother-in-law, sister-in-law, or grandparent-in-law.

Additional time for travel to and from the funeral site and for other necessary funeral duties may be granted upon request. Such time will be charged against unused PTO.

The department head reserves the right to require documentation to verify the authenticity of request when there is a legitimate reason to compel such verification.

Firefighters should refer to the department's policies and procedures for additional information.

4.8 FAMILY AND MEDICAL LEAVE ACT (FMLA)

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

Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and

Providing this general notice to each City employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by the City of Martinsville.

4.8.1 Entitlement

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

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

4.8.1.1 Serious Health Condition Defined

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

City of Martinsville
Personnel Policy

illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

4.8.1.2 Chronic, Permanent, or Long-term Health Condition Defined

For purposes of FMLA, a “chronic serious health condition” requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a “permanent or long-term health condition.” The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

4.8.2 Eligibility

An “eligible employee” is an employee of a covered employer who:

- A. Has been employed by the employer for at least twelve (12) months;
- B. Has been employed for at least 1,250 hours of service during the twelve (12)-month period immediately preceding the commencement of leave; and
- C. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

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

4.8.2.1 Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious

City of Martinsville
Personnel Policy

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

4.8.3 Employee Notice Requirements

4.8.3.1 Foreseeable FMLA Leave

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

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

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

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

4.8.3.1.1 Employee Failure to Provide Notice

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

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

4.8.3.2 Unforeseeable FMLA Leave

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

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

City of Martinsville
Personnel Policy

4.8.3.2.1 Employee Failure to Provide Notice

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

4.8.3.3 Requesting FMLA Leave

All requests for FMLA leave must be submitted, in writing, to the Personnel Department for determination. Such requests shall be supported by medical certification on FMLA forms provided by the City.

When an employee seeks leave due to a FMLA-qualifying reason for which the City has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees should contact the Personnel Department to secure such forms and procedures used for requesting leave under the City's Family and Medical Leave policy.

4.8.4 Employer Notice Requirements

4.8.4.1 Eligibility and Rights and Responsibilities

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

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

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

4.8.4.2 Designation Notice

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

City of Martinsville
Personnel Policy

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

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

If the City determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the City shall notify the employee of that determination.

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

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

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

4.8.5 Certification

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

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

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

City of Martinsville
Personnel Policy

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

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

4.8.5.1 Complete and Sufficient Certification

The employee must provide a complete and sufficient certification to the City. The City shall advise an employee whenever the City finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

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

4.8.5.2 Clarification and Authentication

If an employee submits a complete and sufficient certification signed by the health care provider, the City may not request additional information from the health care provider. However, the City may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the City has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the Personnel Department or designated official by the Mayor will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

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

4.8.5.3 Second and Third Medical Opinion

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

City of Martinsville
Personnel Policy

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

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

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

4.8.5.4 Recertification

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

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

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

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

4.8.5.5 Fitness-for-Duty Certification

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

The cost of recertification shall be borne by the employee.

City of Martinsville
Personnel Policy

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

4.8.6 Calculation of FMLA Leave

For purposes of calculating employee entitlement for a subsequent FMLA leave, the “twelve (12)-month period” is measured forward from the date when the employee’s previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2014); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2015).

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

Employees may elect, but are not required, to use any or all available accrued PTO and compensatory time for any part of the twelve (12) week period of such leave under the City’s FMLA policy. Employees are not permitted to take emergency care leave concurrently with FMLA leave.

Accruals for benefit calculations, such as PTO or holiday benefits, shall not be affected by taking FMLA leave. No emergency care leave credit shall be allowed for any calendar month in which an employee is off duty and not in paid status.

4.8.6.1 Intermittent Leave or Reduced Leave Schedule

Intermittent leave shall be calculated in increments of one (1) hour. An employee’s FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

4.8.6.2 Health Benefits

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

City of Martinsville
Personnel Policy

employee's control, the City shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

4.8.7 Employee Reinstatement

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

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

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

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

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

4.8.8 Military Family Leave Entitlements

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

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

City of Martinsville
Personnel Policy

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave under Indiana Code 22-2-13.

4.8.8.1 Employee Notice Requirements

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

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

When the need for Military Family leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case.

Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the City's usual and customary notice requirements. Please see section "Requesting FMLA Leave" above.

4.8.8.2 Entitlement

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

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

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

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

4.8.8.3 Covered Active Duty Defined

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

4.8.8.4 Covered Servicemember Defined

The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or condition that existed before the servicemember’s active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury, illness, or condition that existed before the servicemember’s active duty but manifested before or after becoming a veteran, and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee’s first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the “single 12-month period” of leave even if the leave extends beyond the five (5) year period.

4.8.8.5 Qualifying Exigency Leave

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

A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to covered active duty. State calls to covered active duty are not covered unless

City of Martinsville
Personnel Policy

under order of the President of the United States pursuant to applicable law.

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

Qualifying exigencies include the following:

- A. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
- B. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active-duty status of a covered military member;
- C. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
- D. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
- E. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active-duty status of the covered military member;

- F. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
- G. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active-duty status, and addressing issues arising from the death of a covered military member; and
- H. **Additional activities:** Any other event that the employee and City agree is a qualifying exigency.

4.8.8.5.1 Certification

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the City shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the City once. A copy of new covered active-duty orders or other documentation issued by the military shall be provided to the City if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active-duty status of the same or a different covered military member.

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

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

4.8.8.5.2 Verification

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

4.8.8.6 Military Caregiver Leave

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

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

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

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

City of Martinsville
Personnel Policy

Spouses who are eligible for FMLA leave and are employed by the City shall be limited to a combined total of twenty-six (26) weeks of leave during the “single twelve (12)-month period” to care for a covered servicemember with a serious injury or illness.

4.8.8.6.1 Next of Kin Defined

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

4.8.8.6.2 Designating Leave

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

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

4.8.8.6.3 Certification

When leave is taken to care for a covered servicemember with a serious injury or illness, the City shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. Certification requests by the City shall be at the employee’s expense.

The City, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the City’s

FMLA policy. However, second and third opinions and recertifications, as outlined above in the City's FMLA policy, are not permitted for leave to care for a covered servicemember.

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

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

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

4.8.8.6.4 ITOs and ITAs Certification

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

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

An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

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

City of Martinsville
Personnel Policy

certification for the remainder of the employee's necessary leave period.

The City, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the City's FMLA policy. However, second and third opinions and recertifications, as outlined above in the City's FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

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

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

4.9 AMERICANS WITH DISABILITIES ACT (ADA) AND DISABILITY ACCOMMODATION

It is the policy of the City of Martinsville that qualified individuals with disabilities not be excluded from participating in or benefiting from the services, programs, or activities of the City. It is the policy of the City not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment. It is the intent of this City to comply with all applicable requirements of the Americans with Disabilities Act (ADA). Consistent with this intent, the City of Martinsville provides reasonable accommodations to qualified individuals with disabilities if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. Such reasonable accommodations may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

If you believe you need an accommodation because of your disability, please contact the Personnel Department in the event of requesting an ADA accommodation. You may make the request orally or in writing. The City of Martinsville encourages employees to make their request in writing and to include relevant information, such as a description of the accommodation requested, the reason an accommodation is needed, and how the accommodation will help the employee perform the essential functions of their job.

After receiving your oral or written request, the City of Martinsville will engage in an interactive dialogue with you to determine the precise limitations of your

City of Martinsville
Personnel Policy

disability and explore potential reasonable accommodations that could overcome those limitations. The City of Martinsville encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the City of Martinsville is not required to make the specific accommodation you request and may provide an alternative effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the City of Martinsville.

The City of Martinsville may ask you to provide supporting documents showing that you have a disability within the meaning of the ADA, and that your disability necessitates a reasonable accommodation. If the information provided in response to this request is insufficient, your request for a reasonable accommodation may be denied.

The City of Martinsville makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation. The City of Martinsville strives to make determinations on reasonable accommodation requests expeditiously and will inform the individual once a determination has been made.

Individuals will not be retaliated against for requesting an accommodation in good faith. The City of Martinsville expressly prohibits any form of retaliation against any individual for requesting an accommodation in good faith.

Employees and members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the City's designated ADA Coordinator (Personnel Department); therefore, the City might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he/she or someone else has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA) are encouraged to file a complaint with the City ADA Coordinator, City of Martinsville, 995 Rogers Road, Martinsville, Indiana 46151.

4.10 RELIGIOUS ACCOMMODATION

The City of Martinsville recognizes the importance of individually held religious beliefs to employees within its workforce. The City will reasonably accommodate an employee's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be unreasonable at times in light of safety issues for employees in certain positions. Those requesting a workplace accommodation based on religious beliefs should discuss the need for possible accommodation with the Personnel Department. Employees are encouraged to submit an accommodation request in writing. Upon receiving an accommodation

City of Martinsville
Personnel Policy

request, the City will engage in an interactive process with the employee to identify possible accommodations.

Individuals will not be retaliated against for requesting an accommodation in good faith. The City of Martinsville expressly prohibits any form of retaliation against any individual for requesting an accommodation in good faith.

4.11 PREGNANCY ACCOMMODATION

In accordance with the Pregnant Workers Fairness Act (PFWA), the City of Martinsville will provide reasonable accommodations for an employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship on the City. An applicant or employee in need of reasonable accommodation related to pregnancy, childbirth, or related medical conditions should discuss the need for possible accommodation with the Personnel Department. Employees are encouraged to submit an accommodation request in writing. Upon receiving an accommodation request, the City will engage in an interactive process with the employee to identify possible accommodations.

Individuals will not be retaliated against for requesting an accommodation in good faith. The City of Martinsville expressly prohibits any form of retaliation against any individual for requesting an accommodation in good faith.

4.12 MILITARY LEAVE

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

4.12.1 Annual Training

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

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to

City of Martinsville
Personnel Policy

provide health insurance benefits for the full term of the annual training period.

Employees on two (2)-week active-duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer Military leave must notify the City of the intent to return to employment in accordance with all applicable federal and state laws and shall be administered as a leave of absence.

4.12.1.1 Teamsters Union Army Reserve or National Guard

Any employee serving in the Army Reserve or National Guard will be paid for time served (80 hours/2 weeks) each year at his/her regular rate. Employee will turn in check received from service and receive the City check.

4.12.2 Active Duty/Enlistment

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

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members may (but are not required to) use accrued PTO while performing military duty.

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

Upon returning from a military leave of absence, an employee will be reinstated to a City of Martinsville position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military

City of Martinsville
Personnel Policy

accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated and shall be required to provide medical release forms from the military.

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

4.12.2.1 Teamsters Union Military Conscription

Any member who is conscripted into the service of the United States shall return to his/her place in the seniority of his/her former Employer, provided that he/she reports to said Employer ninety (90) days from the date of discharge as evidenced by his/her discharge papers, and if physically fit and able to performs the duties of a regular employee.

4.12.3 Indiana Military Family Leave

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Indiana Military Family leave under qualifying circumstances. In order for an employee to be eligible for Indiana Military Family leave, the employee must have worked for the City of Martinsville for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active-duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Indiana Military Family leave may not exceed a total of ten (10) working days annually. Employees must notify their department head thirty (30) days in advance of the days they intend to take Indiana Military Family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

The City of Martinsville may require verification of the military orders in order to approve Indiana Military Family leave.

Indiana Military Family leave is unpaid and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned PTO or compensatory time available to the employee for any part of the ten (10) day period of Indiana Military Family leave.

City of Martinsville
Personnel Policy

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

4.13 JURY DUTY AND COURT APPEARANCES

The City encourages employees to fulfill their civic responsibilities by serving jury duty when summoned in any federal, state, or local court. Employees must provide a copy of the jury duty summons to the department head as soon as possible for the department head to make arrangements to accommodate the employee's absence. This policy covers regular full-time employees.

If an employee is called for jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, the employee shall receive his/her regular salary or wage in full for such time in court. Jury duty pay will be signed over to the Clerk-Treasurer's Office, at which time that office will issue the paycheck for the period when the employee(s) was on jury duty.

The employee is expected to report for work whenever the court schedule permits. If an employee is released from jury duty with more than half of his/her regularly scheduled shift remaining, the employee is expected to report to work within one (1) hour.

If an employee is called for court jury duty or subpoenaed to testify in a court of law outside of his/her regularly scheduled working hours, all compensation received for such court service shall be retained by the employee.

The City will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences will be charged against PTO or compensatory time as applicable.

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

The City will continue to provide all regular benefits for the full term of jury duty and court appearances allowed under this policy.

4.14 WORKERS' COMPENSATION

The City of Martinsville provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers'

City of Martinsville
Personnel Policy

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

Any employee who sustains a work-related injury or illness should inform his/her department head immediately and the department head shall inform the Personnel Department.

No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee has a life-threatening condition, he/she should proceed directly to the nearest hospital or medical facility.

Employees should contact the Personnel Department to obtain information and forms regarding filing workers' compensation claims. Medical certifications are required. Once completed, all such forms are to be filed directly with the Clerk-Treasurer, NOT the insurance carrier. The Clerk-Treasurer will process forms as appropriate.

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

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

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

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

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

Neither the City or the insurance carrier will be liable for the payment of workers' compensation benefits or major illness/injury in-line-of-duty leave pay for off-

City of Martinsville
Personnel Policy

duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored or not-sponsored by the City.

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

Holiday pay will not be paid in addition to major illness/injury in-line-of-duty leave pay.

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

Any employee requiring medical attention will be required to take a drug/alcohol exam/test, at the discretion of the department head. Failure or refusal to submit to such exam/test may be grounds for immediate discharge, at which time the employee would be responsible for all expenses with the exceptions of the drug/alcohol exam/test.

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

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

4.15 EMPLOYEE INSURANCE

Each employee who is eligible for City provided insurance shall receive an insurance booklet when hired. The terms and conditions specified in such plans shall govern all coverages. The Mayor and Clerk-Treasurer are eligible for the City's health care benefits coverage. Group insurance benefits will continue while an employee is on a disability leave or Family and Medical Leave Act leave; however, when in a non-pay status, such employees shall be responsible for the timely payment of those insurance premiums that are normally deducted from the employee's gross pay. Failure to make timely payment will result in the cancellation of insurance.

Newly hired employees are eligible for coverages as specified in the insurance handbook. Specific details regarding eligibility and coverage are available in the Clerk-Treasurer's office.

The City will contribute to eligible participants of any high deductible health insurance plan who are full time, active employees HSA account seed money, on a quarterly basis, an annual amount of two thousand five hundred dollars (\$2,500.00) for employee only coverage, and four thousand dollars (\$4,000.00) for employee plus family coverage.

4.16 SOCIAL SECURITY/INDIANA UNEMPLOYMENT INSURANCE

The City matches employee withholding for FICA and pays the full cost of Indiana Unemployment Insurance.

4.17 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

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

The City of Martinsville has designated the Personnel Department in the Clerk-Treasurer's Office as the City's "privacy official" who is responsible for developing and implementing privacy policies and procedures.

The Personnel Department is the contact person who is responsible for receiving complaints regarding compliance.

All City HIPAA inquiries shall be directed to the Personnel Department.

4.18 BENEFITS CONTINUATION (COBRA)

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage, an amount prescribed annually by the Board of Works and Safety, including the City's administration costs.

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

Coverage may be continued for eighteen (18) months, and in some circumstances, up to three (3) years. The Deputy Clerk will be able to provide more information on the COBRA options for affected employees and dependents.

4.19 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)/401A

City of Martinsville
Personnel Policy

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

All full-time City Employees can also be covered by the City's 401A/457B plan. The City will contribute an equal percentage to the 401A retirement account as it would to the INPRS plan. The 457B plan is an employee contribution only.

Questions concerning the program should be directed to the Clerk-Treasurer and/or the Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis, IN. 46204.

4.19.1 Teamsters Union Pension Fund

It is mutually agreed that as soon as practicable upon consummation of this Agreement, that the Employer and the Union shall mutually seek to enroll the employees covered by this Agreement in the Indiana Public Employees Retirement Fund (PERF). It is understood that all employees covered by this agreement will be mandated to join this Plan after one (1) year of service according to the Plan. It is further understood that the Plan shall be administered according to the 1945 Act establishing the fund.

Effective January 1, 2011, the Employer shall contribute to the Teamsters Local Union No. 716 Pension Plan for all employees who are covered by this Agreement in accordance with the following paragraphs:

- A. Effective January 1, 2011, the Employer shall contribute a monthly amount per the union contract.
- B. The Employer shall forward to Teamster Local Union No. 716 Pension Fund, P.O. Box 951815, Cleveland, OH 44193-0020, or otherwise specified receiving agency on the first (1st) day of each month the sum specified in subparagraph (1), accompanied by a report which specifies the weekly earnings by employee upon which contributions have been computed.
- C. No contributions shall be made by the Employer for any employee described above who has been laid off, given separation paper, or has taken a leave of absence.

City of Martinsville
Personnel Policy

- D. The Employer and the Union, for themselves and on behalf of the employees, hereby agree that they will be bound by all terms and conditions set forth in the Pension Plan and Trust Indenture, so long as said provisions do not violate applicable law.
- E. The employees shall be issued individual copies of the Plan upon request.

In the event the Employer is delinquent at the end of a reporting period in the payment of his contribution to the Teamsters Union Local No. 716 Pension Plan created under this Agreement in accordance with the rules and regulations of the trustees of such fund, the employees or their representatives shall have the right to take such action as they deemed necessary until such delinquent payments are made, and it is further agreed that in the event such action is taken, the Employer shall be responsible to the employees for losses resulting therefrom.

4.20 TEAMSTERS UNION LEAVE OF ABSENCE WITHOUT PAY

In the event an employee wishes to take time off duty for a period of two (2) weeks or less, he/she may do so if permission is obtained from the Employer. If the employee desires more than two (2) weeks off from duty, he/she must obtain a written leave of absence signed by the Employer. No leave of absence will be granted for a period to exceed thirty (30) days. If an employee on leave of absence does not report for work at the end of his/her leave, his/her seniority shall be terminated unless valid reason is shown such as sickness, etc., and will be in compliance with the Family and Medical Leave Act (FMLA).

5. **WORKING CONDITIONS**

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

5.1 **SAFETY**

Establishment and maintenance of a safe work environment is the shared responsibility of the City and employees from all levels of the organization. The City will take all reasonable steps to assure a safe environment and compliance with Federal, State, and local safety regulations. All employees should report for work in an alert, fit condition; able to effectively perform assigned position duties.

Employees are expected to obey safety rules and to exercise caution in all their work activities; and shall immediately report any unsafe conditions to their department head. Not only supervisors, but employees at all levels of the organization are expected to correct unsafe conditions as promptly as possible. ALL accidents shall be reported to the employee's department head immediately and the department head shall inform the Personnel Department and Clerk-Treasurer's Office within twenty-four (24) hours, regardless of how insignificant any injury may appear, to obtain information and forms regarding filing of an accident or injury. Such reports are necessary to comply with laws and to initiate insurance and Worker's Compensation procedures.

In the case of an injury requiring medical attention, he/she should proceed directly to the nearest hospital or medical facility.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor to decide when to return to work, light duty job opportunities that may be available, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

An employee who fails to use the required safety equipment properly and follow established safety rules and regulations may be subject to disciplinary action.

5.2 **BLOODBORNE PATHOGENS**

Employees working in high-risk jobs will be offered bloodborne pathogen training and a series of hepatitis B vaccinations for their protection at no cost to the employees.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens. To ensure that City employees are aware of occupational exposure to

bloodborne pathogens, the City has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens, such as hepatitis B virus and HIV. This control plan is available for use by all City employees. A copy of this plan is located in the Personnel Department's Office.

5.3 LACTATION SUPPORT

Employees who are nursing are eligible to take reasonable breaks under this policy to express breast milk for up to one (1) year after the birth of the employee's child, unless doing so would cause an undue hardship for the City of Martinsville. The City of Martinsville encourages all eligible employees who intend to take breaks under this policy to notify their supervisor of their intent, including the frequency, timing, and duration of lactation breaks the employee needs to take. If possible the breaks should run concurrently with pre-existing breaks. Lactation breaks taken under this policy are unpaid for non-exempt and part-time employees unless the break is taken concurrently with normally scheduled paid break periods.

The City of Martinsville will not discriminate against, discipline or take any adverse employment action against an eligible employee who elects to exercise the above rights.

The City of Martinsville shall make reasonable efforts to provide a private area or other location, other than a restroom, in close proximity to the work area, where employees can express their breast milk in privacy during any period away from their assigned duties.

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

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

The expressing of employees' breast milk; or

The storage of expressed milk.

5.4 USE OF TELEPHONES AND CITY MAIL

Personal telephone calls should be limited in frequency and duration. Personal use of telephones and fax machines for long-distance is not permitted, except for emergencies. For any emergency personal use, employees shall reimburse the City for all long-distance charges.

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

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace.

5.4.1 Fire Department/ Police Department Use of Communications Facilities

Personnel in the police and fire departments are directed to refer to the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel for policies applicable to their respective roles.

5.5 USE OF CELLULAR PHONES AND PAGERS

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

5.5.1 Use of Cellular/Mobile Phones and Electronic Devices While Driving

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of City vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting City business, except for Police, Fire, and emergency personnel. This policy applies to all uses of cellular phones and communication devices, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving.

Accordingly, employees shall not use cellular phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees, except emergency services employees performing required job duties, should not use handheld cellular phones for business purposes while driving. Should an employee need to make or receive a business call

City of Martinsville
Personnel Policy

while driving, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call; except for emergency services employees.

Employees, while operating commercial vehicles, as defined by the U.S. Department of Transportation, shall not engage in text messaging under Federal law.

5.6 USE OF INFORMATION TECHNOLOGIES

Computers, computer files, networks, hardware, and software are City property intended for business use. To retain privileges of network access, each user of City information technologies is expected to meet certain responsibilities and honor certain limitations. Additional responsibilities may be associated with specific networks. Any network traffic exiting the City is subject not only to provisions of this policy, but also to the acceptable use policies of any network through which or into which it flows. Employees should immediately report any violation of this policy to their department head. Questions concerning these policies should be directed to the IT Consultant.

5.6.1 System Security

Employees are responsible for the use of their accounts and security of their passwords. As such, an employee may not give anyone else access to his/her account or use a City computer account assigned to another user. A user must not attempt to obtain a password for another employee's computer account. If an employee suspects someone knows his/her password, the employee should contact the IT Consultant immediately.

Employees shall not use the network resources of the City to gain or attempt to gain unauthorized access to remote computers, networks, or systems, nor shall they attempt to circumvent data protection schemes or exploit security loopholes. Employees may not place on any City-owned computer system any type of information or software that gives unauthorized access to another computer account or system.

Violations of this policy are subject to disciplinary action, up to and including termination.

5.6.2 Software Licenses

The City of Martinsville purchases and licenses the use of various computer software for business purposes and does not own the copyright to the software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one (1) computer.

Employees may only use software on multiple machines according to software license agreements. The City prohibits the illegal duplication of software and its related documentation. No licensed or unlicensed software may be installed on City computers that have not been authorized by the City.

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

5.6.3 Data Backup

Users of personal computers are responsible for protecting their work by making regular backup copies of their work files and storing the copies in a safe location. They should set the frequency of backup based on their ability to recreate information added since the last backup.

5.6.4 Prohibited Uses of Information Technologies Resources

Employees shall not deliberately perform acts which are wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. Conduct that presents a risk to the operating integrity of the information technologies systems is strictly prohibited.

Employees shall not deliberately perform acts that will impair the operation of computing equipment, peripherals, other devices, or networks. This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines, or interfering with the operational readiness of a computer.

Employees shall not install on any of the computer systems of the City, or give to another user, a program that could result in the eventual damage to a file or computer system and/or the reproduction of itself. This includes, but is not limited to, the classes of programs known as computer viruses, such as “Trojan horses” and “worms”.

Violations of this policy are subject to disciplinary action, up to, and including termination.

5.6.5 Generative Artificial Intelligence (AI) Chatbot Usage Policy

Purpose

With the increasing popularity of generative AI chatbots such as OpenAI's ChatGPT and Google's Bard, it has become necessary to outline the proper use of such tools while working at City of Martinsville. While we remain committed to adopting new technologies to aid our mission when possible, we also understand the risks and limitations of generative AI chatbots and want to ensure responsible use. Our goal is to protect employees, citizens, suppliers, customers and the City from harm.

Overview

While AI chatbots can be used to perform a variety of functions, this policy addresses only the use of a web-based interface to ask or "prompt" the chatbot in a conversational manner to find answers to questions or to create or edit written content.

Some examples of what could be created using an AI chatbot include:

- A. Emails and letters.
- B. Blog posts, reports and other publications.
- C. Sales and advertising copy.
- D. Policies and job descriptions.
- E. Spreadsheet calculations.
- F. Foreign language translations.
- G. Coding development or debugging.
- H. Document or information sorting.
- I. Outlines or summaries of internal or external information.

There are, however, risks in using this technology, including uncertainty about who owns the AI-created content and security/privacy concerns with inputting proprietary company information or sensitive information about an employee, citizen, customer, etc., when interacting with the chatbot. Additionally, the accuracy of the content created by these technologies

City of Martinsville
Personnel Policy

cannot be relied upon, as the information may be outdated, misleading or—in some cases—fabricated.

Eligibility

This policy applies to all employees, both appointed and elected, of City of Martinsville and to all work associated with City of Martinsville that those employees perform, whether on or off company premises.

Limited Use

Limited use of generative AI chatbots will be allowed while performing work for City of Martinsville with the approval of your supervisor. Company email addresses, credentials or phone numbers [can/cannot] be used to create an account with these technologies. No company data of any kind may be submitted (copied, typed, etc.) into these platforms.

Employees wishing to use generative AI chatbots must inform their supervisor *in writing* how the chatbot will be used. Managers must approve or deny requests within five (5) business days.

All AI-generated content must be reviewed for accuracy before relying on it for work purposes. If a reliable source cannot be found to verify factual information generated by the chatbot, that information cannot be used for work purposes.

Acceptable uses include:

- A. For general-knowledge questions meant to enhance your understanding on a work-related topic.
- B. To brainstorm ideas related to projects you are working on.
- C. To create formulas for Excel spreadsheets or similar programs.
- D. To develop or debug code, to be verified before deployment.
- E. To draft an email or letter.
- F. To summarize online research or to create outlines for content projects to assist in full coverage of a topic. Only content written by employees may be included in a final product.

Unacceptable uses include:

- A. Using any text created by an AI chatbot in final work products of any kind.

City of Martinsville
Personnel Policy

- B. Copying and pasting, typing, or in any way submitting company content or data of any kind into the AI chatbot.
- C. Failing to properly cite an AI chatbot when used as a resource.

Any violation of this policy will result in disciplinary action, up to and including termination.

Training

All employees using generative AI chatbots for work purposes must attend training on the proper use of these technologies before doing so.

All questions related to this training should be addressed with the City of Martinsville's IT vendor.

Ethical Use

Employees must use generative AI chatbots in accordance with all City of Martinsville's conduct and antidiscrimination policies. These technologies must not be used to create content that is inappropriate, discriminatory or otherwise harmful to others or the company. Such use will result in disciplinary action, up to and including termination.

Monitoring

The City of Martinsville's Computer Use Policy and relevant monitoring policies still apply when using generative AI chatbots with company equipment.

5.7 USE OF INTERNET AND ELECTRONIC MAIL (E-MAIL)

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination. Violations of federal, state, or local laws resulting from the use of City information technologies will result in referral to the appropriate legal authorities. To ensure compliance with this policy, computer and e-mail use may be monitored.

The City of Martinsville strives to maintain a workplace that is free of harassment and is sensitive to the diversity of its employees, and the City of Martinsville's anti-harassment, anti-sexual harassment/hostile work environment, and anti-discrimination policies apply to employee use and behavior that occurs through the internet and electronic forms of communication. Therefore, the City prohibits the use of information technologies such as computers, e-mail, and the internet, in ways that are disruptive, offensive to others, or harmful to morale. For example,

City of Martinsville
Personnel Policy

the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

Employees should immediately report any violation of this policy to the Personnel Department. Questions concerning these policies should be directed to the IT Consultant.

5.7.1 Internet Access

Access to the internet is provided for business related purposes. Personal use of such equipment and software shall be limited in frequency and duration and shall not interfere with an employee's assigned duties.

The internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Due to its global nature, users of the internet may encounter material that is inappropriate, offensive, and in some instances, illegal. The City cannot control the availability of this information or completely restrict access to it.

Employees may only access the internet through an approved internet firewall. Accessing the internet directly, by modem or other connection device, is strictly prohibited unless such access is approved and installed by system managers designated by the City.

The City of Martinsville will not be responsible for any damages, direct or indirect, arising out of the use of its internet resources. City employees who violate this policy are subject to disciplinary action, up to, and including termination.

5.7.2 Downloading From the Internet

All material downloaded from the internet or from computers or networks that do not belong to the City MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their department head for the proper scanning process. Any questions should be referred to the IT Consultant prior to being placed on the computer system or being used.

Employees are responsible for the material they review and download on the internet. Violations of this policy are subject to disciplinary action, up to, and including termination.

City of Martinsville
Personnel Policy

5.7.3 Electronic Mail (E-Mail)

Employees should exercise the same care in drafting e-mail, communicating in chat groups and blogs, and posting items to news groups as they would for any other written communication. The City of Martinsville e-mail system is subject to public records laws and certain e-mails to and from City employees may be deemed public records.

The e-mail system may be monitored when the City deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

Violations of this policy are subject to disciplinary action, up to, and including termination.

5.7.4 Prohibited Uses of the Internet

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. Employees encountering such material should report it to their department head immediately. Employees are responsible for the material they review and download on the internet.

Employees may not use City internet or e-mail resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use. City e-mail resources may not be used to forward chain letters. Employees may not disseminate City property or confidential information via the internet.

Due to export restrictions, programs or files containing encryption technology are not to be placed on the internet or transmitted in any way outside the United States without prior written authorization from the City. Employees must comply with all software licenses, copyrights, and all other federal, state, and local laws governing intellectual property and online activity.

The City maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, monitoring chat and news groups and blogs, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the internet under the Electronic Communications Privacy Act and any other federal, state, or local law regarding e-mail and internet use.

City of Martinsville
Personnel Policy

Violations of this policy are subject to disciplinary action, up to, and including termination.

Any message or file created, stored, and/or sent using the City's computer or communications equipment is City property. Employees should have no expectation of privacy in any message stored, received, or sent using City equipment.

5.7.5 Reporting Child Pornography

An employee who witnesses child pornography being distributed or residing, or believes such content is being distributed or resides, on City property, computers, networks, or information technologies resources must immediately report such incident to the Personnel Department. This also applies to employee-owned computers or information technologies resources which are brought and/or used on City property.

The Personnel Department shall immediately inform the Chief of Police who will take appropriate action as determined by internal procedures.

Child pornography shall be defined as any visual depiction or description of a child, less than eighteen (18) years of age, engaged in sexually explicit conduct, including nudity of any such child. Child pornography, whether made or produced by electronic, mechanical, or other means, may be expressed through a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape, digitized image, or any other pictorial representation.

The managing, producing, sponsoring, presenting, exhibiting, and/or creating of child pornography is a violation of City policy and of Indiana Code 35-42-4-4. Such violation shall result in disciplinary action, including immediate termination.

An employee who makes available to another employee a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law.

Questions regarding this policy should be directed to the Personnel Department.

5.8 SOCIAL MEDIA

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

City of Martinsville
Personnel Policy

scalable publishing techniques. Examples include, but are not limited to, LinkedIn, X (formerly known as Twitter), Facebook, YouTube, and My Space.

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

5.8.1 Restrictions

- A. Do not post confidential or propriety information about the organization, clients or vendors. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.
- B. Do not use the City of Martinsville logos or any other images or iconography on personal social media sites. Do not use the City's name to promote a product, cause, or political party or candidate.
- C. Do not discuss your job responsibilities for the City on the Internet.
- D. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of City Department events, City employees, or citizens visiting City offices or departments.
- E. Do not post comments that could slander or libel you or the City of civil or criminal penalties.

5.8.2 Respect Copyright and Fair Use

When posting, be mindful of the copyright and intellectual property rights of others.

5.8.3 Respect Time and Property

The City's computers and time on the job are reserved for work-related business.

5.8.4 Think Twice Before Posting

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

5.8.5 Strive for Accuracy

Get the facts straight before posting them on social media. Review content for grammatical and spelling errors.

5.8.6 Be Respectful

Understand that content contributed to a social media site could encourage comments or discussion of opposing ideas. Responses should be considered carefully in light of how they would reflect on the employee and/or the organization.

5.8.7 Personal Sites

Identify views as personal and employees should refrain from identifying themselves as an employee of the City of Martinsville, stating that “these are my personal views, and not that of my employer.”

5.8.8 Know That the Internet is Permanent

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

5.9 DRUG-FREE WORKPLACE

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the work place. No employee may be under the influence of any illegal drug or alcohol while in the work place, while on duty, or while operating a vehicle or equipment owned or leased by the City of Martinsville.

The City of Martinsville shall maintain a drug-free work place in accordance with the Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the City. Any employee who is convicted of a drug or alcohol related crime arising out of conduct while on official City business, or when serving as a representative of the City, must notify the City within five (5) days of the conviction. The City is required to notify the appropriate government funding agency within ten (10) days of the conviction. Appropriate personnel action, including possible discipline, up to, and including termination, and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

City of Martinsville
Personnel Policy

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business related activities, while on duty, or while operating a vehicle or machine leased or owned by the City is strictly prohibited and may lead to disciplinary action, including suspension without pay, or discharge. When appropriate, the City may refer the employee to approved counseling or rehabilitation programs.

The City of Martinsville will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance is at risk of deterioration.

Employees may use physician-prescribed medications as prescribed, provided the use of such drugs do not adversely affect job performance or the safety of the employee or other individuals in the work place.

The City of Martinsville recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Personnel Department for more information about benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees may keep prescription drugs and over-the-counter medications on City premises when prescribed by a medical physician or as needed for over-the-counter medications. Employees who operate vehicles or equipment in the course of their employment shall notify their Department Head of such drugs and prescriptions which may impair judgment in the performance of job duties and responsibilities.

5.9.1 Drug Testing

The City is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g. blood, urine, hair) to determine the illicit use of drugs, including but not limited to marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The City reserves the right to conduct drug and alcohol testing without notice.

City of Martinsville
Personnel Policy

5.9.1.1 Pre-Employment Testing

The City of Martinsville will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees shall be subject to drug and alcohol testing. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen.

Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the City.

5.9.1.2 Reasonable Suspicion

An employee will only be requested to submit to a drug or alcohol test when the department head or other trained supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during his/her employment with the City.

In the event that an employee is requested to submit to a drug test, the department head or trained supervisor shall complete the appropriate form to be provided by the City setting forth the observations leading to the determination of reasonable suspicion including the following:

Observation of drug or alcohol use;

Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;

Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs and alcohol;

A pattern of abnormal or erratic behavior by the employee; or

Information provided by reliable or credible sources of the above.

City of Martinsville
Personnel Policy

5.9.1.3 Post-Accident

This policy shall apply to all employees, including those employees that drive a personal or City-owned vehicle in the performance of their City position. Testing of this kind occurs when an employee is involved in an accident resulting in:

The death or injury of a City employee or member of the general public;

Damage to public or private property and/or equipment if at least one of the vehicles is disabled to the extent that it must be towed from the accident scene or operating a vehicle or equipment owned by or leased by the City if the driver receives a citation for a moving violation; or

Damage to public or private property and/or equipment or injury to self or others resulting from a workplace accident that does not involve a vehicle.

The City reserves the right to order post-accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident.

Post-accident tests may include screens for both drugs and alcohol.

5.9.1.4 Post-Shooting

Post-shooting testing shall be required when a police officer or reserve in the line-of-duty where shooting causes death or serious bodily injury to an officer or other person. Post-shooting tests may include screens for both drugs and alcohol.

5.9.2 Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug and Alcohol Policy

This Commercial Driver's License (CDL) policy shall apply to employees who are required to hold a commercial driver's license in order to operate a vehicle or equipment as part of his/her employment with the City of Martinsville.

The City has instituted this policy to provide a healthy and safe work environment for its employees, and to ensure the safety of the public. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed

City of Martinsville
Personnel Policy

medications and over-the-counter medications by employees in positions that have been classified as “safety-sensitive.”

It is the policy of the City of Martinsville to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA). In complying with these regulations, the City has established a comprehensive controlled substance and alcohol testing, training and record keeping program for employees in positions that have been classified as “safety sensitive.”

In accordance with DOT/FHWA regulations, included in this classification of “safety-sensitive” positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a commercial driver’s license.

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions.

Training concerning this policy will be provided to all employees and supervisors of employees holding safety sensitive positions. Employees shall be required to attend such training; and shall be disciplined for failure to do so, up to and including termination.

5.9.3 Teamsters Union Commercial Driver’s License

The City of Martinsville shall pay an amount specified in the collective bargaining agreement for a Commercial Driver License (CDL) physical examination performed by a credential health care provider. The employee must forward a receipt for the examination to receive reimbursement or present a copy of the bill to accounts payable for payment.

5.10 TOBACCO FREE

In keeping with the City’s intent to provide a safe and healthful work environment, smoking, all tobacco, tobacco products, and vaping in all City buildings and vehicles is prohibited. Smoking and/or vaping is prohibited within eight (8) feet of all public entrances to City facilities. Outdoor locations have been specifically designated as smoking/vaping areas. In situations where the preferences of smokers and/or those using vapes and non-smokers are in direct conflict, the preferences of non-smokers will prevail.

City of Martinsville
Personnel Policy

This policy applies equally to all employees, citizens, and visitors. Signs are posted in City facilities.

5.11 USE OF EQUIPMENT AND VEHICLES

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

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

Employees operating City vehicles or personal vehicles for City business shall maintain the ability to legally operate assigned vehicles. Employees who operate City vehicles or operate personal vehicles for City business are required to notify their department head in the event that their driver's license is suspended or revoked. An employee's failure to notify his or her department head of a driver's license suspension or revocation is subject to disciplinary action, up to, and including termination. Any employee whose work requires operation of a motor vehicle provided by the City of Martinsville must report any driving-related arrests or charges within twenty-four (24) hours of the arrest or charge. Employees who operate a City vehicle or operate a personal vehicle for City business are required to keep a copy of their valid driver's license and proof of insurance on file with the Clerk-Treasurer's Office. Employees may be asked to submit an updated copy of the employee's driving record and proof of insurance from time to time.

Each occupant of a City or personal vehicle operated for the purpose of City business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a City vehicle or personal vehicle for City business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

City owned vehicles are available to authorized individuals for business purposes only. Uses beyond those specified in this policy must be specifically authorized by the City. Only authorized employees can drive City owned vehicles. City

City of Martinsville
Personnel Policy

owned vehicles shall not be driven out of the City of Martinsville unless they are being used for official City business. Exceptions for fire and police shall be approved by the Mayor and documented by the Personnel Department. Employees using City owned vehicles should use the City gas pump to fuel the vehicle when possible.

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, including termination. In the event of an accident, the employee must stay with the vehicle and file a police report or otherwise cooperate with the police, as applicable. Employees must notify the supervisor and submit a written report to the City as soon as possible.

5.11.1 Teamsters Union Equipment

No employee shall be required to take out equipment that is not mechanically sound and properly equipped to conform to all city, state, and federal regulations. Employees shall report promptly to the employer in writing all defects in equipment and accidents of whatsoever nature and the names and addresses of all witnesses to accidents.

Where an employee gives such written report of a vehicle being in an unsafe operating condition and receives no consideration from the Employer, then he/she shall report the matter to the officers of the Union who shall present it to the Employer.

It shall not be a violation of this Agreement where employees refuse to operate such equipment.

All equipment must pass a Department of Transportation (DOT) pre-check inspection. The City will pay all fines if equipment does not pass any inspection.

5.11.2 Police Officers and Firefighters Loss or Damage of Equipment and Operation of Vehicles

In addition to the policies set forth in Section 5.11, personnel in the police and fire departments are directed to refer to the corresponding policy in the Personnel Policies Handbook Supplement for Police and Fire Personnel for policies applicable to their respective roles.

5.12 TAKE HOME VEHICLES

The Internal Revenue Code (IRC) requires the taxable value for the use of employer provided vehicles be reported as additional compensation to employees. The employer and employee must timely report personal use as a wage. Police and Fire vehicles are considered non-personal use vehicles.

5.13 PERSONAL USE OF ORGANIZATION FACILITIES

In order to minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of City facilities, vehicles and equipment is prohibited, unless expressly authorized by the City Board of Works and Safety. This policy applies to all employees.

It restricts the personal use of organization facilities, including bulletin boards, vehicles, equipment, computers, and fax machines.

5.14 APPEARANCE OF WORK AREAS

The City expects work and meal areas and restrooms to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees. Failure to comply may result in disciplinary action.

5.15 BUSINESS TRAVEL

5.15.1 Travel Related Expenses

5.15.1.1 Authorization Required. The employee must complete a travel authorization form, and all anticipated expenses must have prior written authorization by the appropriate elected or appointed official or department head or his/her designee. Also included with the authorization form shall be a copy of the registration for or other written material regarding the travel prior to the anticipated travel. The City reserves the right to withhold reimbursement for travel related expenses incurred without prior authorization.

5.15.1.2 Expenses Which May Be Reimbursed. The following expenses shall be reimbursed to the employee who complies with the procedure set forth in this policy:

5.15.1.2.1 Air, rail, or bus tickets at lowest possible fare available;

City of Martinsville
Personnel Policy

- 5.15.1.2.2. Rental car, bus, taxi, and airport limousine expenses, if such ground transportation is reasonable and necessary for the purpose of the trip;
- 5.15.1.2.3. Normal travel gratuities;
- 5.15.1.2.4. Use of privately - owned vehicle at the mileage rate established by the federally allowed rate at time of incurrence;
- 5.15.1.2.5. Necessary parking and storage fees;
- 5.15.1.2.6. Lodging at actual cost of room. Employee should request a single room where available;
- 5.15.1.2.7. Meal expense at actual cost of meal. An itemized receipt must accompany the City claim voucher before any reimbursement will be permitted for same. Meal allowance shall be limited to fifty dollars (\$50.00) per day;
- 5.15.1.2.8. All other expenses necessarily incurred directly related to the purpose of travel, such as taxi fare, tolls, parking, registration, business phone calls and the like, at actual cost;
- 5.15.1.2.9. Telephone calls:
 - A. Business related telephone calls will be reimbursed.
 - B. One five (5) minute personal call home per day will be reimbursed.

5.15.1.3 Expenses Which Shall Not Be Reimbursed

- 5.15.1.3.1 Personal entertainment;
- 5.15.1.3.2 Fines for parking, speeding, etc.;
- 5.15.1.3.3 Alcoholic beverages;
- 5.15.1.3.4 Travel related to personal entertainment;
- 5.15.1.3.5 Groceries;

City of Martinsville
Personnel Policy

5.15.1.3.6. Items disallowed as stated under previous headings.

If an employee elects to stay longer than was previously approved and such extension is not business related, the employee will be required to pay all additional expenses arising from the extended stay.

Employees operating a City-owned vehicle shall fuel such vehicle at the City-owned gas pump before leaving the City for any out-of-City business. If out of the City and fuel is needed, purchase on the road shall be permitted. Every effort shall be made to fill up vehicle at City-owned pump whenever possible.

5.15.2 Reimbursement Procedures

5.15.2.1. Travel Authorization A travel authorization form, which must include an estimated cost, must be completed and approved by the appropriate elected or appointed official, or department head, or his/her designee. The City reserves the right to withhold reimbursement for travel related expenses incurred without prior authorization. Expenses for department heads shall be approved by the Mayor or the Mayor's designee.

5.15.2.2. Required Documentation Upon return, the employee must complete any mileage forms to be reimbursed for such, as well as submitting all itemized receipts for any eligible reimbursable expenses. The aforementioned material shall be immediately submitted to the department head. These items shall be submitted to the Clerk-Treasurer, together with the following items:

5.15.2.2.1. A completed and signed City claim form identifying the person to receive payment;

5.15.2.2.2. A purchase order completed by the department head or appropriate person or persons;

5.15.2.2.3 Original credit card receipts and cash receipts certifying all purchases or expenses (original credit card receipts must be accompanied by another receipt for the same purchase). The City reserves the right to withhold

City of Martinsville
Personnel Policy

reimbursement for expenses for which the employee does not have appropriate receipts.

- 5.15.2.2.4. If employee has stayed overnight and wishes reimbursement for such lodging, he/she must have an itemized list of room charges for such room which must also show a zero balance when checking out of room.

5.16 CITY CREDIT CARDS

The City of Martinsville Clerk-Treasurer's Office shall be the designated official responsible for the use and issuance of City credit cards. Account numbers, and other information, of City owned credit cards will be maintained with the Clerk-Treasurer's Office. The Clerk-Treasurer's Office shall maintain an accounting system or log which will include the names of individuals requesting usage of City credit cards, their position, estimated amounts to be charged, fund and account numbers to be charged, and date the card is issued and returned.

City employees issued a credit card may use credit cards for travel related expenses associated with attending conferences, workshops, business meetings, or other work-related expenses.

City credit cards are for business use only and shall not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

City employees, who are issued a City credit card, shall only use such card as approved by the Mayor's Office. When the purpose for which the credit card has been issued has been accomplished, the card and all supporting documents (i.e. receipts) shall be submitted to the custody of the Clerk-Treasurer's Office.

Payment of City credit cards should not be made on the basis of a statement or a credit card slip only. Credit card payments must be made through the statutory claims process.

If interest or penalty is incurred due to late filing or furnishing of documentation by an officer or employee, such interest or penalty shall be the responsibility of that officer or employee.

City issued credit cards are the property of the City of Martinsville and employees are required to return such cards and all supporting documents upon request. If a card is lost or stolen, the employee should report the missing card immediately to the Clerk-Treasurer's Office.

City employees violating this policy shall be subject to disciplinary action, up to and including termination.

5.17 POLITICAL ACTIVITY

City employees shall not be required to participate financially or otherwise, in any political campaign or party activity during work hours. This policy includes any threats or coercion by elected officials/department heads or political party officials.

City owned equipment shall not be used to generate, copy, or reproduce campaign materials. City vehicles shall not be used to distribute campaign materials. City telephones or facsimile machines shall not be used for campaign purposes.

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6. **PERSONAL CONDUCT**

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

6.1 **EMPLOYEE CONDUCT AND WORK RULES**

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, and efficiency in their work. Employees must demonstrate the ability and willingness to perform those duties in a satisfactory manner that conforms to established work unit standards, City policies, and supervisory orders. Employee or management conduct that interferes with the work place or is offensive, dangerous, or discredits the City of Martinsville as an employer cannot be tolerated. Every employee should perform his/her job duties in accordance with generally accepted standards of conduct that a reasonable person would be expected to use in a public work place regardless of whether these standards are expressly set forth in policy.

All employees shall be courteous and efficient in their dealings with the public. All employees shall further maintain an impartial attitude toward all customers and visitors, regardless of an individual's race, age, religion, color, sex, national origin, ancestry, marital status or sexual orientation.

6.2 **ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

Any employee who is unable to report for work on any day shall advise his/her department head at least one (1) hour in advance of his/her regular starting time, or as soon as possible in the event of an emergency (such as being transported to a hospital for treatment). When providing notification, the employee is to give the reason and the estimated length of absence. Failure to notify their department head shall subject an employee to disciplinary actions, up to, and including termination. Department heads are to keep accurate records on City payroll forms of all employee absences.

6.3 **PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and

City of Martinsville
Personnel Policy

visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the job requirements.

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

All Union employees will receive eleven (11) complete sets of uniforms. These will be paid for by the Employer through a rental service of the Employer's choice. Said uniforms will remain the property of said rental service.

Personnel in the police and fire departments are directed to refer to the corresponding Department Policy Manual for additional policies applicable to their respective roles.

Consult your supervisor if you have questions regarding what constitutes appropriate attire.

6.4 ANTI-DISCRIMINATION, ANTI-HARASSMENT, ANTI-SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT, AND ANTI-RETALIATION

Everyone who works for the City of Martinsville is entitled to a workplace free from discrimination, harassment, sexual harassment and intimidation. The City is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The City prohibits any form of discrimination, harassment, and sexual harassment and will take corrective action against offenders, including discipline or termination.

This policy applies to all City of Martinsville employees.

6.4.1 Anti-Discrimination and Anti-Harassment

The City of Martinsville believes that all employees should be able to enjoy a workplace free from all forms of discrimination and harassment. The City of Martinsville strictly prohibits and does not tolerate unlawful discrimination or harassment against employees or any other covered persons because of race, religion, creed, national origin, ancestry, sex (including pregnancy), gender orientation (including sexual orientation, gender identity, and status as a transgender or transsexual individual), age, disability, citizenship, genetic information, past, current, or prospective service in the uniformed services, or any other characteristic protected under applicable federal, state, or local law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, training, promotion, discipline, compensation, benefits, and termination of employment.

6.4.2 Anti-Sexual Harassment/Hostile Work Environment

All City employees, other workers, and representatives are prohibited from harassing employees and other covered persons based on that individual's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (such as offensive remarks about an individual's sex or gender (including pregnancy, sexual orientation, gender identity, and status as a transgender or transsexual individual), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature. Examples of sexual harassment may include, but are not limited to:

- A. Any request for sexual favors and/or any other unwanted verbal or physical conduct of a sexual nature between employees in the workplace or job-related contacts with citizens or persons outside City employment.
- B. Unwelcome sexual advances.
- C. Physical or verbal conduct of a sexual nature or joking that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, or coerced sexual acts, or suggestive, insulting, obscene comments or gestures; written, photo, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.
- D. Submission which is expressed or implied as a condition of employment, promotion, or preferential treatment.
- E. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.
- F. Conduct with implication that has the purpose of or results in interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

City of Martinsville
Personnel Policy

- G. Derogatory or offensive comments relating to an individual's sex, gender, sexual orientation, or gender identity.

All behavior described above is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

6.4.3 Reporting and Investigation Procedures for Complaints of Discrimination, Harassment, or Sexual Harassment/Hostile Work Environment

Reporting a Complaint

In order to take a corrective action, the City must be aware of the discrimination, harassment, sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed discrimination, harassment, sexual harassment or related retaliation should immediately report such behavior. The employee is advised to obtain a complaint form from the Personnel Department. The employee is directed to submit the completed form to the department head, or in the event the alleged harassment is against the department head, then the completed form is to be submitted to the Personnel Department. The best time to register a complaint is immediately after the act occurs.

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

Description of Misconduct

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

Verbal complaints must be recorded in written form either by the complainant or the individual(s) designated to receive complaints and be signed by the complainant. Individuals who believe they have been or currently are being discriminated against, harassed, or retaliated against should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the City encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized

City of Martinsville
Personnel Policy

that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law, and the notes may have to be disclosed.

The Personnel Department has copies of the City complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

Time Frame for Reporting Complaints

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

Investigating the Complaint

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

Upon completing the investigation of a complaint, the City will communicate its decision over the outcome of the investigation to the complainant and the alleged harasser. If the Personnel Department and the alleged harasser's department head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed if disciplinary action is taken.

In determining whether alleged conduct constitutes discrimination, harassment, and/or sexual harassment, the City will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred.

The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

City of Martinsville
Personnel Policy

Identification of Investigators

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

Maintaining a Written Record of the Complaint

The City will maintain a complete confidential written record of each complaint and how it was investigated and resolved. Such confidential written records shall be maintained by the Personnel Department. If disciplinary action was taken, a record shall be maintained in the offender's personnel file.

6.4.4 Protection against Retaliation

The City will not in any way retaliate against individuals for exercising rights protected by applicable law, including those individuals who make a good faith report of a violation of the City's anti-discrimination, anti-harassment, or anti-sexual harassment/hostile work environment policies or against anyone who participates in a resulting investigation, nor permit any supervisor or employee to do so. Retaliation is a serious violation of this policy and should be reported immediately.

Any person found to have retaliated against another individual for the good faith reporting of discrimination, harassment, or sexual harassment will be subject to discipline, up to and including termination of employment.

6.4.5 Disciplinary Action

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

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

The City may discipline, up to, and including termination of employment, those employees who are found to have falsely accused others of

City of Martinsville
Personnel Policy

discrimination, harassment, or sexual harassment, knowingly or in a malicious manner.

6.4.6 Prevention

Prevention is the best policy for the elimination of discrimination, harassment, and sexual harassment. Sexual harassment training will be conducted periodically to cover the meaning of sexual harassment and the compliant procedure. Employees shall remain cognizant of their environment and interactions to avoid contributing to conditions that would encourage such activity and shall promptly report any concerning activity or behavior to their department head.

Violations of this policy will result in disciplinary action, up to, and including termination of employment.

Violations of this policy will result in disciplinary action, up to, and including termination of employment.

6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT

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

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their department head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions, up to, and including termination.

Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the Personnel Department in writing within five (5) calendar days of receiving the citation or the arrest. In the event an employee's role involves operation of a City owned vehicle, the employee must report any such violation or arrest within the timeframe specified in Section 5.11.

Unauthorized time away from work shall be subject to the City's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work.

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or

City of Martinsville
Personnel Policy

not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to, and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the City's personnel policies.

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

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension.

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

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony will be subject to immediate dismissal.

6.6 GIFTS OR GRATUITIES

Employees are encouraged to maintain good relations with suppliers and others with whom the City may have business dealings. However, the practice of accepting gifts or gratuities may be contrary to the public interest. Employees shall not solicit anything of monetary value when it may give the appearance of intending to give or receive improper special consideration.

No public official or employee shall accept any gift, favor, service, entertainment, or item that exceeds two hundred fifty dollars (\$250.00) in value on any one occasion that may tend to influence a public official or employee in the discharge of his or her official duties.

6.7 GHOST EMPLOYMENT

The City of Martinsville is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, “ghost employment” is a violation of City policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

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

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

6.8 BUSINESS ETHICS/CONFLICT OF INTEREST

The City recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with or reflect poorly on the City of Martinsville.

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

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the City must file a Conflict of Interest statement with the Morgan County Clerk with copies going to the City Clerk-Treasurer and the State Board of Accounts. If deemed by said official to be in the best interest of the City, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the City.

A City employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the City

City of Martinsville
Personnel Policy

commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44.1-1-4.

Violation of Indiana Code 35-44.1-1-4 failure to disclose conflict of interest of employee or member of employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business which supplies goods and services to the City.

6.9 SOLICITATION/DISTRIBUTION

This policy is designed to protect the interests of the citizens of the City of Martinsville by ensuring that only official City business is transacted in work areas during employees' work time.

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

There shall be no solicitation or distribution by employees or non-employees during work time in the workplace. This section does not apply to vendors and/or charity organizations who have received the approval of the Mayor's Office.

Employees violating this policy shall be subject to disciplinary action, up to, and including discharge.

6.10 SECURITY OF PREMISES

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the City prohibits the control, possession, transfer, sale or use of such materials on its premises. However, effective on July 1, 2010 I.C. 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto City property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in City-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility or other City facilities listed in I.C. 34-28-7-2(a) (2) do not have these rights. Any exceptions to this firearm policy must be approved, in writing, by the mayor and the Police Chief.

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

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the City. Accordingly, they, as well as

any articles found within them, can be inspected by any agent or representative of the City at any time, either with or without prior notice.

6.11 WORKPLACE VIOLENCE

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

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

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

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on City-owned or leased property may be removed from the premises. Additionally, possession of illegally altered firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on City property without proper authorization as specified in Section 6.10 Security of Premises of this Personnel Policies Handbook.

Threats, threatening behavior, or acts of violence executed off City-owned or leased property but directed at City employees or members of the public while conducting official City business, is a violation of this policy.

Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

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

City of Martinsville
Personnel Policy

premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

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

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

Any employee who receives a protective or restraining order which lists City-owned or leased premises as a protected area is required to provide their department head with a copy of such order.

If an emergency exists, contact the police department at 911 and notify your supervisor. If not an emergency, employees should inform their Department Head. If the Department Head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the Department Head, the employee may bring concerns to the Personnel Department.

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

6.12 CONFIDENTIALITY

Employees are advised to consult with their department head before releasing information which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

7. PROBLEM RESOLUTION

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

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

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

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

STEP 1: Department Head (Oral complaint)

If an employee has a complaint, it should be first discussed with the department head. The employee should schedule a time to discuss the situation with the supervisor. Every effort should be expended to resolve the issue satisfactorily at this meeting.

STEP 2: Personnel Department (Written complaint)

If the complaint cannot be solved satisfactorily by the employee and department head through discussion, or if the decision is not satisfactory, the employee may reduce the complaint to writing. The employee may take or send the written complaint to the personnel department. The personnel department is encouraged to give a written response to the complaint within five (5) days.

STEP 3: Board of Works and Safety

At the discretion of the Mayor, the Board of Works and Safety may conduct an investigation into the matter, meet the interested parties, and make a final decision.

SEVERABILITY

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

INDEMNIFICATION

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

ENABLING ORDINANCES

This employee handbook shall be approved by the Board of Works and Safety. The terms and conditions of compensation this handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Common Council.

AMENDMENTS

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

EMPLOYEE ACKNOWLEDGMENT FORM

The City of Martinsville Personnel Policies Handbook adopted by the Board of Works and Safety describes important information about employment with the City. I understand that I should consult with the Personnel Department regarding any questions not answered in the handbook.

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

I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions. Any questions concerning the content or application of the policies described in this Handbook should be addressed to your elected official/department head or the Personnel Department.

Please sign in the space provided below and return this sheet to the Personnel Department within one (1) week of receipt.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

EMPLOYEE'S DEPARTMENT

Personnel Policies Handbook Supplement for Police and Fire Personnel

This Personnel Policies Handbook Supplement for Police and Fire Personnel is designed to provide personnel in the Police and Fire Departments with policies, procedures, and guidelines specific to their respective roles and responsibilities. This supplement is intended to address the unique needs and requirements of these departments while aligning with the overarching principles set forth in the Personnel Policies Handbook.

This Supplement applies to firefighters, police officers, and other full-time personnel in the fire and police departments. Accordingly, such personnel should refer to this supplement for guidance on department-specific matters.

This Supplement is organized by policy number, which aligns with the corresponding policy reference in the Personnel Policies Handbook.

2.17 EMPLOYMENT TERMINATION

Resignation: A Police Officer or Firefighter wishing to resign from the Department shall forward a written resignation to the Chief at least two (2) weeks prior to the date of resignation. Failure to follow this procedure, unusual circumstances accepted, will render the officer disqualified to obtain pay for unused paid time off.

Reinstatement: Any member who resigns from the City Fire Department or Police Department for any reason shall only be reinstated at the rank and level at which he/she left with approval from the Fire Department Merit Board and Police Department Merit Board respectively.

Reappointment to the Department: Should a former member desire again to affiliate himself/herself with the City Fire or Police Department, he/she must meet the basic requirements for appointment to the City Fire or Police Department, take examinations then being administered and go through all screening procedures in competition with all other applicants.

3.14 OVERTIME COMPENSATION/COMPENSATORY TIME

3.14.3.1 Firefighter Overtime Pay

The salaries for Firefighters are based on working 2,080 annual hours. All Firefighter 24-hour schedules of duty time will be based on a twenty-eight (28)-day work period as prescribed by the FLSA 7(k) exemption. Any hours worked over the 212 regularly scheduled hours in a work period will be compensated at the rate of one and one-half (1 ½) times the hours worked.

City of Martinsville
Personnel Policy

Civilian employees of the Fire Department will receive overtime as outlined in Section 3.14 of the handbook.

After-Hours Premium Pay

Firefighters, Deputy Fire Chief, and Fire Marshal that are off-duty and are called-in to work a shift, or called in for a fire or emergency medical incident, or required to attend a mandatory training session, or required to work a special event approved by the Chief will receive after-hours premium pay at the rate of one and one-half (1 ½) times for all after-hours time worked, regardless of the number of hours worked that work period.

If a Firefighter, Deputy Chief, or Fire Marshal's hours worked qualify for more than one special rate, each applicable special rate will be paid to the employee for such hours worked.

3.14.3.2 Firefighter Compensatory Time

All Firefighters schedules of duty will be based on a twenty-eight (28) day work period as prescribed by FLSA 7(k) exemption. All firefighters shall receive ninety-six (96) hours of compensatory time on January 1st. Per Martinsville Career Professional Firefighters Benefits {Resolution 2005-167}

Upon termination of employment, firefighters shall be compensated for all accrued compensatory time through the last month of employment.

The Fire Chief is entitled to compensatory time off at the rate of time for time off for time worked in excess to the actual workweek.

A Firefighter may elect to accrue compensatory time in place of overtime pay. Compensatory time shall accrue at a rate of one and a half hours for each hour worked over 212 hours in a 28-day period Firefighters may accrue (480) compensatory time hours.

The use of compensatory time shall be approved in advance by the Fire Chief. The Fire Chief has sole discretion and may schedule use of employee compensatory time.

Accrued and unused compensatory time will be paid out upon termination of employment.

3.14.3.4 Police Officer Overtime Pay

The salaries for Police Officers are based on working 2,080 annual hours. All Police Officers 12-hour schedules of duty time will be based on a fourteen (14)-

City of Martinsville
Personnel Policy

day work period as prescribed by the FLSA 7(k) exemption. Any hours worked over the 86 regularly scheduled hours in a work period will be compensated at the rate of one and one-half (1 ½) times the hours worked.

Civilian employees of the Police Department will receive overtime as outlined in the Section 3.14 of the handbook.

After-Hours Premium Pay

Police Officers that are off-duty and are called-in to work a shift, called-back to work, required to work over their normally scheduled time due to a call out, subpoenaed to appear in court, or required to work a special event approved by the Mayor or Chief will received after-hours premium pay at the rate of one and one-half (1 ½) times for all after-hours time worked, regardless of the number of hours worked that work period.

Police Officers are not eligible for Holiday pay and will be paid their regular rate of pay for any hours worked on a Holiday, unless the Police Officer is otherwise eligible for overtime or after-hours premium pay. Overtime and after-hours premium rates shall not be combined.

3.14.3.5 Police Officer Compensatory Time

All Police Officer schedules of duty time will be based on a fourteen (14)-day work period as prescribed by the FLSA 7(k) exemption. A Police Officer may elect to accrue compensatory time in place of overtime pay. When compensatory time-off is used in place of monetary payment, any hours worked over the regularly scheduled hours each 14-day work period (hours worked over 86 in a 14-day work period) will be compensated with compensatory time off at the rate of one and one-half (1 ½) times the hours worked.

Police Officers may accrue up to 480 compensatory time hours.

Use of compensatory time shall be approved in advance by the Police Chief. The Police Chief has sole discretion and may schedule use of employee compensatory time.

Accrued and unused compensatory time will be paid out upon termination of employment.

4.2 FIRE VACATION LEAVE

The City of Martinsville provides full-time employees with paid time off (PTO) to allow and encourage employees to renew their physical and mental capabilities

City of Martinsville
Personnel Policy

and to remain fully productive. Part-time and temporary/seasonal employees are not eligible for PTO. PTO is not earned while an employee is in a non-paid leave status, other than FMLA leave (i.e. disciplinary suspensions).

Vacation leave is disbursed on January 1st of each calendar year and is determined by years of service. Firefighters that transferred to the fire department will receive the vacation amount based on years of service in the 1977 Police and Firefighters PERF Fund.

Vacations shall be posted by seniority. Seniority will be based on years of service with Martinsville Fire Department. Vacation leave may be taken in one (1) day increments and may not be rolled over to the following calendar year. Vacation leave is provided as follows: Administration Staff (Fire Chief, Deputy Chief, Fire Marshal) to receive 21 vacation days to reflect working 8 hour days instead of 24 hour shifts.

YEARS OF SERVICE	VACATION TIME OFF
1st year	3 working days
2nd year	7 working days
3-4 years	8 working days
5-6 years	9 working days
7-8 years	10 working days
9-10 years	11 working days
11-12 years	12 working days
13 years	13 working days
14 years	14 working days
15 years	15 working days

Accrued and unused vacation time will be paid out upon termination of employment.

Personal Days - Fire

Firefighters will receive six (6) personal days per calendar year earned in addition to birthday and anniversary date of hire paid days off work. Administrative Staff will receive eighteen (18) personal days off per calendar year in addition to birthday and anniversary date of hire.

Accrued and unused personal days will be paid out upon termination of employment.

4.3 POLICE PTO LEAVE

The City of Martinsville provides full-time employees with paid time off (PTO) to allow and encourage employees to renew their physical and mental capabilities and to remain fully productive. PTO may be taken for any reason, including vacation, sick time, or other personal time away from work. Full-time employees receive all PTO days for the year upfront on January 1st and on a pro-rated basis when first hired. On the employee's hiring anniversary or lateral anniversary, their PTO bank will be updated. Part-time and temporary/seasonal employees are not eligible for PTO. PTO is not earned while an employee is in a non-paid leave status, other than FMLA leave (i.e. disciplinary suspensions).

Sworn Police Officers will be allowed to move 81 hours of unused leave time to their CAT (catastrophic, emergency care) bank at the end of each year until the eight hundred-eighty (880) hour maximum is reached. Once a Police Officer has reached the 880-hour maximum in their CAT bank, the officer will be paid out 56 hours of unused leave on the last pay period of the year. Civilian employees may be paid out up to 56 hours of unused leave at the end of each year.

PTO is determined by years of service. PTO request forms must be submitted to the employee's supervisor at least two (2) weeks prior to the requested date. PTO requested by January 31 of each year will be based on seniority and thereafter on a first come, first serve basis. PTO must be taken in 15-minute increments. Any deviations from this policy will only be by the approval of the Chief of Police.

PTO leave is provided as follows:

YEARS OF SERVICE	PAID TIME OFF IN HOURS	PAID TIME OFF IN HOURS
	8 HOUR SHIFT OFFICERS AND CIVILIANS	12 HOUR SHIFT OFFICERS
Under 1 year	Pro-rated	Pro-rated
After 1 year	369	473
After 5 years	381	485
After 6 years	393	497
After 7 years	405	509
After 8 years	417	521

City of Martinsville
Personnel Policy

After 9 years	429	533
After 10 years (max)	441	545

This schedule includes vacation, holiday, personal, sick, and Kelly (for 12-hour shift Officers) hours into one leave bank, therefore police employees must use leave time for holidays that are not worked. Kelly hours are regularly scheduled hours worked over 80 hours in a 14-day cycle. Kelly hours will be pro-rated at an Officer's separation from the department. Any Kelly hours that have not been earned yet for the year will not be paid out at separation. All other PTO will be paid out as outlined in the Employee Handbook 4.1.1(G).

4.6 EMERGENCY CARE LEAVE

4.6.1 Emergency Care Leave - Police

The City provides banked emergency care leave for regular full-time Police Officers for catastrophic or major illnesses. Use of banked emergency care leave must be approved in advance by the Mayor. Employees must use all available PTO and compensatory time before taking emergency care leave under this policy.

Catastrophic or major illness is defined as an illness, injury, impairment, physical or mental condition that involves:

Inpatient care in a hospital, hospice, or residential medical care facility and/or continuing treatment by a health care provider. For an illness, injury, impairment, or condition required continued treatments by a health care provider to qualify under this definition, the illness, injury, impairment, or condition must impair the individual to such a degree that the individual cannot safely and effectively perform his/her duties.

No emergency care leave credit shall be allowed for any calendar month in which an employee is off duty and not in paid status. Unused emergency care leave shall be accumulated from year to year as outlined above in 4.3 POLICE PTO LEAVE section, up to a maximum of eight hundred-eighty (880) hours. Upon termination of employment, time accumulated for emergency care leave shall not be paid out to employee.

All newly hired Police Officers will receive two hundred seventy (270) hours of banked emergency care time after the one-year probationary period has been

City of Martinsville
Personnel Policy

completed. The banked emergency care leave days will be utilized only for major or catastrophic injury/illness.

Police Officers shall not work a second job while out on banked emergency care leave.

4.6.2 Sick Days and Emergency Care Leave – Fire

All Firefighters hired on or before June 22, 2004, will receive fifty-five (55) banked sick days. All Firefighters hired after June 22, 2004, will receive fifteen (15) banked sick days after the probationary period has been completed. Firefighters receive nine (9) sick days a year. Whatever sick days are left at the end of the year will go into the sick bank until they accrue fifty-five (55) banked sick days. Anytime bank sick days are used for major illness/injury or catastrophic events the employee's sick days at the end of the year will go back into their sick banked until the sick bank reaches fifty-five (55) banked days. The banked sick days will be utilized only for major or catastrophic injury/illness. {Note 2004-1541} It is not required that other leave time be expended before the use of banked sick days except in the case of utilization of FMLA. Administration Staffs fifty-five (55) banked days will convert to one hundred ten (110) banked days since they work 8-hour shifts and not 24-hour shift. Upon leaving an administration assignment to go back to a 24 hour shift the sick bank days will convert back to fifty-five (55) banked sick days.

Firefighters shall not work a second job while out on banked emergency care leave.

5.4 USE OF TELEPHONES AND CITY MAIL

5.4.1 Fire Department/ Police Department Use of Communications Facilities

No Officer or Firefighter shall use communications facilities, including telephone and radio of this department for personal, social or unofficial purposes. Use of slang, profanity, obscenity or derogatory remarks is prohibited over department communications equipment.

- A. Radio Communication: All Officers and Firefighters operating the department radio either from a mobile or portable unit or in the communications center, shall strictly observe regulations for such operations as set forth in any departmental orders, Manual of the Associated Public Safety Communications Officers and by the Federal Communications Commission.

5.11 USE OF EQUIPMENT AND VEHICLES

5.11.2 Police Officers and Firefighters Loss or Damage of Equipment and Operation of Vehicles

Loss or Damage of Equipment

City of Martinsville
Personnel Policy

Officers and Firefighters are responsible for the proper care of department property and equipment assigned to them. Damaged or lost property and equipment may subject the responsible person to reimbursement charges and appropriate disciplinary action at the discretion of the Chief. Officers and Firefighters shall immediately report to their superior officer on designated forms any loss of or damage to departmental property assigned to or used by them. The members' immediate supervisor is to be notified of any defects or hazardous conditions existing in any equipment or property as soon as such defects or hazards are discovered. In the event that department property is found bearing evidence of damage which has not been reported, it shall be considered evidence that the last person using the property was responsible.

Operation of Vehicles

Officers and Firefighters shall not operate a Departmental vehicle unless they have a valid operator's or chauffeur's license. Every Officer or Firefighter of the department assigned to operate a Departmental vehicle shall be held accountable for the proper use and care of the vehicle. Standard equipment of vehicles shall not be changed, interchanged, altered, or removed from such vehicles unless directed by the Chief.

December 23, 2025

Martinsville Wastewater Treatment Plant
995 Rogers Rd.
Martinsville, IN 46151

From: David Sonneborn
Subject: Replacement of Existing 5,000 CFM - 100% Outside Air MAU

Included in this Quote:

- Purchase and installation of all materials for the scope of work below.
- Installation of:
 - CaptiveAire – 5,000 CFM - 100% Outside Air - Makeup Air Unit (To Match Existing Specs)
 - Existing low and high voltage wiring connections for the new equipment.
 - Existing gas line connections.
 - Factory startup.
- Proper rigging for removal of the existing equipment and setting new equipment back in the same location.
- Reconnecting the new MAU and filter housing to the existing supply and return ductwork.
- Fabricating custom metal ductwork as needed to adapt to the newly installed equipment.
- Removal and disposal of the existing equipment at a location off site.
- Startup and verification of the proper operation of the newly installed equipment.

Not Included: Replacement outside air louvers/dampers, modifications to the existing controls or BMS.

Please Note: There is an estimated 8-week lead time on the equipment on this time.

Total Labor and Materials (Tax Exempt): **\$38,165.00**

David Sonneborn
Proposed –CSB Representative

12/23/2025
date

Accepted –Customer/Customer Representative

date

EMPLOYMENT CONTRACT FOR JANITORIAL SERVICES

Comes now the City of Martinsville by its Board of Public Works and Safety, hereafter referred to as ("BOW") and Cathy Finley, hereafter referred to as ("Independent Contractor"), and enter into this Agreement for Janitorial Services and in doing so agrees as follows:

WHEREAS, the BOW understands that the City of Martinsville desires to enter into a Contract with Cathy Finley as an Independent Contractor to provide janitorial services for City Hall, located at 59 South Jefferson Street, Martinsville, Indiana 46151, and that Cathy Finley desires to perform those janitorial services for City Hall.

IT IS THEREFORE MUTUALLY AGREED UPON BY THE PARTIES AS FOLLOWS:

1. **Janitorial Services.** Cathy Finley agrees to perform janitorial services for City Hall, and will do so on an hourly basis, performing such work Monday through Friday and agrees to do so for a total of fifteen (15) hours per week. These janitorial services include, but not limited to, the following:
 - a. Dusting.
 - b. Vacuuming.
 - c. Mopping.
 - d. Trash removal.
 - e. Window cleaning.
 - f. Bathroom cleaning including sinks, floors, toilets, and urinals.
 - g. And any other janitorial services that are customary.
2. **Compensation.** Cathy Finley will be paid \$25.00 per hour, and, will devote fifteen (15) hours per week to perform the janitorial services at City Hall. It is

anticipated these services will be conducted after public hours on a daily basis Monday through Friday.

3. **Independent Contractor.** The parties agree that Cathy Finley will not be an employee of the City of Martinsville, and will be an independent contractor, and will receive a 1099 from the City of Martinsville on a yearly basis. Cathy Finley will provide proof of insurance to the City of Martinsville.
4. **Term of Agreement.** The terms of this Agreement shall be for a period of one (1) year and shall commence on January 1, 2026, and end on December 31, 2026, unless terminated by either party prior to the end date. This Agreement may be terminated by either party by giving thirty (30) days written notice in advance, at which time the Contract shall end.

All of which is agreed on this ____ day of _____, 2026.

City of Martinsville
Board of Public Works and Safety By:

Kenneth W. Costin, Member

Cathy Finley

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hstaggs@martinsville.in.gov
Questions, call 765.342.2449

Account Number 2 02100 03 Date 1/3/2026

Name Jonathan Dillow Phone 317-260-9439

Service Address 820 South Marion Street

Month of Excessive Bill January 2026 Excessive Bill Amount _____

Did the water pass through the sewer? _____ Yes _____ X _____ No

Detailed description of leak Carryover from previous month

Repair Company Information (*Please attach a copy of repair bill.*)

Name _____ Phone _____

Address _____

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0

Excessive Usage 196 Excessive Sewer Amount \$228.07

Average Usage 25 Average Sewer Amount \$35.52

Requested Adjustment Amount \$192.55

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor

Date

Kelly M. Bray, Member

Date

John Lillywhite, Member

Date

Account Number	91170003
Date	12/28/2025
Name	Kimberly Blakley
Phone Number	7653418922
Email Address	maggiemae52020@outlook.com
Service Address	260 N Mulberry St
City	Martinsville
State	IN
Zip Code	46151
Month of Excessive Bill	12/21/2025
Excessive Bill Amount	166.51
Did the water pass through the sewer?	No
Detailed description of leak	Hot water pressure release valve went bad.
Repair Company Information	
Name	Self
Phone	7653418922
Address	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Please attach copy of repair bill	IMG_4817.jpeg

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months 0

Excessive Usage 70 Excessive Sewer Amount \$86.19

Average Usage 37 Average Sewer Amount \$49.03

Requested Adjustment Amount \$37.16

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor Date _____

Kelly M. Bray, Member Date _____

John Lillywhite, Member Date _____

Email not displaying correctly? [View it in your browser.](#)

- Caution: This is an External Email -

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hstaggs@martinsville.in.gov
Questions, call 765.342.2449

Account Number 2 13600 04 Date 7/9/24
Name Danny D. DODGE Phone 317-417-2235
Email Address ddodge48@att.net
Service Address 399 E. GREEN ST
Month of Excessive Bill NOV. 25 Excessive Bill Amount 110.00
Did the water pass through the sewer? ☐ Yes ☒ No
Detailed description of leak COOPK LINE HOLD IN LINE.

Repair Company Information (Please attach a copy of repair bill.)

Name HOOSEN Phone _____
Address _____

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0
Excessive Usage 35 Excessive Sewer Amount \$46.78
Average Usage 21 Average Sewer Amount \$31.02

Requested Adjustment Amount \$15.76

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor Date _____

Kelly M. Bray, Member Date _____

John Lillywhite, Member Date _____

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hsteggs@martinsville.in.gov
Questions, call 765.342.2449

Account Number 10 20000 04 Date 12-18-25
Name MAX CAIN Phone 765-318-1486
Email Address MAXCAIN33@gmail.com
Service Address 389 NORTH PARK AVE
Month of Excessive Bill Nov-Dec Estimated Excessive Bill Amount \$1323.67
Did the water pass through the sewer? ☒ Yes ☐ No
Detailed description of leak VERY OLD WATER LINE TO HOUSE
Developed a Hole and Needed Replaced

Repair Company Information (Please attach a copy of repair bill.)

Name DRAIN-tek Phone 317-531-3288
Address 211 Bishop St, Mooresville, Ind 46158

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0
Excessive Usage ^{11/25} 399 ^{12/25} 501 Excessive Sewer Amount ^{11/25} \$456.64 ^{12/25} \$571.50
Average Usage 25 Average Sewer Amount \$35.52

Requested Adjustment Amount \$957.10

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor

Date

Kelly M. Bray, Member

Date

John Lillywhite, Member

Date

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hstaggs@martinsville.in.gov
Questions, call 765.342.2449

Account Number 120153005 Date 12/16/25
Name McFadden Family Dentistry, PC Phone 765-342-3232
Email Address _____
Service Address 509 St Rd 39 Bypass ; Martinsville, IN 46151
Month of Excessive Bill _____ Excessive Bill Amount _____
Did the water pass through the sewer? _____ Yes ☒ No
Detailed description of leak Leak was from line going to a sink.
The Leak was behind the wall

Repair Company Information (Please attach a copy of repair bill.)

Name Hudson Phone 765-348-0900
Address 435 West Morgan Street ; Martinsville, IN 46151

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0
Excessive Usage ^{11/25} 188 ^{12/25} 121 Excessive Sewer Amount ^{11/25} \$219.06 ^{12/25} \$143.62
Average Usage 78 Average Sewer Amount \$95.20

Requested Adjustment Amount \$172.28

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor

Date

Kelly M. Bray, Member

Date

John Lillywhite, Member

Date

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hstaggs@martinsville.in.gov
Questions, call 765.342.2449

Account Number 12 49800 04 Date 12/30/25
Name Marla McFarland Phone 765-318-5834
Email Address marla.mcfarland50@icloud.com
Service Address 50 Dalton Ln
Month of Excessive Bill Dec, Jan Excessive Bill Amount 258.02
Did the water pass through the sewer? ☐ Yes ☒ No
Detailed description of leak Split in line fixed myself with
Shark Bite

Repair Company Information (Please attach a copy of repair bill.)

NO RECEIPT

Name _____ Phone _____
Address _____

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0
Excessive Usage 127 Excessive Sewer Amount \$150.37
Average Usage 34 Average Sewer Amount \$45.65

Requested Adjustment Amount \$ 104.72

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor

Date

Kelly M. Bray, Member

Date

John Lillywhite, Member

Date

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hstagg@martinsville.in.gov
Questions, call 765.342.2449

Account Number 15 00090 02 Date 7/9/24
Name Andrew Peeden Phone 765-346-3044
Email Address andy.peeden.p3@live.com
Service Address 1619 Genes way Martinsville, IN 46151
Month of Excessive Bill Past 2 months Excessive Bill Amount _____
Did the water pass through the sewer? _____ Yes ☒ No ☒
Detailed description of leak Busted water line in front yard

Repair Company Information (Please attach a copy of repair bill.)

Name Acme Co. Phone _____
Address _____

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0
Excessive Usage ^{11/25} 151 ^{12/25} 145 Excessive Sewer Amount ^{11/25} \$177.40 ^{12/25} \$170.64
Average Usage 64 Average Sewer Amount \$79.43

Requested Adjustment Amount \$189.18

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor

Date

Kelly M. Bray, Member

Date

John Lillywhite, Member

Date

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hstaggs@martinsville.in.gov
Questions, call 765.342.2449

Account Number 19 03100 01 Date 12-08-2005
Name NAKDEIA McFARLAND Phone 765-315-5190
Email Address royssister@comcast.net
Service Address 189 TULIP ST. MARTINSVILLE IN
Month of Excessive Bill DEC Excessive Bill Amount _____
Did the water pass through the sewer? _____ Yes ☒ No
Detailed description of leak _____

Repair Company Information (Please attach a copy of repair bill.)

Name Woodie Plumbing Phone _____
Address _____

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0
Excessive Usage 145 Excessive Sewer Amount \$170.64
Average Usage 17 Average Sewer Amount \$25.76

Requested Adjustment Amount \$144.88

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor

Date

Kelly M. Bray, Member

Date

John Lillywhite, Member

Date