

# Carmel • Clay Parks & Recreation

## Part-Time Personnel Policy Handbook



## Part-Time Personnel Policy Handbook

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### Acknowledgment of receipt and agreement to comply

I acknowledge that I have received a copy of the Part-Time Personnel Policy Handbook as approved by the Carmel/Clay Board of Parks and Recreation. I understand the Handbook sets forth the general terms of my employment and I agree: (1) to read and comply with the policies and procedures contained in the Handbook; (2) that the Carmel/Clay Board of Parks and Recreation has reserved the right to unilaterally abolish or modify any personnel policy or employee benefit effective at the beginning of a pay period; (3) that I am an at-will employee, and this Handbook is not a contract and/or promise of continued employment. (4) that upon receipt of notice of a change in any policy or benefit, I am responsible to update this handbook accordingly 5)I accept and agree to be subject to the change by reporting for work as scheduled at the beginning of the next pay period. 6.) I acknowledge receipt of a copy of the job description for my position and I agree that I meet the qualification standards for this position and I am able to perform the essential functions of the position.

Name (please print) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

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## Chapter 1: Introduction

### A. Scope and Intent of Handbook

This employee handbook describes the personnel policies and procedures that govern part time employment by the Carmel Clay Department of Parks and Recreation (referred to in this document as "Department"). These policies and procedures are subject to change any time without prior notice. Such changes will be posted or otherwise provided to employees as soon as practicable. Department employment policies are based upon and are to be applied consistent with applicable federal and state laws, the Interlocal Cooperation Agreement\* and local ordinances. Indiana and Federal laws and local ordinances shall supersede the provisions of this Handbook in the event of any conflict.

The primary purpose of this Handbook is to insure employee compliance with employment policies and procedures and its consistent application. The ultimate purpose of this Handbook is to promote a positive work environment that provides to the Carmel Clay community with an inviting and enjoyable recreational experience.

**None of the content of this Handbook constitutes an expressed or implied contract of employment. All employment is at-will and may be terminated at any time, with or without cause and with or without notice. Any oral or written statements to the contrary are hereby expressly disavowed and should not be relied upon by any current or prospective employee.**

\*The Interlocal Cooperation Agreement is the document executed in 1991, as amended from time to time by and between the City of Carmel, Indiana ("Carmel" or "City" or "City of Carmel") and Clay Township of Hamilton County, Indiana ("Township") and by which the Carmel/Clay Board of Parks and Recreation ("Board") was created to manage a joint department through which the park and recreation obligations and needs of each entity may be provided to their respective constituency, ("Carmel/Clay Community").

### B. Personnel Policy Administration

Each employee is responsible for reading and understanding this Handbook and abiding by its provisions.

All employment policies are issued by the Board. Primary responsibility for administering the policies and procedures outlined in this Handbook rests with the Director ("Director") of the Carmel Clay Department of Parks and Recreation ("Department") and his designees. Questions and comments regarding these policies may be directed to the Department's Human Resources Area. ("Human Resources".)

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## **Chapter 2: Employment Policies**

### **A. Equal Employment Opportunity**

It is the policy of the Department to comply with the requirements and spirit of the law in the implementation of all facets of equal employment opportunity. This policy applies to all aspects of the employee-employer relationship, including recruiting, hiring, training, promotion, compensation, benefits, discipline, termination and all other terms, conditions and privileges of employment. The Department provides equal employment opportunity to all applicants and hires and promotes qualified individuals without regard to race, color, religious belief, sex, age, national origin, disability or veteran status or any other category protected under federal, state or local law.

See Chapter 2, Section I (Harassment) for the complete reporting and investigation process.

### **B. Hiring**

The Department is committed to recruiting and selecting qualified applicants to fill vacant positions from internal and/or external applicants for each open position. An applicant must meet the minimum qualification standards for a position in order to be considered a candidate for that position.

Qualification standards may include education and training, licenses, certifications, work experience, skills and abilities. All hiring shall be conducted in accordance with the Department's policy of equal employment opportunity to ensure open and fair competition for all applicants.

The Department is under no obligation to post all openings nor to wait until the posting period is over to seek external applicants. The decision will be made by the Director, based on the nature of the position, the required qualification standards and other relevant considerations. Applicants must meet a position's qualification standards to be considered for it. The posting process does not guarantee that a qualified internal applicant will be given preference over an external applicant to fill a position.

All applicants, including internal applicants and former employees, must submit an application and may submit a resume for consideration, as directed by the posting notice or advertisement. Applications will be accepted for current or projected openings only. An application is valid for 30 days or until the position is filled, whichever is longer. After 30 days a new application may be required. Names of applicants who meet the qualification standards for an open position shall be forwarded to Human Resources.

Any material misstatement or omission concerning a qualification standards on an application or resume or in the interview process will result in disqualification of the applicant, or termination of an employee, when detected.

The hiring supervisor is responsible to conduct interviews and make hiring recommendations; Human Resources makes employment offers with proper approvals. All appropriate pre-employment tests in compliance with equal employment laws are paid for by the Department. Every offer is contingent upon verification of a right to work in the United States and may be contingent upon testing negative for the use of illegal drugs.

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### C. Employee Classification

For purposes of this section, an employee of the Department is an individual who is actively carried on Department payroll records and who receives wages or a salary from the Department. Employee classification descriptions are as follows:

**Part-Time Employee** – An employee who is regularly scheduled to work fewer than 37-1/2 hours per week or who work a full-time schedule on a temporary basis. Part-time employees are not eligible for Department benefits, leaves or paid time off, except for overtime compensation for working more than 40 hours in a 7 day work week. Part-time employees may elect to participate in the Department's deferred compensation plan.

If an employee changes his/ her employment status from one classification to another, the employee shall be subject to any resulting changes in benefits eligibility effective at the beginning of the next pay period. For employees who transfer from Part-Time to Full-Time, the date of transfer is treated as the hire date for purposes of benefits eligibility.

**Independent Contractors are not Department employees. They do not receive Department benefits. Their total compensation is determined by contract terms.**

### D. Employing Minors

The Department shall complete an Intent to Employ/A1 form and receive a work permit from an issuing officer of the minor's school before employing a minor under the age of 18 years who has not graduated from high school or received a GED diploma. The Department in employing a minor who is under 18 years of age will comply with all federal, state and local laws. The Department shall also comply with all guidelines as set forth by the Federal Bureau of Child Labor, Indiana Department of Labor.

#### AGE 15

Restricted to:

- ❖ 3 hours per school day
- ❖ 18 hours per school week
- ❖ 8 hours per non-school day
- ❖ 40 hours per non-school week
- ❖ No work before 7 a.m. or after 7 p.m. (except 9 p.m. June 1 through Labor Day.)

#### Age 16

Restricted to:

- ❖ 8 hours per school day
- ❖ 30 hours per school week
- ❖ 40 hours per non school week
- ❖ No more than 6 working days per week
- ❖ No work before 6 a.m.
- ❖ Work until 10 p.m. on nights followed by a school day

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#### Age 17

Restricted to:

- ❖ 8 hours per school day
- ❖ 30 hours per school week
- ❖ 40 hours per non school week
- ❖ No more than 6 working days per week
- ❖ No work before 6 a.m. on school days
- ❖ Work until 10 p.m. on nights followed by a school day

As a worker under the age of 18, you must receive one or two breaks totaling 30 minutes when you are scheduled to work 6 or more consecutive hours. 16 or 17 year olds may not be employed or permitted to work on a school day after 7:30 a.m. and before 3:30 p.m. unless the Department has on file a written exception issued by the school that the minor attends. 16 or 17 year olds who have withdrawn or graduated from high school are not subject to the hour restrictions listed above.

### E. Nepotism

The Department recognizes that members of the same family may desire to pursue similar careers. The Department recognizes the potential for favoritism in employment decisions and to the necessity of maintaining professional work relationships while on the job. Department employment and the hiring/promotion process is subject to the following restrictions:

- All applicants for employment with the Department shall be required to demonstrate his/her compliance with the qualification standards for the position for which they have applied. Applicants are responsible for disclosing and to state any family relationship with current employees of the Department or Board members.
- The decision to hire or promote a family member of a current employee or Board member must be jointly approved by the Human Resources Manager and the Director and a conflict of interest disclosure may need to be filed. A family member of a Department employee or Board member shall not automatically be disqualified from employment with the Department. Consideration will be given to such factors as the nature of the family relationship and the work relationship, the physical location of the work areas, and the division and positions in question.
- An individual shall not be hired, promoted or transferred into a position that reports directly to or supervises a family member on a day-to-day basis.
- In the event of a marriage between employees that results in a violation of the direct supervision or reporting prohibition, one of the affected employees must transfer to another position or resign as soon as possible but not later than within six (6) months of the marriage date.

For purposes of this Nepotism Policy, family members include husbands, wives, parents, children, brothers, sisters, grandparents, grandchildren, first cousins, aunts, uncles, nieces, nephews, stepparents, stepchildren, stepbrothers and stepsisters, half brothers and half sisters, mothers-in-law and fathers-in-

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law, sons-in-law and daughters-in-law, brothers-in-law and sisters-in-law and any person residing in the home.

## **F. Ethics**

The following standards of ethical conduct ensure that as public servants, Department employees are independent, impartial, and responsible to the public, decisions are made through the proper channels of governmental structure, public office is not used for personal gain, and the public has confidence in the integrity of its government. These standards are consistent with Ordinance No. D-1846-07 of the City of Carmel, effective on July 17, 2007.

**Disqualifications:** Any employee shall disqualify himself/herself from and take no part in final action on any matter in which the employee or a member of the employee's Immediate Family, has a Pecuniary or Financial Interest. **Improper Use of Official Position:** No Employee shall use or permit the use of his/her Department position, Departmental funds or Department property under his/her official control, direction or custody, for a purpose which is primarily for the benefit of the Employee or his/her Immediate Family; provided that this policy shall not prohibit the private use of Department property that is available on equal terms to the public generally, or the use of property in accordance with Department policy in the conduct of official business, the use of vehicles and other equipment by off-duty employees in compliance with the Department rules, and/or the employment of any Employee or his/her Immediate Family by the Department.

**Gifts and Honoraria Prohibited:** No employee shall accept Gifts or Honoraria that individually or cumulatively exceed the value of Two Hundred Fifty Dollars (\$250.00) in any calendar year from any Business Entity that is doing business with the Department.

No employee shall accept payment or anything of value from a person in exchange for special consideration or influence any action by the employee in his/her official capacity. However, nothing herein shall prohibit the receipt of donations or gifts to the Department which are accepted by the Board.

For purposes of this Ethics Policy, Immediate Family means the nuclear unit, i.e., married persons and their children, provided however, that for purposes of the Conflict of Interest provision below, the conflict applies when an employee is benefitted by the financial gain of a dependent.

### Conflict of Interest

Employees have an obligation to conduct Departmental business in a manner that avoids actual, potential or perceived conflicts of interest. A conflict of interest occurs when an employee in a position to influence a Department decision that may result in personal financial gain for the employee or his or her dependents does not disclose the personal or family interest and abstains from all involvement in the decision.

Any employee who has influence over Department purchases contracts or employment is required by the State of Indiana to disclose the existence of an actual or potential conflict of interest involving the individual or his or her dependents. A Uniform Conflict of Interest Disclosure Statement must be filed as

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required by state law and submitted to the Human Resources Manager, prior to the contract being awarded or the purchase authorized. Forms are available at Human Resources.

Questions regarding this policy are to be directed to the Human Resources Manager. The Board's Attorney will advise on the appropriateness of a gift or the existence of a conflict of interest.

## **G. Confidentiality**

Department employees may have access to information regarding Department business and individual members of the public as they interact with the Department and/or Board. *At no time should an employee allow access to personally identifiable information from or about a Department employee or a person's use of Department facilities or programs for any purpose without advance written authorization from the Director.* If in doubt regarding the disclosure of specific information, employees should ask his/her supervisors or Human Resources for assistance in determining whether information should be released. All requests for records pursuant to Indiana's Access to Public Records Act shall be immediately forwarded to the Business Services Division Manager for response.

## **H. Department Property and Equipment**

The Board has custody of and responsibility for maintaining all Department property. All requests for use of Department property outside the normal conduct of Department business must be approved by the Director or in the Director's discretion, the Board.

Department employees may not use Department property for personal purposes or personal gain, and only Department-authorized work may be done on Department premises or using Department facilities, supplies or equipment. The designation and disposal of scrap from the Department is the sole responsibility of the Director. No other employee has authority to use or sell scrap. Scrap revenue will be deposited into the appropriate fund.

If equipment owned by the Department is lost, stolen or damaged due to an employee's negligence or misconduct, the Director may require that the employee reimburse the Department at the fair market value of the item. The employee may also face disciplinary action, up to and including immediate termination.

All paper and electronic files prepared in the course of Department business are the property of the Department and may not be reproduced, altered or removed outside the normal course of business without the consent of the Director. Modification of computer hardware and software must be approved by the Director. The installation of additional software on a Department computer must be approved in an e-mail by the Director.

Property of the Department shall be disposed in accordance with Indiana law; specifically in accordance with a Board-adopted policy. Questions regarding such are to be directed to the Director.

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## **I. Substance Abuse**

### Substance Abuse Policy

The Board is firmly committed to maintaining the highest level of public confidence, respect and safety. In order to protect the integrity of its personnel and operations, the Board maintains and enforces a drug-free and alcohol-free workplace.

As used in this policy, “alcohol” means any beverage containing ethanol in any concentration. The term includes beer, wine, liquor, and medications using alcohol to facilitate consumption such as cough syrup.

As a condition of employment, each Department employee is required to read, accept and sign the following statement:

*The Board PROHIBITS any employee from using, being under the influence of, or possessing alcohol or non-prescribed controlled substances (“Prohibited Substances”) during working hours, including time off for meals, and at ALL times while in Department vehicles or conducting Department business.*

*The only allowable exception to this policy as it would apply to Prohibited Substances is the use of a controlled substance at work when prescribed by a Healthcare provider in the treatment of an employee. When controlled substances are prescribed and used as prescribed, the employee shall notify his or her supervisor of any use of the prescribed medications that may impair the employee’s ability to operate vehicles, heavy machinery or equipment, or to perform the essential functions of the employee’s job. Such disclosure is also required for non-prescription drugs, such as cough medicine or cold medicine that contain alcohol or other substances that may affect job performance. The intent of this disclosure requirement is to protect an employee from injuring himself or herself or others when the prescribed or non-prescribed medications could impair the ability to function safely.*

*ANY employee in violation of the Substance Abuse Policy will be subject to disciplinary action that may include IMMEDIATE TERMINATION.*

*As a condition of employment, I agree to abide by the terms of this Policy. I also agree to notify the Human Resources Manager of any criminal charge against me and any conviction I receive for a violation occurring in the workplace no later than five days after such conviction.*

### Drug and Alcohol Testing Program

Following is a summary of the Department’s Drug and Alcohol Testing Program (“DAT Program”) by which it implements the Department’s Substance Abuse Policy. Each employee received, either at the inception of the DAT Program or at the time of hire, a copy of the Substance Abuse Policy, to which employees should refer for further details of the testing program. Questions regarding the DAT Policy are to be referred to the Human Resources Manager.

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As part of this effort to maintain quality and safety in the delivery of Department services and to ensure that the Department is a safe and healthy place to work, a drug and alcohol testing program has been developed to detect the use of illegal substances and misuse of alcohol, to ensure that employees with substance abuse problems are referred to appropriate professional help, and to outline disciplinary procedures for those who fail to comply with the Substance Abuse Policy.

The United States Department of Transportation ("DOT") mandates drug and alcohol testing for employees whose job duties require a commercial driver's license ("CDL"). The Department also tests hired full time employees post offer, prior to employment with the Department, and those employees who hold positions that impact public safety or the safety of co-workers ("Safety-Sensitive Function" or "Safety Sensitive Position"). In addition, all Department employees will be subject to testing on the basis of reasonable suspicion and after certain accidents. If the employee tests positive under such conditions, he or she will be subject to disciplinary action up to and including termination, and will also be subject to follow-up testing.

The following conduct is strictly prohibited during working hours, including time off for meals, and all times while on Department property, in and/or operating Department motorized equipment /vehicles or conducting Department business:

- (1) using, being under the influence of, or possessing illegal drugs;
- (2) using or being under the influence of legal drugs that are being used in a manner other than prescribed or prescribed for another person;
- (3) using or being under the influence of legal drugs whose use can adversely affect the ability of the employee to perform his or her job safely, without disclosing such to a supervisor prior to being detected;
- (4) selling, buying, soliciting to buy or sell, transporting, or possessing illegal drugs;
- (5) using alcohol within four hours before performing a Safety-Sensitive Function or performing in a Safety Impact Position;
- (6) using or being under the influence of alcohol at any time while driving a Departmental vehicle or performing any other Safety-Sensitive function;
- (7) consuming any amount of alcohol while on duty, while operating Department motorized equipment/vehicle, or while otherwise conducting Department business;
- (8) testing positive for illegal drugs and/or alcohol in circumstances that violate this policy;
- (9) refusing to consent to be tested for drugs and/or alcohol;
- (10) failing to submit to a drug and/or alcohol test as directed by the Department;
- (11) failing to stay in contact with the Department and its Medical Review Officer ("MRO" whose identity is available from Human Resources) while awaiting the results of a drug test;
- (12) violating any applicable federal, state, or local requirement governing the use of drugs or alcohol;
- (13) doing anything to obstruct the Department's goals with respect to drugs and alcohol;
- (14) failing to report another employee who violates this policy when the employee who fails to report has reasonable suspicion to believe the policy has been violated;
- (15) falsely reporting a violation of this policy, if the report is intentionally false.

The Department will conduct tests under the following conditions:

- Before an applicant is hired for all Extended School Enrichment jobs (drug test only);

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- On a random basis for employees in a Safety-Sensitive Function or Safety Sensitive Position (*drug test only*);
- Following all vehicular and motorized equipment accidents, involving property damage or personal injury. (drug and alcohol test);
- When reasonable suspicion exists that the employee is under the influence of drugs and/or alcohol (drug and/or alcohol test as applicable); and
- As a follow-up to a positive test conducted for any of the aforementioned reasons (drug and/or alcohol test).

To ensure the integrity and accuracy of each test, all specimen collection, analysis and laboratory procedures will be conducted in accordance with federal DOT protocols. This includes, among other things:

- (1) procedures to ensure the correct identity of each covered employee at the time of testing;
- (2) a chain-of-custody procedure to ensure that the specimen is not mishandled, contaminated, or tampered with;
- (3) the use of a trained Breath Alcohol Technician ("BAT") and DOT-approved testing devices for conducting alcohol tests;
- (4) use of a laboratory that has been certified by the National Institute for Drug Abuse ("NIDA") for drug tests;
- (5) confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry ("GCMS");
- (6) confirmation of an initial positive alcohol screen by a second analysis;
- (7) appointment of a qualified MRO to review drug tests results before they are reported to the Department's designated Drug and Alcohol Testing Administrator ("DATA").

Drug tests will require the employee to provide a specimen of his or her urine. Alcohol tests will require a breath specimen.

Positive drug and alcohol tests and other violations of the DAT Program will result in disciplinary action, up to and including immediate termination.

The Department will pay the cost of all initial and confirmatory drug and alcohol tests required by this policy.

Except to the extent required to be released pursuant to applicable law or to support employee discipline, the results of all drug and alcohol tests will be considered confidential and will be kept in a secured location with controlled access. The release of an individual employee's results will be made only in accordance with the employee's written authorization.

## **J. Harassment**

In accordance with its Equal Employment Opportunity Policy, the Board and its Department are committed to providing a workplace free from harassment on the basis of race, color, religious belief, sex, age, national origin or ancestry, disability, veteran status or any other legally protected class.

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Harassment offends the dignity of all individuals involved, leads to a decline in workplace productivity and morale, and is illegal under Title VII of the Civil Rights Act of 1964, as amended administered by the Equal Employment Opportunity Commission (EEOC). It is the firm intent of the Board and the Department to provide a working environment in which all employees are free from harassment by supervisors, co-workers, members of the public and outside vendors who have regular contact with Department employees on Department property or in the process of performing Department business. All Department employees are expected to understand his/her own rights and to observe the rights of others.

Harassment can be any activity that targets a protected class which as a means of illustration and not an exhaustive list, could be accomplished through the display of clothing, tattoos, posters, pictures, drawings, or cartoons; suggestive or explicit comments, teasing, jokes or insults; graphic commentary about an individual's body or clothing; looks and gestures of a suggestive nature; repeated requests for dates or meetings outside work; implicit or explicit requests or demands for sexual or other favors; the promise of preferential treatment on the job in exchange for sexual or other favors; physical contact such as unnecessary touching, fondling, grabbing, pinching, rubbing, brushing against, cornering, hugging or kissing; and physical assault or electronically sending, downloading or printing any documents, graphics or data that would constitute harassment.

#### Sexual Harassment

**Sexual Harassment is strictly prohibited. Sexual harassment is defined by the EEOC as:**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature regardless of gender, constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

#### Complaint and Investigation Procedures

An employee who believes he or she is the victim of harassment is encouraged to promptly and clearly advise the offender that the behavior is unwelcome and request that it cease and report the harassing behavior to the victim's supervisor, the Human Resources Manager, the Assistant Director, or the Director whether or not the victim advised the harasser to stop.

Immediately upon notification, the Human Resources Manager shall conduct an investigation, primarily through interviews with the complainant, the alleged offender, and other staff as necessary. At the conclusion of the investigation the Human Resources Manager will submit a written report to the Department's Director with a recommendation, if warranted, for disciplinary action. The final decision

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regarding discipline, such as suspension without pay, demotion, or termination, will come from the Director.

If the Director is the alleged offender, or if the Human Resources Manager believes it is otherwise appropriate, the investigation will be conducted in cooperation with the Board's attorney, after which a recommendation shall be made to the Board's Personnel Committee for final recommendation to the Board.

The privacy of the employee reporting the harassment and the alleged offender will be respected to the extent an effective response permits. A confidential file of all allegations under investigation will be maintained, and only those members of management and members of the Board with a need to know will have access to the file. If a complaint is substantiated, a record will be entered into the offender's personnel file. No record of a substantiated complaint will be kept in the victim's file. The victim shall not be subject to any form of retaliation for making a complaint that is not intentionally false or made with a reckless regard for the truth.

### Discipline

Harassment is a serious violation of Department policy and will be dealt with accordingly. Any employee who engages in harassment is subject to disciplinary action, up to and including immediate termination. In determining the appropriate discipline, the incident or situation will be viewed in its totality, including the frequency and severity of the harassment.

Disciplinary action will be taken against any employee who files a complaint of harassment that is intentionally false or made with a reckless regard for the truth. An employee who retaliates against another employee for reporting harassment is also subject to disciplinary action, up to and including immediate termination.

Supervisors and managers are responsible for understanding and complying with this policy, promptly reporting all allegations of harassment to the Human Resources Manager, assisting with investigations as required, maintaining confidentiality, avoiding retaliatory measures against the victim and administering discipline to the offender. Any supervisor or manager who fails to carry out these responsibilities will be subject to disciplinary action, up to and including immediate termination.

The contracts or service agreements of vendors who are alleged to have engaged in harassment will be subject to cancellation, and the vendors themselves subject to appropriate legal action.

## **K. Workplace Violence**

The safety and security of Department employees, vendors and contractors, and members of the public, who conduct business with the Department, is of vital importance. Acts or threats of physical violence, including intimidation, and coercion, that involve or affect Department employees or that occur on Department property or in the process of performing Department business, are not acceptable and will not be tolerated.

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All acts or threats of violence, as well as the perceived potential for violence, shall be reported immediately to a supervisor or, if the supervisor is involved, to the next higher level of management and the Human Resources Manager. Making a report in good faith will not reflect negatively on an employee with respect to the terms and conditions of employment. The supervisor shall report all incidences to the Human Resources Manager, who will investigate thoroughly and make a recommendation for appropriate action. Such action may include notifying the police and/or the Board's attorney.

No Department employee is permitted to carry a firearm of any type on his or her person during working hours or at any time while on Department property or in a Department vehicle, nor may any employee carry or store a firearm in a Department vehicle. Violations of this policy by any individual will lead to disciplinary action, up to and including termination and/or legal action, as appropriate.

The prohibition established by this policy applies even if the employee has a permit to carry a firearm.

#### **L. Americans with Disabilities Act**

In compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the Department is committed to removing barriers that prevent employees with disabilities who are otherwise qualified from enjoying the same employment opportunities that are available to those without disabilities. The Department will make one or more reasonable accommodation to allow a qualified employee with a disability to perform essential job functions of his or her position as long as the accommodation does not create an undue hardship for the Department or a direct threat to the health or safety of the employee or others.

It is the responsibility of an employee who becomes disabled with a qualified disability and requests reasonable accommodation to notify his/ her supervisor who will refer the request to the Human Resources Manager. Human Resources will confirm the qualification of the reported disability, review the request and respond to the employee. The Department is not obligated to accept the employee's accommodation request and is allowed to recommend alternatives that do not pose undue hardship on the Department or constitute a direct threat to the safety of a person. If warranted, the Department may require the employee to submit medical documentation of his or her condition or, at the Department's cost, to be evaluated by a physician or rehabilitation specialist selected by the Department.

If an employee cannot be reasonably accommodated in his/ her current position, the Department will attempt to find a vacant position for which the employee is qualified. The Department makes no guarantee that a suitable position will be available.

All requests for accommodation, decisions regarding accommodation, and medical information obtained as a result of this policy shall be documented and kept in a confidential file separate from the employee's personnel file and released only on a need-to-know or as legally required.

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## M. Employee Records

Each Department employee has a personnel file in the Department's Human Resources Area. A sound records management system enables the Department to establish and maintain a uniform, complete and accessible employment record of all Department employees, develop clear and efficient procedures for processing all employee transactions, and create a bank of data for evaluating personnel management policies and procedures. At the same time, it controls access to employee information that is defined as confidential under law. **NOTE: The City's Human Resources Department maintains a personnel file on each Department employee which generally contains only new hire information, payroll and benefits information.**

### Contents of Files

Employees shall report changes in his/her name, address, telephone number and other appropriate personal information to the Department's Human Resources Area on forms available from the Department's Human Resources Area. Employees are encouraged to submit copies of educational degrees, certificates and other job-related materials for inclusion in his/her personnel files.

### Access to Files

Employees may view his/her personnel files in the Human Resources Area after completing a request form available in that Area. Employees may also give written authorization for another person to view his/her files. Supervisors are allowed to view pertinent documents of those employees who work under his/her supervision or those who have applied for a position under his/her supervision. Other access to personnel files is governed by applicable law, and all such requests must be made to the Human Resources Manager on the appropriate form.

Personnel files shall be viewed under general supervision, and shall not be removed from the Department's Human Resources Area. Copies will be made at the request and the expense of the employee, or any person authorized to view a file pursuant to Department policy or applicable law.

### Verification of Employment and Reference Checks

All requests for employment verification shall be directed to Human Resources Area, to provide the appropriate and accurate information requested. Reference checks for former employees shall be directed to Human Resources, which will generally provide only the date of employment, job title and salary. Additional information may be provided at the discretion of the Human Resources Manager.

### Public Information in Employee Personnel Files

The following information in an employee's personnel file is public information: an employee's name, compensation, job title, business address and telephone number, job description, education and training background, previous work experience, first and last dates of employment, information relating to the status of any formal charges against the employee, and the factual basis for disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged. Generally, all other employee information is confidential, and shall not be disseminated

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without the employee's prior written consent or first confirming the appropriateness of such with the Board's attorney.

## **N. Discipline**

Unsatisfactory behavior that fails to meet the Department's established standards of work or conduct will be addressed promptly. Disciplinary action shall be determined by an employee's supervisors, based upon the totality of the circumstances, and shall be appropriate to the severity, frequency and consequences of the employee behavior. Severe offenses – particularly those that are illegal, unethical or dangerous – may warrant immediate suspension or termination. To the extent that off-duty conduct affects an employee's fitness for his or her job, impacts an employee's ability to perform the essential functions of the job or reflects poorly on the Department, such conduct may be subject to disciplinary action, up to and including termination.

The Department's use of different types and levels of discipline does not alter the Department's policy of employment at will. The Department may terminate an individual's employment, or the individual may terminate his or her own employment, with or without cause and with or without notice, at any time.

The following offenses may be sufficiently serious to warrant immediate termination. The Director has discretion to administer less stringent discipline if mitigating circumstances exist. This list is illustrative, not exhaustive:

- Falsifying (includes omissions) application for employment;
- Falsifying time sheet or work records;
- Misuse, unauthorized reproduction, removal or destruction of Department records or documents;
- Theft or misappropriation of funds;
- Insubordination;
- Breach of duty in connection with work;
- Unauthorized use or removal of Department property;
- Negligent or willful destruction of Department property or malicious damage to Department property;
- Unauthorized possession or use of firearms or explosives;
- Fighting on Department time or on Department property;
- Threatening or doing bodily harm to a co-worker or a member of the public;
- Lewd, indecent behavior;
- Conviction on a misdemeanor or felony charge;
- Failure to report an absence;
- Violation of safety rules;
- Gambling or conducting unlawful games of chance on Department property outside of a Department sponsored program under the terms of a license;
- Personal use or disclosure of confidential information;
- Accumulation of Points – Accountable For Your Actions
- Conduct unbecoming a Department employee on or off the job;

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- Failure to comply with Department policies, rules or regulations;
- Inability to perform job requirements, unless qualified for a reasonable accommodation under the ADA.

The Director is required to consult the Human Resources Manager on any pending disciplinary suspensions and all disciplinary terminations so that they may review the circumstances to ensure fairness and consistency. All pertinent documentation regarding the suspension or termination shall be submitted to the Human Resources Area, where it will be placed in the employee's personnel file.

All disciplinary actions which include a written reprimand, probation, suspension without pay, demotion or termination, shall be documented in writing and entered into the employee's personnel file. Documentation shall include as much of the following as is appropriate in a given situation: a thorough description of the unacceptable conduct, the method and results of any investigation undertaken to determine if disciplinary action is warranted, the disciplinary action being taken, the potential consequences to the employee of further unacceptable conduct, notice that the document will be placed in the employee's personnel file, the signature of the supervisor taking the disciplinary action and the signature of the employee indicating he/she has discussed the issue and action with the supervisor and the date of the discussion. The employee shall also be given the opportunity to submit a written attachment outlining his or her version of events.

## **O. Separation**

Subject to the at-will provision outlined above, the following are conditions relating to different types of employee separation:

Resignation: Employee submits written resignation to his or her immediate supervisor. The Department requests such notice at least 10 working days prior to the separation date. Part time employees that do not work during a twelve week period will result in a voluntary resignation.

Layoff: Employee is laid off by the Department due to lack of available work and/or budget constraints. Factors that may be taken into account in determining order of layoff include performance history, skill level, and length of service and attendance history. If feasible, the Director will give as much notice as possible in advance of a layoff.

Failure to Return After Recall: Employee fails to return to work upon recall from a layoff within the proper time frame, as set out in certified letter of recall.

Restructuring: Employee's position is eliminated or significantly changed due to a restructuring within the Department. The Director will be given as much notice as possible before a position is eliminated. The Department will make every effort to place employees affected by a restructuring in other available positions for which the employee is the most qualified, although the Department makes no guarantee that a suitable position will be available.

Disability: Employee is determined to have a qualified disability and is unable to perform the essential functions of his or her job, despite reasonable accommodation.

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Termination: Employee is discharged or dismissed at will, as provided herein.

The official date of separation is always the last day actually worked. The final paycheck(s) will be direct deposited on the next regularly scheduled payday.

If the employee moves after employment is separated, he/she should provide the Department with a current address so year-end tax forms and other pertinent information can be properly and timely delivered.

#### Employee Exit Process

Whenever an employee separates from the Department, except in cases of immediate termination, he or she shall receive an employment survey via e-mail. The exit survey provides for the uniform treatment of departing employees. It is a vehicle to obtain data on separations as a basis for analyzing turnover.

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## Chapter 3: On the Job

### A. Hours of Work

The basic workweek for part time Department employees is less than 37-1/2 hours, averaging 32 hours or less on a year round basis, while maintaining the minimum number of hours required for the position. Employees working in non-exempt positions shall be subject to his/her supervisors' scheduling. Variations to the employees schedule require supervisor verbal or written preapproval.

Employees are required to record and report all time actually worked. Employees in Fair Labor Standards Act (FLSA) non-exempt positions will be paid their hourly rate for all hours up to 40 hours in a seven day work week, and non-exempt employees will be paid at 150% of their hourly rate for every hour worked beyond 40 the employee's seven day work week.

Meal periods or breaks taken for 20 minutes or more must clock out for the break.

### B. Absenteeism/Tardiness

Each employee is crucial to the successful completion of the Department's daily business, and all employees are expected to avoid absences and tardiness. For most part time positions, schedules are posted in an online format. This format is for the convenience of all Department employees. On occasion the site may go off line. In the case employees are not able to view their schedule online, employees should go to their work location to obtain their work schedule. Absenteeism and tardiness cause a disruption of services to the public and may place an undue burden on co-workers. Any employee unable to report for work at the scheduled starting time shall notify his or her immediate supervisor as soon as possible, but always two hours prior to the start of the scheduled shift (except in emergency cases, wherein such notice shall be provided as soon as possible).

#### Absence

An excused absence is an absence that is authorized in advance. An unexcused absence occurs when the employee fails to pre-arrange a scheduled day off. Failure to report to work without appropriate notification and/or satisfactory explanation shall be subject to disciplinary action, up to and including termination.

#### Tardiness

Tardiness is defined as arrival at the employee's workstation after the designated starting time at the beginning of the day, end of a preapproved break, or an unauthorized early departure.

#### Disciplinary action

Supervisors are expected to monitor their employees' unexcused absences and their tardiness. Employees will receive the appropriate points as listed on the Accountable For Your Actions.

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## C. Customer Service

The citizens of Carmel Clay expect and deserve an efficient and effective workforce. Department employees are expected at all times to provide prompt, courteous and professional service to the public, as well as to their co-workers. Internal and external customer service problems should be reported to a supervisor. Failure to provide good customer service based on acceptable work standards and Department procedures may be subject to disciplinary action, up to and including termination.

## D. Dress/Appearance

An employee's appearance is a direct reflection on the image of Carmel Clay Parks and Recreation. Apparel provided by Carmel Clay Parks and Recreation is to be worn for work purposed only, it is not to worn for personal use off the clock.

The dress codes are as listed:

### Extended School Enrichment:

**Shirts/apparel:** Must wear ESE or SCS staff shirts and/or fleeced during program times and/or while within Carmel Clay Schools; student/camper shirts may not be worn or possessed by a staff member

**Pants, shorts, etc.:** Must wear khaki pants or shorts; jeans may be worn on Fridays, early dismissal days, and during school's out camp

**Shoes:** Must wear closed-toed shoe, except during pool time or as approved by Division Manager

**Nametags:** Must be worn during program times and/or while within Carmel Clay Schools

**Hats:** Except of CCPR ski caps and/or headbands, hats are prohibited inside a building; permitted during outdoor activities

**Swim Apparel:** Female staff must wear a one-piece swimsuit; male staff must wear swimsuit at approximate knee length

**General:** All articles of clothing must be clean, free of any rips, holes, or stains, and ironed if necessary; all clothing must be deemed appropriate by the site supervisor and division manager (e.g. no visible thongs, sagging pants/shorts, etc.); visible tattoos must be covered while at work; dept. shirts cannot be worn into any establishment that serves alcohol, whether on or off the clock; employees may not display piercings (except ear piercings not exceeding two per ear); dept. clothing may not be altered (e.g. cut staff shirts)

### The Monon Center:

**Staff ID Badge:** Staff ID Badge must be worn at all times for guests to be able to view them. Exception to ID Badge: Group Fitness Instructors and Sport Officials.

**Staff Shirt/Swimsuit:** Provided The Monon Center Staff Shirt (swimsuit for lifeguards) must be worn and tucked in while on duty. No old apparel is allowed to be worn (i.e. black polo's, navy vests, etc).

### Designated shirt colors:

Fitness: Black

KidZone: Blue

Program Instructors: Royal Blue

Guest Services: Kelly Green

Event Staff: Raspberry

Building Services: Maroon

Maintenance: Hunter Green

Food Services: Gold

Aquatics: Swimsuit with current Staff Shirt

Staff may NOT place any articles of clothing over designated shirt. If cold, SOLID colored white, black or navy t-shirt/long sleeve t-shirt is approved. If still cold staff may purchase approved The Monon Center fleece/jacket.

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**Jackets:** Staff may purchase an approved fleece/jacket to wear if designated shirt does keep them warm enough during their shifts, however shirt is to be worn under the fleece/jacket.

**Pants:** Shorts (at least finger tip in length) or pants (Capri's are fine): Tan Khaki, black or blue (no denim) NOTE: Effective January 1 , 2010 pants and shorts will be tan Khaki only.

Jeans ONLY on Friday's: NO JEAN SHORTS allowed at any time

All must be 'clean cut' no holes, fringed ends, etc.

**Shoes:** Staff must wear closed toed shoes at all times. Exception to this are:

Lifeguards

KidZone Attendants

**Hats:** Hats may NOT be worn in the building (with the exception of Food Services and Aquatics). Staff working outdoors, Aquatics or Food Services must wear approved The Monon Center hat/visor.

**General:** All articles of clothing must fit appropriately and be clean, free of any rips, holes or stains and ironed if necessary.

All articles of clothing must be deemed appropriate by their Supervisor or Division Manager (i.e. no visible under garments, sagging of pants/shorts, etc).

Employees may not display piercings except ear piercings. Piercing are to be removed, not covered.

Department logo wear cannot be worn for personal use while off the clock.

Employees may not alter any department clothing (e.g. cut staff shirts).

Those employees in positions requiring safety apparel are required to follow all instructions on use of special apparel and other protective equipment. Failure to follow safety standards will result in discipline, up to and including termination.

## **E. Smoking / Tobacco**

The Board has enacted a park system wide "tobacco free" policy. Smoking and the use of tobacco products is prohibited on park property, while performing park duties, and/or while operating Department vehicles or motorized equipment. Violations of this policy may result in disciplinary action, up to and including immediate termination.

## **F. Telephone and Cell Phone Use**

The Department issues telephones are essential to Department business and should not be used for personal calls except in emergencies. When personal calls are necessary, including those on personal cell phones, they should be made while on break and out of public view.

All long distance phone calls made by employees from his/her business phones, and paid by the Department, must be related to business. Personal long distance telephone calls shall not be billed to the Department. If an employee must make a long-distance call while at work, he or she should use a personal calling card, bill the call to a third number, or use his/her personal cell phone. Violation of this policy may result in disciplinary action, up to and including immediate termination.

## **G. E-mail and Internet Use**

The Department computer network allows access to electronic mail communications, the Internet and other on-line resources. Open access to worldwide information brings with it the availability of material and usages that are not of value to the Department's business. The Department has taken precautions to restrict access to and usage of this computer network. However, it is impossible to control all

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materials an industrious user may discover while interacting with the network. It is the position of the Department that positive interactions with the network far outweigh the negatives associated with the procurement of materials not consistent with the business of the Department. Further, it is the responsibility of both managers and employees to appropriately use the network for the greater good of the Carmel/Clay Community.

The smooth operation of the Department network and maintenance of equipment rely upon the proper conduct of all who use the systems. In general, this requires efficient, ethical and legal utilization of network resources. The following guidelines are provided so that every Department employee is aware of the responsibility he or she has in maintaining the Department's investment in technology.

#### Ownership

The Department owns all computers, software, on-line accounts and electronic mail (e-mail) facilities and messages. E-mail and other network activities are NOT private and all Department computer systems including the network will be monitored to ensure appropriate use. Violations will be treated under the disciplinary guidelines of this Handbook and could result in immediate termination. Usage relating to or in support of illegal activities will be reported to the appropriate authorities.

#### Acceptable/Unacceptable Use

The purpose of the Department's computer network and the Internet is to support research and collaboration among Department employees and the outside world by providing access to unique and helpful resources, all of which supports the Department's goals and objectives. Any other usage, including the following, is strictly prohibited and may result in disciplinary action, up to and including immediate termination.

- All illegal activities. Transmission of any materials in violation of any federal, state or local regulation. This includes, but is not limited to, copyrighted material (all communications and information accessible via the network should be assumed to be the property of the provider and potentially subject to copyright law), threatening or obscene material, or material protected by trade secret.
- Product advertisement or political campaign materials.
- Participation in on-line forums, chat groups, blogs, games or other services using the Department network (including remote usage) that are not required to perform an Employee's job.
- Making on-line statements about the Department or its position on any issue unless such statements have been approved by the Director or Assistant Director.
- Transmission of non work related material via the network.
- Downloading software not owned or licensed for use by the Department without the approval of the Director or Assistant Director.
- Unauthorized attempts to log onto the system as another user or as the system administrator are not permitted. Access any database or service that charges a fee for access or download any file for which a fee is charged without the permission of the Director or Assistant Director.

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- Use any on-line internal or external messaging system to harass others within or outside the organization.

### Security

Security on any computer system is a high priority, especially when the system involves many users. Any user who feels he or she can identify a security problem on the Department computer network should notify the Assistant Director or Director as soon as possible and not demonstrate the problem to other users.

No employee should use another individual's user account without permission from that individual. No user is allowed to give his or her password to any co-worker except with permission of the supervisor or to allow Department management to monitor the computer network and systems. All users must either secure his/her terminal or work stations by invoking a password or logging off the system when leaving workstations unattended. Failure to secure a workstation threatens the system's security and could potentially allow an unauthorized person access to confidential Department information. Employees shall be held accountable for all misuse of the computer performed under his/her account.

### Fees for Access

An employee who uses the Department's computer network to access any database or service that charges a fee for access or download any file for which a fee is charged without the permission of the Director or Assistant Director will be responsible for paying any fees so incurred, and subject to disciplinary action, up to and including termination.

## **H. Solicitation**

The Department does not permit solicitation by employees or non-employees during working hours, as it may distract an employee from his/her work and because unwanted solicitation may be considered a form of harassment. Departmental bulletin boards may be used to inform co-workers of the availability of a particular product or service, but employees may not use work time or Department stored information to make sales contacts.

## **I. Safety**

The Department and all employees of the Department are obligated to comply with the safety standards set by the Occupational Safety and Health Act (OSHA) as well as other applicable federal, state and local regulations. Safety is a shared responsibility. It is the Department's responsibility to provide a working environment free of unreasonable health hazards, to provide training and instruction regarding proper working methods, and to make available special clothing and equipment required to protect employees from particular risks. It is the responsibility of each employee to report workplace injuries safety concerns, questions, hazards and violations immediately as set forth below, to learn and observe established safety regulations, and to use the protective equipment provided.

The Department maintains a safety program directed by a Safety Officer and a Safety Committee. The Safety Officer, with input from the Safety Committee, is responsible for developing Department policies

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that enhance workplace health and safety. Such policies are provided to all those who perform Safety-Sensitive Functions or hold Safety Sensitive Positions. Safety issues must be reported to the Safety Officer. The duties of the Safety Officer are included in the position of Training Manager.

Employees who observe, suspect or learn of an unsafe condition caused by faulty equipment or work practices, environmental hazards, inadequate training or information, carelessness, failure to follow safety guidelines, or any other factor, shall report it immediately to a supervisor on forms available from all supervisors. Supervisors are responsible to file the original report with the Safety Officer and forward a copy within two (2) business days to the Human Resources Area. Human Resources is responsible for compiling information required by OSHA and the Department's insurer. The primary purpose of such reporting practices is to identify accident trends, prevent recurrences, establish safe practices and provide a safe and healthy working environment.

Failure to comply with any aspect of the Department's safety program may result in disciplinary action, up to and including immediate termination.

## **J. Department Vehicles and Motorized Equipment**

The following policies are standards prescribed for all employees who are required or allowed to operate Department vehicles and motorized equipment.

Department employees who operate Department vehicles and/or motorized equipment are required to hold a valid Indiana driver's license, and to secure, renew and maintain, as necessary, any special licenses required by law to operate the vehicle or equipment. Such employees shall keep his/her supervisor informed of any traffic ordinance, misdemeanor or felony violations they receive as well as any license restrictions, suspensions or revocations. Loss of driving privileges may result in termination.

### Assignment/Usage

The Director shall determine which employees will have Department vehicles assigned to them and which employees will have access to Department vehicles. The following guidelines apply to Department personnel authorized to use Department vehicles and/or motorized equipment:

- The employee assigned to the vehicle, or another employee within the same Department and with Director approval, shall be the only person(s) to operate such vehicles.
- An employee using a Department vehicle shall exercise good judgment in vehicle utilization, and shall assure that the operation of such vehicle conforms to all traffic laws. All personnel and passengers shall use lap and shoulder belts during the operation of the vehicle. The number of passengers in a Department vehicle shall not exceed the number of working lap/shoulder belts available.
- While operating a Department vehicle, an employee shall have a Department ID card in his or her possession.
- While conducting Department business, an employee may take his/her assigned vehicle anywhere in the state of Indiana, subject to Chapter 3, Section K of this Handbook. Business

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outside the state must be authorized by the employee's supervisor. (See travel section for more guidelines.)

- Employees provided with "take home" vehicles may not use the vehicle for personal purposes other than commuting or *de minimus* use, such as a stop for a personal errand at a store or to drop off or pick up children from school on the way to or from work. The purchase or transportation of alcoholic beverages in a Department vehicle is strictly prohibited.
- Any employee operating a Department vehicle shall be drug and alcohol-free, and shall strictly comply with the Substance Abuse Policy.
- Employees are expected to follow all rules of the road.
- Employees may not use cell phones for any purpose without hands free equipment while operating the vehicle or equipment.
- Employees are not authorized to operate a vehicle or motorized equipment while overly tired.

#### Vehicle Mileage Log

All employees driving Department vehicles, and purchasing gas at the Department's expense, must purchase gas at authorized locations and keep an accurate vehicle mileage log record. The form must be filled out completely and turned in at the end of each month, with receipts (if applicable), to the Business Services Division. The Department will pay for the purchase of all gas used by Department vehicles and equipment in the course of Department business.

#### Maintenance and Repair

The Park Operations and Planning Division is responsible for developing and implementing a preventative maintenance schedule for each Department vehicle. An employee shall not operate any vehicle or equipment that/ she reasonably suspects, believes/knows to be unsafe or in need of repair. An employee is also responsible for the overall condition of his or her assigned vehicle while in his/her possession.

In the event Department vehicles or motorized equipment become inoperable due to a breakdown, the employee should contact his/her immediate supervisor or Division Manager.

#### Accidents

In the event an employee is involved in an accident resulting in any property damage or personal injury while operating a Department vehicle or motorized equipment, the employee shall refer to the insurance information card that outlines post-accident procedures and carefully follow such procedures. These cards have been provided by the Department's insurance company and are located in each Department vehicle. All employees who perform Safety-Sensitive Functions or perform a Safety Impact Position which require or involve the operation of a Department vehicle or motorized equipment. An employee should verify that there is an insurance information card in the vehicle before operating it. In addition to the other instructions provided on this card, the employee must have an accident report

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filled out with the appropriate police department responsible in the jurisdiction of the accident, whether the accident occurs on public or private property. The employee shall provide as soon as possible, a copy of the report to his/her supervisor.

Employees involved in accidents while driving Department vehicles will be subject to drug and alcohol testing, as described in the Department's Substance Abuse Policy

#### **K. Work-Related Concerns/Complaint Procedures**

The Department wishes to ensure that employees are treated fairly and equitably in all matters pertaining to their employment. An employee who believes a Department policy or procedure is being applied in an unfair, inconsistent or inappropriate manner may pursue his or her concern through the following steps.

Employees are encouraged to discuss his/her work-related concerns in detail with his/her immediate supervisors. If a concern involves an immediate supervisor or if the employee is not comfortable discussing it with his/her immediate supervisor, the employee may approach the individual at the next level of management or Human Resources. The issue will be investigated at the appropriate level and take appropriate action within the scope of his or her authority or, if necessary, pass the concern along to a higher level of authority, up to and including the Director.

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## Chapter 4: Compensation

### A. Rate of Pay

#### Hourly Rate

Hourly rate of pay is set annually by the Board through adoption of an annual salary resolution.

#### Merit Raise

Subject to the availability of funds and approval by the Director, Part-Time Employees may be eligible for annual merit raises based on an evaluation of his/her work performance.

### B. Overtime Compensation

The federal Fair Labor Standards Act (FLSA) details the conditions under which the Department compensates its non-exempt employees for overtime work. The work week runs from Saturday to Friday. The FLSA requires the Department to compensate non-exempt employees at 1-1/2 times his/her regular hourly rate of pay for each hour worked in excess of 40 hours in a week.

All overtime must be approved in advance by the employees Supervisor.

It is the Department's intention that overtime pay will be included in the paycheck for the period in which the overtime was worked, provided the time was properly and timely documented.

#### Secondary Employment

Any employee working two jobs within the Department, shall combine the total hours worked in both jobs for purposes of computing overtime compensation.

### C. Time Sheets

Each employee is expected to keep an accurate record of his or her hours worked. Biweekly time sheets, as well as the instructions needed to fill out such time sheets, shall be provided by the employee's immediate supervisor. It is the responsibility of the Department to ensure that properly completed time records are submitted to the Department's Human Resources Area in time to meet the payroll deadline.

Hours paid are based on actual hours of work, calculated to the nearest quarter hour. Quarter hours are broken down as follows:

- 1 – 7 minutes = free
- 8 – 22 minutes = 15 minutes
- 23 – 37 minutes = 30 minutes
- 38 – 52 minutes = 45 minutes

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- 53 minutes – 7 minutes past the next hour = 1 hour

Similar computations shall be made whether the employee arrives after the beginning of his or her scheduled shift or leaves prior to the end of the shift. This policy is for pay purposes only and is not an authorization for tardiness or absence from scheduled work.

Hourly employees cannot be required to arrive early or stay late to perform work-related activities without being compensated for the additional time. An early start or late departure must be specifically requested and authorized, in advance, by the employee's supervisor. Employees who choose to arrive early or stay late for personal reasons shall be compensated only for the hours actually worked.

It is the responsibility of supervisors to ensure that time sheets or time cards reflect actual hours worked and that unauthorized overtime is not permitted. Unauthorized overtime will be paid according to the FSLA guidelines, however may result in disciplinary action, up to and including termination.

No employee, except an employee in a supervisory position, may record the time of any other employee. Any deviation from regularly scheduled hours, must be approved, in advance, by the employee's supervisor. Falsifying time sheets **through adding time not worked or omitting time worked**, will result in disciplinary action, up to and including immediate termination. Any employee directed or encouraged by a supervisor to make an inaccurate entry on a time record shall immediately report such to the Human Resources Manager.

#### **D. Pay Periods**

Bi-weekly pay periods begin on Saturday and run through Friday two weeks hence. Direct deposits are made on Friday, one week after the end of the pay period. Time sheets are due on alternating Fridays. Mandatory deductions will be made from each employee's pay as required by federal, state and local laws. An employee may authorize additional voluntary deductions for offered benefits (i.e., savings and retirement programs).

The Department does not offer pay advances.

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## Chapter 5: Benefits

### A. The Monon Center Admission

Part-Time employees shall receive free admission to the Monon Center upon presentation of their Department-issued employee identification card. In return for receiving this benefit, employees using the Monon Center are requested to immediately report any emergency or hazardous situations they witness to an on-duty employee.

Part-Time employee are required to pay registration fees for all programs and services provided by and/or offered through the Department for which there is a fee. Part-time employees will be charged the Resident rate regardless of residency. Members of an employee's household are not eligible for any discounts for Department programs and services beyond those available to the general public.

### B. Extended School Enrichment Discount

Part-Time employees shall receive a discount towards the Extended School Enrichment or Summer Camp Series for their dependents attending Carmel Clay Schools after school/camp program.

### C. Concession Items

Part-time employees shall receive a discount towards selected concession items. Employees are required to show their employee ID to receive the discount while visiting the park or while working.

### D. Family and Medical Leave

The Family and Medical Leave Act of 1993 (FMLA), as amended, is intended to help balance the demands of the workplace with the needs of employees and their families. It is the intent of the Department to comply in all respects with the FMLA. A copy of the entire FMLA is available upon request from Human Resources.

Please Note: The FMLA is a means of protecting an employee's job during a qualifying absence.

#### Definitions

**Continuing Treatment** shall mean any one or more of the following:

- *Incapacity and treatment*: a period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves: a) treatment two or more times, within 30 days of the first day of incapacity, by a health care provide; or b) treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider; or
- *Pregnancy or prenatal care*: any period of incapacity due to pregnancy or for prenatal care; or

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- *Chronic conditions:* any period of incapacity or treatment of such incapacity due to a chronic, serious health condition; or
- *Permanent or long-term conditions:* a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
- *Conditions requiring multiple treatments:* any period of absence to receive multiple treatments by a health care provider for: a) restorative surgery after an accident or other injury; or b) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.

**Covered Military Member** shall mean an employee's spouse, son, daughter or parent on active duty or call to active duty status.

**Covered Service Member** shall mean a current member of the Armed Forces, including a member of the National Guard or a reserve component of the U.S. Armed Forces, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty on active duty.

**Key Employee** shall mean a salaried FMLA-eligible employee who is among the highest paid ten percent (10%) of all Department employees.

**Next of kin of a covered service member** shall mean the nearest blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member, brothers and sisters, grandparents, aunts and uncles and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA in which case the designated individual shall be deemed to be the covered service member's only next of kin.

**Parent** shall mean the biological, adoptive, step or foster father or mother of an employee, or any other individual who had day-to-day responsibilities to care for and financially support an employee when the employee was a child. This term does not include parents "in law."

**Qualifying Exigency** shall mean any one or more of the following when it relates to an employee's spouse, son, daughter or parent is notified of an impending call or order to active duty in support of a contingency operation:

- *Short-notice deployment:* to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven (7) or fewer calendar days prior to the date of the deployment; or
- *Military events and related activities:* to attend any official ceremony, program or event sponsored by the military that is related to the covered military member's active duty or call to active duty, or to attend family support or assistance programs and informational briefings sponsored by the military, military service organizations or the American Red Cross; or
- *Childcare and school activities:* to arrange for alternative childcare, provide childcare on an urgent, immediate needs basis, enroll in or transfer a child to a new school or day care facility or attend

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meetings with staff at a school or daycare facility, when any of these activities is necessitated by the covered military member's active duty or call to active duty; or

- *Financial and legal arrangements:* to make or update financial or legal arrangements to address an absence due to the covered military member's active duty or call to active duty, or to act as the covered military member's representative before a federal, state or local agency for the purposes of obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status; or
- *Counseling:* to attend counseling provided by someone other than a health care provider for the covered military member or a child of the covered military member, provided that the need for counseling arises from the active duty or call to active duty of the covered military member; or
- *Rest and recuperation:* to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment (eligible employees may take up to five (5) days of leave for each instance of rest and recuperation); or
- *Post-deployment activities:* to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following termination of the covered military member's active duty status, or to address issues that arise from the death of a covered military member while on active duty status; or
- *Additional activities:* to address other events that arise out of the covered military member's active duty or call to active duty status, provided that the City and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

**Serious Health Condition** shall mean an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

**Serious Injury or Illness** shall mean an injury or illness incurred by a covered service member of the Armed Forces in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

**Son or Daughter** shall mean a biological, adopted or foster child, a step child, a legal ward or a child of a person standing in place of a parent, who is either under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability. The age limit does not apply when leave is requested for active duty of a son or daughter or to care for a son or daughter who is a covered service member.

**Spouse** shall mean a husband or wife as recognized by Indiana law.

#### Qualifying Leave (12 Weeks Maximum)

An employee who has worked for the Department for at least 12 months and for a minimum of 1,250 hours during the 12 months immediately preceding the commencement of FMLA leave may take up to 12 weeks of unpaid leave in any rolling 12 month period, for one or more of the following reasons:

- For birth of the employee's son or daughter, and to care for the newborn child; or
- For placement with the employee of a son or daughter for adoption or foster care; or

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- To care for the employee's spouse, son, daughter or parent with a serious health condition; or
- Because of a serious health condition that makes the employee unable to perform the functions of his or her position; or
- For any qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

The 12-month period for taking leave under the conditions described above will be a rolling 12-month period, measured backward from the date an FMLA leave commences.

Leave may be taken intermittently (separate blocks of time for single qualifying reason) or through a reduced schedule (fewer hours per day or fewer days per week) for the care of the employee's spouse, child or parent with a serious health condition or because of the employee's own serious health condition, if medically necessary, or for a qualifying exigency. Intermittent leave can be taken in increments of 15 minutes or more. Intermittent or reduced schedule FMLA leave for the birth or placement of a child may be taken only with the prior written approval of the employee's department head.

An employee on intermittent or reduced schedule leave may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternate position will offer equivalent pay and benefits.

Qualifying leave taken continuously will be designated FMLA leave only after an absence of more than five (5) consecutive work days or shifts (despite the fact that a serious health condition may commence after only three (3) days).

#### Qualifying Leave (26 Weeks Maximum)

An employee who has worked for the Department for at least 12 months and for a minimum of 1,250 hours during the 12 months immediately preceding the commencement of FMLA leave may take up to 26 weeks of unpaid leave in any single 12 month period to care for a covered service member with a serious injury or illness if the employee is the covered service member's spouse, son, daughter, parent or next of kin.

The leave entitlement to care for a covered service member is applied on a per-covered service member, per injury basis. An eligible employee may be entitled to more than on 26-week period of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness or injury, except that no more than 26 weeks may be taken within a single 12-month period.

The single 12-month period begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. If an eligible employee does not take all

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of his or her 26 weeks of leave entitlement during this single 12-month period, the remaining part of the 26 weeks is forfeited.

Leave to care for a covered service member may be taken continuously, or, if medically necessary, intermittently or through a reduced work schedule.

During the single 12-month period described in this section, an employee shall be entitled to a combined total of 26 weeks of leave for all FMLA-qualifying reasons. However, the employee is entitled to no more than 12 weeks of leave during the single 12-month period for one or more of the following: birth of the employee's son or daughter, and to care for the newborn child; placement with the employee of a son or daughter for adoption or foster care; to care for the employee's spouse, son, daughter or parent with a serious health condition; because of a serious health condition that makes the employee unable to perform the functions of his or her position; a qualifying exigency.

#### Requesting Leave

An employee need not specifically assert his or her rights under the FMLA or even mention the FMLA. If the employee provides at least verbal notice sufficient to make a supervisor aware that the employee needs FMLA-qualifying leave, it is the responsibility of the supervisor to ensure that the employee is granted his or her rights under the FMLA.

Whenever foreseeable (e.g., birth or placement of child, planned medical care), the employee shall provide the department head with not less than 30 days advance notice of intended FMLA leave. If circumstances prevent providing 30 days advance notice, the employee shall provide as much notice as is reasonable and practicable. In an emergency, notice may be given by employee's spouse, adult family member or other responsible party. If the employee fails to provide required notice of foreseeable leave with no reasonable excuse, the Department may delay the FMLA leave to the extent permitted by law.

The Department reserves the right to designate any qualifying leave as FMLA leave regardless of whether the employee has specifically requested FMLA leave. An employee who uses or plans to use more than five consecutive sick days shall apply for, or be deemed to have applied for, FMLA leave.

In addition to the requirements outlined below, an employee who is substituting paid leave for unpaid FMLA leave is required to comply with all of his or her Division's usual and customary notice and procedural requirements for requesting such paid leave, absent unusual circumstances. The employee is also expected to make a reasonable effort to schedule medical treatment and other eligible appointments and events so as not to unduly disrupt the ongoing operations of his or her department, subject to the approval of the employee's health care provider.

#### Documentation

All leave requests shall be put into writing. An employee must submit an FMLA leave of absence request form to his or her department head, who shall sign the form and forward it to the Department of Human Resources. If the employee is unable to complete the form, the employee's department head or a family member may do so on the employee's behalf.

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If FMLA leave is for the care of a family member with a serious health condition, to care for a covered service member or the employee's own serious health condition, a written medical certification must be obtained from the patient's health care provider (or in the case of a covered service member, an authorized DOD provider) and submitted along with the leave of absence request form, or within the time frame stated in the Notice of Rights and Responsibilities provided by Human Resources. All certification forms will be supplied by the City and will comply with U.S. Department of Labor guidelines.

The Department may, at its own expense, require a second and third healthcare provider opinion. The Department will designate the health care provider to furnish the second opinion. A third health care provider, whose decision is final and binding, must be designated or approved jointly by the Department and the employee. Pending the receipt of the second or third medical opinion, the employee is provisionally entitled to the benefits of the FMLA.

If leave is taken for a qualifying exigency, the employee must complete a certification form and submit it with the leave of absence request form, or within the time frame stated in the Notice of Rights and Responsibilities provided by Human Resources. All certification forms will be supplied by the Department and will comply with U.S. Department of Labor regulations. The first time an employee requests leave for a qualifying exigency, he or she will also be required to provide a copy of the military member's active duty orders. The orders need not be provided again unless the exigency arises out of a different active duty or call to active duty.

If an employee fails to provide the required certification in a timely manner, the employee may be denied FMLA leave until such certification is provided.

Human Resources will review all leave requests and provide a written Notice of Eligibility and Rights & Responsibilities within five (5) working days of receipt, absent extenuating circumstances. The Notice of Eligibility will indicate whether the employee is eligible for FMLA leave, and, if not, why not. The Notice of Rights and Responsibilities will detail the specific expectations and obligations of the employee and explains any consequences of a failure to meet these obligations. After all required documentation is provided by the employee and/or his or her health care provider, Human Resources will send Designation Notice, informing the employee whether or not her or her leave will be designated FMLA leave.

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

Additionally, employees may be required to provide a recertification during FMLA leave. The Department may require such recertification no more frequently than every 30 days, and only in connection with an absence by the employee, except in the following circumstances:

- *More than 30 days:* If the medical certification indicates that the minimum duration of a condition is more than 30 days, the Department must wait until the minimum duration passes before requesting a recertification. However, in no case is the Department required to wait more than six months before requesting a recertification.

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- *Less than 30 days:* The Department may request recertification in less than 30 days if the employee requests an extension of the leave, the circumstances described by the previous certification have changed significantly or the Department receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

If an employee is requesting leave to care for a family member with a serious health condition, a qualifying exigency or to care for a covered service member, the Department may require the employee to provide reasonable documentation of a family relationship.

#### Returning from FMLA leave

The Department may require an employee on FMLA leave to report periodically on his or her status and intent to return to work. If the circumstances change and it becomes necessary for an employee to take either more or less leave than originally anticipated, the employee is required to provide notice of the changed circumstances within two business days. If an extension is requested a recertification may be required. In no case may the employee be required to take more leave than necessary to resolve the circumstance that precipitated the need for leave.

In general, upon return from FMLA leave an employee is entitled to be reinstated to the same position he or she held when leave commenced, or to an equivalent position with equivalent pay, benefits, working conditions and other terms and conditions of employment. In addition, the position in which the employee is placed will have substantially similar duties, skill, effort, responsibility and authority. The right to reinstatement is not absolute—reinstatement may be denied if:

- The employee would not have been employed by the City at the time reinstatement is requested even if he or she had not taken leave; or
- The reinstatement of a key employee will cause substantial and grievous economic injury to the operations of the Department; or
- The employee is unable to perform an essential function of his or her position or an equivalent position because of a physical or mental condition; or
- FMLA leave has been fraudulently obtained.

An employee who has taken leave for his own serious health condition is required to provide a medical certification from the health care provider stating that the employee is able to resume work. The Department may require that the certification specifically address the employee's ability to perform the essential functions of his or her job. If the employee fails to provide a fitness-for-duty certification, return from leave shall be denied until the certificate is submitted. At the Department's discretion, an employee who fails to provide either a fitness-for-duty certification or a new medial certification for a serious health condition may be terminated.

If the Department questions an employee's ability to resume work, it may, at its own expense, require a medical examination that is job related and consistent with medical necessity.

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If an employee gives unequivocal notice of intent not to return to work, the Department's obligations under FMLA to maintain health benefits and to restore the employee to his or her position cease.

#### Limitations on FMLA Leave

In the case of spouses who are both eligible Department employees, FMLA leave taken by such spouses in any 12-month period shall be limited to a combined total of 12 weeks if the leave is taken for the birth or placement of a child or to care for a parent with a serious health condition. If the leave is taken to care for a covered service member, or for a combination of caring for a covered service member and any qualifying reason, such spouses are limited to a total of 26 weeks of leave in a single 12-month period.

Entitlement to FMLA leave for the birth or placement of a child into an employee's family shall expire at the end of the 12-month period beginning on the date of birth or placement.

Any period of an FMLA qualifying leave that extends beyond 12 weeks in a rolling calendar year (or 26 weeks to care for a covered service member) is not FMLA leave. After the 12 week (or 26 week) entitlement is exhausted, an employee is no longer entitled to the protections of the FMLA.

#### **E. Military Family Leave**

An employee who has a family member ordered to active military duty, but who does not meet the FMLA criteria for a qualifying exigency, may be eligible for Indiana Military Family Leave as provided in I.C. 22-2-13.

An employee who is the spouse, parent, grandparent, child or sibling of an individual who is ordered to active military duty for a period that exceeds 89 consecutive calendar days may take up to ten days of unpaid leave per calendar year, provided the employee has been employed by the Department for at least 12 months and has worked at least 1,500 hours during the 12-month period immediately preceding the day the leave begins. The employee may take a leave of absence during one or more of the following periods:

- The 30 days before active duty orders are in effect;
- A period in which the person ordered to active duty is on leave while active duty orders are in effect; and/or
- The 30 days after the service members return from active duty orders are terminated.

An employee requesting leave under this policy must submit a Military Family Leave Request Form, with a copy of the active duty orders attached, at least 30 days prior to the beginning date of the leave (unless the orders are issued less than 30 days before the requested leave date). The Department may require verification of eligibility for the leave. If the employee does not provide verification of eligibility on a timely basis, the absence shall be considered unexcused.

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Although Military Family Leave is unpaid, the Department requires the employee to substitute all eligible paid leave (PTO and/or compensatory time) for unpaid leave. Time in an employee's sick leave bank may not be substituted for unpaid leave.

An employee who is eligible for ten (10) or more days of FMLA leave for a qualifying exigency shall not also be eligible for Military Family Leave in the same calendar year.

#### Returning From Leave

Provided an employee returns to work by his or her scheduled return date, no further documentation or notification is necessary, unless the leave is for medical reasons not covered by FMLA. In that case, the employee's healthcare provider must release the employee to return to work. Leave extensions must be granted by the department head or the Board, as outlined above, based upon the total length of the leave requested and/or taken.

#### Disciplinary Leave

An employee who is placed on unpaid leave for disciplinary reasons, or pending resolution of criminal charges shall accrue and/or receive benefits as outlined above for employee initiated leave.

### **F. Other Leaves of Absence**

#### Employee Initiated Leave

Leaves of absence may be granted for reasons other than health, for health reasons that do not meet FMLA criteria, or for individuals who do not qualify for FMLA leave. All leave requests must be in writing and shall be placed in the employee's personnel file in Human Resources.

Every leave not mandated by state or federal law is contingent upon the ability of the Department to maintain adequate staffing during an employee's absence.

Part time employees that do not work for more than 12 consecutive weeks will be considered having resigned their position with Carmel Clay Parks and Recreation. After 12 consecutive weeks of an absence the employee will need to reapply for the position and go through the hiring process. A former employee is not guaranteed to be reinstated to their previous job or pay.

### **G. Jury Duty/Court Ordered Appearances**

Time off shall be granted to any part-time employee who is required to serve as a juror, or to appear in court as a witness or party to a proceeding acting in the scope of his/her employment. The employee shall be paid his or her regular wage for such court time. For non-work related court appearances other than jury duty, employees must request time off.

The employee shall present a copy of the document requiring jury duty or ordering a court appearance to his or her supervisor upon receipt. A copy of the document must be given to his/her Supervisor to be submitted to the Human Resources Manager for inclusion in the employee's personnel file.

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An employee selected to serve on a jury duty shall report to court each day as instructed, and provide an attendance slip from the court verifying the actual dates of service. These slip(s) shall be submitted to the Human Resources Manager. An employee released from jury service before 1:00 p.m. on a scheduled work day shall report to his or her work site whenever practical.

An employee is required to request to receive compensation for jury duty or a court-ordered appearance shall remit such payment to the Clerk-Treasurer's office. If the employee fails to remit the payment, the employee's earnings will be reduced by the amount of the compensation. Any payments provided the employee by the court for expenses may be retained by the employee.

## **H. Administrative Leave**

### Unpaid Administrative Leave

While criminal charges against an employee are pending or an allegation of employee misconduct is being investigated, if the Director determines that it is necessary to remove the employee from the workplace, the Director may place the employee on unpaid administrative leave. If an employee is placed on unpaid administrative leave for more than ten (10) work days, the Director shall offer to meet with the employee to review any information the employee offers concerning the need for continued unpaid administrative leave.

If the employee is returned to duty following a period of unpaid administrative leave, the Director may recommend to the Board that the employee receive back pay for all or a portion of any period of unpaid administrative leave.

## **I. Worker's Compensation Insurance**

Through Contracts negotiated by the City or through the City's self insurance program, the Department provides worker's compensation insurance on all Department employees in order to provide coverage for injuries and illnesses arising out of and in the course of employment.

All work-related injuries and illnesses for which treatment is necessary must be recorded on the appropriate form and submitted to Human Resources Area as soon as possible but no later than one (1) business day after the injury or illness. A copy of such form shall be forwarded immediately to insurance carrier and a copy will be kept in the Human Resources Area for record keeping purposes.

The Department is not responsible for accidents or injuries suffered by employees while off the Department's premises unless the employee is acting within the scope of his or her employment, or at the direction of his or her supervisor, and is conducting Department business. Attendance at Department-sponsored social events is voluntary and is not covered by worker's compensation insurance.

***Worker's compensation eligibility and benefits are determined by state law and by the City of Carmel.***

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## **J. Deferred Compensation**

The Department has established four elective deferred compensation (457) plans for its employees. These are voluntary, tax-deferred savings plans for employees who wish to supplement his/her retirement savings. The administration of such programs is the sole responsibility of the independent agents with whom the Department contracts.

All and part-time employees are eligible to participate in a deferred compensation plan immediately upon commencement of employment. Employees must contact the plan representative in order to obtain complete information and to enroll. All plans are also accessible on the Internet.

Because deferred compensation accounts are intended for retirement savings, early withdrawals are allowed only upon termination of employment or in unforeseen emergency situations. Applications for emergency withdrawals must be made to the Parks Board. Contact Human Resources for additional information.

A program to match certain deferred contributions of full-time and part-time employees; to the extent such contributions are allowed by law. (Contributions made under the special catch-up provisions of the plan are not eligible for the matching.) The Department will match employee contributions at the levels stated below:

- No match in the first year of employment with the Department;
- 10% match after one full calendar year of employment with the Department;
- 20% match after two full calendar years of employment with the Department;
- 30% match after three full calendar years of employment with the Department;
- 40% match after four full calendar years of employment with the Department;
- 50% match after five full calendar years of employment with the Department.

The level of matching by the Department will not exceed 50% of employee contributions, regardless of an employee's longevity with the Department.

Should an employee have an interruption of employment of 90 or fewer calendar days, the employee shall be entitled to full credit for service prior to the interruption. After an interruption of more than 90 calendar days, a returning employee shall be treated as a new employee for purposes of the deferred compensation matching program and shall not receive credit for prior service.

A 401(a) account will be established for each employee who is eligible to receive matching funds. Only the matching funds contributed by the Department will be deposited into the 401(a) account; employee contributions will continue to be deposited into the 457 account. Each employee's 401(a) account will be established with the vendor that services that employee's 457 account.

An employee is not allowed to withdraw money from a 401(a) account, for any reason, while he or she is still employed by the Department.

***Deferred compensation guidelines are determined by the federal government and by the vendor contracts, as approved by the City.***

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## **K. Termination of Benefits**

For Department employees, all benefits for which they are entitled as identified in Section 5 of this policy end immediately upon termination of employment.