

City of East Chicago, Indiana

Employee Handbook

Anthony Copeland, Mayor

Revised 2016

Contents

Functions of this Handbook 4
About East Chicago 5
MISSION STATEMENT 6
City of East Chicago 6
I. EMPLOYMENT POLICIES & PRACTICES 7
A. Equal Employment Opportunity 7
B. Americans with Disabilities Act 7
C. Immigration Law Compliance 9
D. Employee Classifications 10
E. Exempt and Non-Exempt Status 10
F. Seniority 10
G. Employee and Contractual Services 11
H. Employment of Minors 11
I. Nepotism 11
J. "At-Will" Employment 12
K. Employee Orientation 12
L. Introductory Period 12
M. Employee Performance Evaluations 13
N. Employee Records 13
O. Relationship to Collective Bargaining Agreement 14
II. CODE OF ETHICS 15
A. Ethics Statement 15
B. Outside Employment 15
C. Outside Business Interests 16
D. Conflicts of Interest 16
E. Campaigning for Elective Office and Political Work 16
F. General Campaigning and Political Work 17
G. Gifts and Gratuities—Giving or Receiving 17
H. Confidential Information 18
I. Media Relations and Related Inquiries 18
J. Reporting Requirements 19
K. Violations of Code of Ethics 19
III. HOURS OF WORK AND COMPENSATION 20
A. Hours of Work 20
B. Paychecks 20
C. Direct Deposit 20
D. Payroll Deductions 21
E. Fair Labor Standards Act, Overtime and Compensatory Time Off 21
1. Non-Exempt Employees 21
2. Exempt Employees 21
3. Overtime By Non-Exempt Employees 22
4. Compensatory Time Off 22

IV. EMPLOYEE BENEFITS 24
A. General Overview 24
B. Mandatory Benefits 24
C. Health Insurance and Supplemental Insurance Benefits 24
1. Health Insurance 24
2. Working Spouse 25
3. Life Insurance 25
4. Supplemental Insurance benefits 25
D. Retirement Plans 25
1. The Pension Plan 25
2. The Annuity Plan 26
3. 457B Retirement Plan 26
E. Vacation Benefits / Annual Leave 26
1. Employees Hired Prior to April 10, 2012 26
2. Employees Hired After (April 10, 2012) 27
F. Paid Sick Leave/Personal Time 27
G. Holidays 28
H. Personal Leaves of Absence 29
I. Jury Duty 30
J. Bereavement Leave 30
K. Military Leave 30
L. Family and Medical Leave 32
V. EMPLOYEE RESPONSIBILITIES AND GENERAL WORK RULES 36
Equal Employment, Anti-Harassment and Retaliation 36
A. Discriminatory Conduct or Discriminatory Harassment Prohibited 36
B. Sexual Harassment 36
C. Discriminatory Harassment, Including Sexual Harassment 36
D. Attendance and Punctuality 39
E. Drug-Free Workplace Policy 40
F. Guidelines For Conduct 42
G. Documentation/Procedures For Discipline 44
H. Types of Disciplinary Actions 44
I. Notice Of Changes To The Guidelines For Conduct 45
J. Separation Policy 45
K. Involuntary Separations Due to Lack of Work 45
L. Voluntary Terminations 45
M. Employee Complaint Procedure 45
N. Dress Code and Personal Appearance 47
O. Smoking Policy 47
P. Computers, Email, the Internet and Social Media 47
Q. Internet Usage 48
R. Social Media 48
S. Cell Phones, Pagers and Wireless Communication Devices 49
T. Travel Expenses 50
U. Use of City Property 50

VI. SAFETY AND SECURITY 51
A. Visitors 51
B. Work Related Injuries and Worker's Compensation 51
C. Inspections of City Property and Other Searches 51
D. Employee Lockers 51
E. Cooperation with Investigations/Searches 52
F. Emergency Procedures 52
G. Changes To The Handbook 52
H. Appendix: Ordinances Creating and Amending Employee Handbook 53
1. Ordinance No. 3434 passed August 12, 1986. 53
2. Ordinance No. 12-0005 passed April 10, 2012. 53
3. Ordinance No. 13-0037 passed December 30, 2013. 53
4. Ordinance No. 15 – 0029 Passed December 31, 2015. 53

Functions of this Handbook

This Employee Handbook has been prepared for the employees of the City of East Chicago to promote and maintain a positive working environment and to provide general direction and information.

The purpose of this handbook is to introduce East Chicago employees to the policies and benefits of City employment. This document is meant to explain the obligations of East Chicago as an Employer and to set forth certain rights and requirements of City employees. This document is not an exhaustive resource of all employee benefits and employer policies but is to be used in conjunction with other work policies, detailed employee benefit booklets and the applicable collective bargaining agreement.

This handbook is not, and is not intended to be, a contract of employment, but rather, an overview of policies and guidelines for City of East Chicago employees. Neither this handbook nor any other written or oral statement made to an employee by a representative of the City is intended to be an actual or implied contract unless reduced to writing, signed by an authorized official and explicitly stated that it is intended to serve as a contract. Neither this Handbook nor any other written or oral statements of City policy is intended to modify the "at will" status of an individual's employment.

Employees should familiarize themselves with the contents of this handbook. Employees who are covered under a collective bargaining agreement are also subject to the provisions of this handbook, except in circumstances of any conflict between the terms in this handbook and the collective bargaining agreement, in which case the contractual language will supersede the terms of this handbook. Subsequent to the issuance of this handbook, employees also will be advised of any separate policies, procedures or benefits that apply to individual departments.

The City of East Chicago reserves the right to modify policies, procedures; benefits, work rules and regulations, as deemed necessary, and employees will be notified of any changes.

All employees are required to sign a signature sheet acknowledging receipt of this Handbook, and each employee is responsible for reading and understanding the contents. However, the failure of an employee to sign the acknowledgment of receipt will not have any effect on the application of such policies or procedures to the applicable employee.

This Handbook supersedes all previous employee handbooks and memos that may have been issued from time to time. Employees with questions or suggestions are encouraged to contact the Human Resources Department or the employee's Department Head.

About East Chicago

The City of East Chicago was incorporated in 1893, the same year as the great Columbian Exhibition on the south side of Chicago. Born of railroad and steel, East Chicago was one of northwest Indiana's first truly industrial cities designed to meet the needs of workers and industry. The city was originally known as the Twin City, with the East Chicago (western section) separated from the Indiana Harbor section by a vast rail yard that served as the rail gateway to Chicago and the west.

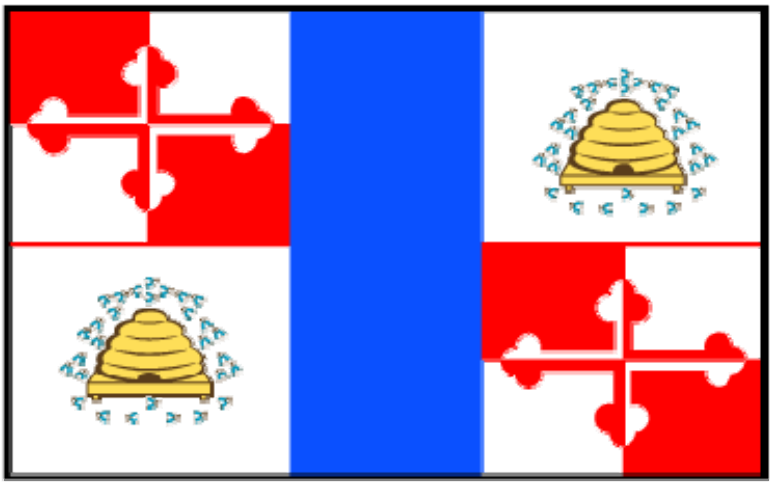
During the peak of the great Industrial Revolution, East Chicago was known as the most industrialized municipality and America's ultimate melting pot where four out of five of its citizens were foreign-born. It was during this period in our city's history that more than seventy nationalities, lived, worked and flourished for generations.

During World War I, the City of East Chicago was known as the "Arsenal of America" and as the noted South-Shore Railroad poster proclaimed, it was the "Workshop of America." The history of this great city can best be defined through the images and definitions of the City Seal and the flag of East Chicago.

Today, the City of East Chicago is a city in transition, overflowing with energy, vitality and diversity. As the global market has reduced the importance of heavy industry, the city is in the process of transitioning and transforming itself into a 21st century community, addressing quality of life issues as well as educational and employment incentives. We are a city on the move, and your contributions are an important part of our present and our future.

THE OFFICIAL FLAG OF THE CITY OF EAST CHICAGO

The official flag of East Chicago is white, quartered with a wide blue bar running through its center. The upper left and lower right depicts two crosses, which represent the intrepid Jesuit explorers, Marquette, Joliet, and LaSalle. The beehives in the opposite corners represent the industrial nature of the residents and of industry. The blue band in the center represents the Indiana Harbor Ship Canal, which provides us access to the world markets via Lake Michigan.



MISSION STATEMENT

City of East Chicago:

To provide the vision, leadership and accountability essential to guarantee the betterment and well-being of our residents as they live, work and play, resulting in a city that is an ideal place in which to live, work and invest.

SECTION 1

I. EMPLOYMENT POLICIES & PRACTICES

A. Equal Employment Opportunity

Statement of Policy- It is the goal of the City of East Chicago to recruit, hire, and maintain a diverse workforce. Equal employment opportunity is not only good business—it's the law and applies to all areas of employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, benefits and any other term or condition of employment.

As an equal employment opportunity employer, the City of East Chicago does not discriminate in its employment decisions on the basis of race, religion, color, gender, age, genetic information, disability, national origin, ancestry, veteran status or any other characteristic protected by law that would be in violation of any applicable federal, state, or local law. Furthermore, the City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

The City of East Chicago is committed to providing and promoting equal opportunity for all employees and applicants. To this end, the City will comply fully with the spirit, as well as the letter, of all applicable local, state, and federal laws and regulations implementing the City's objective of equal employment opportunity for all persons.

Reasonable Accommodation For Disabled Employees/Applicants- Any applicant or employee who, because of a disability (mental or physical), needs a reasonable accommodation to apply for employment or to perform the essential functions of his or her job should contact the Human Resources Department.

Detailed Guidelines and Employee Complaint Procedure- The City of East Chicago has set up detailed rules of conduct that address particular issues of concern, particularly the prohibition of any type of harassment based on any protected status or retaliation based on exercising any rights under the City's equal employment policy. A special employee complaint procedure also has been established to deal with any concerns involving equal employment opportunity in the workplace, harassment or retaliation based on exercising any rights under this policy. [***See* Section 5 of this Handbook**.]

B. Americans with Disabilities Act

The City of East Chicago supports and complies with the Americans with Disabilities Act (ADA) of 1990, which makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in the workplace. In support of the ADA, the City offers the following summary of rights under the Act:

ADA Protection- An employee with a disability and qualified to do a job is protected by the ADA from job discrimination on the basis of that disability. Under the ADA, a disability includes a physical or mental impairment that substantially limits a major life activity. To be protected under the ADA, an employee must have, or be regarded as having, a substantial (as

opposed to a minor) impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, and performing manual tasks, caring for oneself, learning or working.

An employee must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. The employee must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. Essential functions are the fundamental job duties that an employee must be able to perform on his/her own or with the help of a reasonable accommodation. An employer cannot refuse to hire an employee because his/her disability prevents them from performing duties that are not essential to the job.

Definition of Reasonable Accommodation- Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

Providing or modifying equipment or devices, job restructuring, modified work schedules, reassignment to a vacant position, adjusting or modifying examinations, training materials, or policies, providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities.

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship – an accommodation that would require significant difficulty or expense.

Covered Employment Practices- The ADA makes it unlawful to discriminate in all employment practices such as: Recruitment, firing, hiring, training, job assignments, promotions, pay, benefits, lay off, leave, and all other employment related activities.

It is also unlawful for an employer to retaliate against an employee for asserting his/her rights under the ADA. The Act also protects an employee if he/she is a victim of discrimination because of family, business, social, or other relationship or association with an individual with a disability.

Medical Examinations and Inquiries About a Disability- When applying for a job, an employer cannot ask a candidate for hire if they are disabled or ask about the nature or severity of a disability. An employer can ask if the candidate can perform the duties of the job with or without reasonable accommodation. An employer can also ask a candidate to describe or to demonstrate how, with or without reasonable accommodation; he/she will perform the duties of the job.

An employer cannot require a candidate to take a medical examination before a job is offered. Following a job offer, an employer can condition the offer on the candidate passing a required medical examination, but only if all entering employees for that job category have to take the examination. However, an employer cannot reject a candidate because of information about the disability revealed by the medical examination unless the reasons for rejection are job-related and necessary for the conduct of the employer's business. The employer cannot refuse to hire an

individual because of a disability if that candidate can perform the essential functions of the job with an accommodation.

Once hired and started work, an employer cannot require that an employee take a medical examination or ask questions about a disability unless they are related to the job and necessary for the conduct of business. An employer may conduct voluntary medical examinations that are part of an employee health program and may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

The results of all medical examinations must be kept confidential and maintained in separate medical files.

Drug Abuse and the ADA- Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use.

C. Immigration Law Compliance

The City of East Chicago complies with government regulations by requiring all new employees to properly complete, sign and date the first section of the I-9 Form from the Bureau of Citizenship and Immigration Services (BCIS), formerly known as the Immigration and Naturalization Service (INS). All new employees are to provide documents to prove their identity and citizenship. A list of acceptable documents is provided for new hires on the reverse side of the I-9 Form. All non-citizens are to provide documents that authorize employment. Rehired employees must also complete the I-9 Form if their previous I-9 Form is more than three years old or no longer valid. All original documents must be provided to the Human Resources Department within three days of an employee's start date, as required by law. Failure to do so may jeopardize the employee's continued employment with the City.

It also is the responsibility of each employee to produce valid non-expired documentation for all expired authorizations or work-related forms of identification over the course of employment with the City of East Chicago.

Federal legislation has made it illegal for any employer to hire anyone who does not have legitimate authorization to work in the United States. As a result, the City of East Chicago only is permitted to employ U.S. citizens and non-citizens who are authorized to work in the United States. Further, in the event that an employee produces a work authorization form, such as a work-related visa that has an expiration date, it is the employee's responsibility to produce updated work authorizations to the City (i.e. valid non-expired documentation) in order to be permitted to retain employment with the City of East Chicago.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

D. Employee Classifications

Regular Full Time employees are those who have successfully completed an introductory period and have a regularly scheduled ***work week of 30 hours*** or more per week (other than "Temporary" employees). Full-time employees are eligible for participation in benefit programs offered by the City (See pages 22-27).

Regular Part Time employees are those who have successfully completed an introductory period **and average a work week of less than 30 (thirty) hours per week** (other than "Temporary" employees). Regular part-time employees are eligible for all legally mandated benefits but are ineligible for all other benefit programs offered by the City.

Temporary employees are those employed for a specific project or for a limited period of time. Interns and seasonal employees are part of this group. Temporary employees are eligible for all legally mandated benefits but are ineligible for all other benefit programs offered by the City.

E. Exempt and Non-Exempt Status

In compliance with the Fair Labor Standards Act ("FLSA"), the federal wage and hour law governing employer pay practices, jobs are classified as "non-exempt" or "exempt" based on assigned tasks and responsibilities. These job classifications determine eligibility for overtime compensation and/or compensatory time off.

Non Exempt employees are full, part-time or temporary employees who are paid on either an hourly or salaried basis, and based on the nature of their job duties and responsibilities, are eligible to receive overtime pay and/or compensatory time, consistent with the requirements of the Fair Labor Standards Act, when their work week exceeds forty hours.

Exempt employees are full-time, salaried employees that are exempt from the overtime and/or compensatory time requirements of the Fair Labor Standards Act (FLSA). An exempt employee has certain decision-making responsibilities and meets other criteria of the federal act. Job titles alone do not determine the exempt or non-exempt status of any employee.

An exempt employee must be paid on a salary basis of no less than $455 per week (or as defined by the Fair Labor Standards Act) and perform certain types of work that are directly related to the overall management of an operation. The person must be authorized to directly or indirectly hire, fire and direct at least two other employees, or in lieu of such employees, performs other managerial or supervisory duties, such as the exercise of discretion and independent judgment with respect to matters of significance within the operation. Additional exemptions may be granted if the position requires specialized academic training for entry into a professional field.

F. Seniority

Generally, seniority is not the sole determining factor for promotion, advancement or retention. When seniority is considered, only current full-time service will be considered; previous service interrupted by a break in service will not be considered.

Seniority is used to determine eligibility when a conflict occurs in scheduling vacation. For that purpose, seniority, based on the employee's full-time service within that department will be used. If two employees have the same amount of seniority, determination will be made based on alphabetical order by last name.

G. Employee and Contractual Services

An employee of the City of East Chicago is forbidden from providing contractual services to the City of East Chicago. An employee who is employed by more than one department will be eligible for overtime or compensatory time, if the total number of hours exceeds 40 (forty) hours in one workweek. An exception to this policy is the sale of goods providing that those goods are sold under a separate tax identification number.

H. Employment of Minors

The City of East Chicago periodically employs minors in certain positions for summer-related job opportunities. The City at all times complies with state, federal and local law in the employment of minors. As part of this obligation, any minor under the age of 18 who has not graduated from high school must obtain and submit the appropriate work permit and parental permission documents as a condition of employment with the City.

Minors will not be permitted to commence work until all required paperwork is received and verified. Work duties and hours for minors also will be carefully monitored to ensure the City's full and complete compliance with all federal and state restrictions for minors.

I. Nepotism

The basic criteria for job selection and promotion for all City employees will be based on qualifications and performance. Relationship by family, marriage or partnership will neither be an advantage or a disadvantage to employment or promotion. The City's goal is to hire the most qualified applicant who is the best suited person to perform the essential functions of the job.

However, in compliance with Indiana Code 36-1-20.2*, the City of East Chicago has determined that employees of the City of East Chicago shall not directly or indirectly supervise relatives as defined by I.C 36-1-20.2 (8) (a), (b) or (c). Department Heads and Supervisors must review this policy with all persons under their supervision as well as require all employees (including contract employees). All department heads and supervisors to complete a Nepotism Compliance and Disclosure form and return that form to the Human Resources Department. The faithful observance of this Policy by the employee is, and shall remain, a condition of employment.

The City of East Chicago reserves the absolute right to make any changes in personnel assignment as a result of this policy.

Indiana Code 36-1-20.2 Sec. 4. defines "direct line of supervision" an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the

executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit. Sec. 8. (a) As used in this chapter, "relative" means any of the following:

(1) A spouse.
(2) A parent or stepparent.
(3) A child or stepchild.
(4) A brother, sister, stepbrother, or stepsister.
(5) A niece or nephew.
(6) An aunt or uncle.
(7) A daughter-in-law or son-in-law.
(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.
(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

J. "At-Will" Employment

All employees of the City are "at-will," which means that the City and/or any employee retain the right to terminate the employment relationship at any time, and for any lawful reason. Any change in an employee's at-will status must be provided in writing and approved by the Mayor.

K. Employee Orientation

The Human Resources Department and/or Department Head will provide an orientation during the first week of employment. During this orientation, the employee will complete all required paperwork, obtain information on insurance and other benefits and receive the Employee Handbook. It is the employee's responsibility to familiarize himself or herself with the City's policies and procedures relating to employment with the City of East Chicago. The employee's department will familiarize the employee with the requirements of the position, emergency procedures and specific departmental guidelines.

L. Introductory Period

Each newly hired employee is **provided a 90 (ninety)** calendar day introductory period during which he/she will be evaluated on the quality and quantity of work, dependability and attendance, ability to learn new job skills, ability to follow instructions, and general work attitude. The employee should request any training or tools needed to be successful in his/her role. The Introductory Period is an assessment period that helps determine whether the employee and City should continue the employment on a more long-term basis. In appropriate circumstances, the introductory period may be shortened or extended at the sole discretion of the City but cannot exceed a year.

Completion of the introductory period does not alter the employee's at-will employment status.

M. Employee Performance Evaluations

Employee performance will be reviewed periodically, which may include an annual performance evaluation. The performance review may be used to clarify job duties and expectations, acknowledge outstanding performance, suggest ways to improve performance and outline potential career goals. A sample appraisal form is included in the appendix section of this handbook.

The written review typically will include a discussion between the supervisor and employee.

N. Employee Records

The City of East Chicago needs to maintain accurate, up-to-date employment records on all employees to ensure compliance with State and Federal regulations, to keep benefits information up-to-date, and to make certain that important mailings reach all employees.

Employees must inform the Human Resources Department and their supervisor of any necessary updates to their personnel file such as a change of address, telephone numbers, emergency contact, marital status, number of dependents, or military status. Employees should also inform their supervisor and Human Resources of any outside training, professional certifications, education or any other change in status as it occurs.

No information will be given out about an employee without written authorization from the employee, except as required by law.

Personnel files are the property of the City of East Chicago, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact the Human Resources Department with a written request and reasonable advance notice. Employees may review their personnel files in the presence of a member of the Human Resources Department staff.

Indiana State law (IC 5-14-3-4) protects the personnel files of employees and applicants from disclosure by the City, unless access to the records is specifically required by a state or federal statute or is ordered by a court. However, Indiana law provides that certain information regarding public employees is not insulated from public disclosure, which includes:

- The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former employees of the City;
- Information relating to the status of any formal charges against the employee; and
- The factual basis for any disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

O. Relationship to Collective Bargaining Agreement

Employees who are covered by a collective bargaining agreement also are subject to the provisions of this handbook unless otherwise addressed in the applicable agreement. In those instances, the collective bargaining agreement will supersede the terms of the handbook.

SECTION 2

II. CODE OF ETHICS

A. Ethics Statement

The City of East Chicago expects that employees will conduct themselves in the interest and benefit of the citizens of the City. Employee duties and responsibilities will be conducted with loyalty, integrity and impartiality, without prejudice or favoritism, without the opportunity of personal gain to influence decisions or actions, or to interfere with serving the public interest.

In the same respect, no employee shall use or permit the use of any confidential information regarding municipal affairs to advance the financial or personal interest of said person or any other person(s).

The City expects employees to support and adhere to the highest standards of business ethics. The City does not intend to restrict arbitrarily employees' personal activities; rather, the City wants to make it clear that no conflict of interest should exist that could reasonably be expected to influence an employee's judgment in handling City business or that might present an unfair advantage to suppliers, vendors, tenants or contractors.

Each employee of the City has an ethical and legal responsibility to put the interests of the City ahead of any other business or commercial interests that the employee may have as an individual. A conflict of interest exists when other personal, business or commercial interests compete with the employee's obligation to serve the interests of the City. Even the perception of a conflict of interest can cause harm to the City and to the employee involved.

The City of East Chicago has joined the Shared Ethics Commission. As a member, it believes that government must operate with transparency and accountability. As such, it is essential that public officials and employees conduct themselves in ways that uphold the public trust. The Commission's Shared Code of Ethics and Values provides guidance and support to public servants for the promotions and maintenance of the highest standards of personal and professional conduct. In order to ensure the public confidence in the integrity of government, all elected and appointed officials, employees, volunteers, and others who participate in government shall personally commit to being trained on the values and standards developed by the Shared Ethics Commission.

B. Outside Employment

No employee of the City shall accept simultaneous employment with a firm or entity when that employment would present a conflict of interest. As an example, a conflict would arise if the firm furnishes merchandise or supplies property or services to the City. A conflict might also arise if the hours or conditions or other job interferes with the employee's job responsibilities as a City employee.

C. Outside Business Interests

Indiana Code (35-44-1-3) defines and prohibits an employee deriving a profit from a contract or purchase connected with an action by the governmental entity served by the public servant that is in excess of $250.00 (two-hundred fifty dollars) over twelve months. In concert with state statute, no employee shall establish or maintain an outside business interest that would cause any type of conflict. In addition, no employee may have any personal financial dealings with any individual or business organization that provides services or furnishes merchandise or supplies or other property to the City. No employee should maintain a direct or indirect interest in any such business.

D. Conflicts of Interest

A conflict of interest is when the actions or activities of an individual conflict with the City's interests, or cause the employee to improperly gain an advantage. It is improper for:

1. An employee to sell or provide, at additional cost, any goods or services to any other City department, in which goods or services are subject to control of another party.
2. An employee to engage in outside consulting activities while employed in a department doing business in any manner with the firm with which the employee consults.
3. An employee to solicit or accept gratuities, favors or anything of monetary value in return for influencing the awarding of a contract or purchase of goods or services, or to influence performance of city services.

Employees are expected to report potential conflicts of interest to the Human Resources Department immediately upon discovery or suspicion of conflict. Employees are required to complete a conflict of interest statement (a copy of which can be found in the appendix of this handbook). Each situation will be reviewed and employees notified of decisions made or actions to be taken. Failure to report a real or potential conflict of interest is a serious matter and can be cause for discipline up to and including termination and/or legal action.

E. Campaigning for Elective Office and Political Work

Employees are both entitled to and encouraged to be involved in the democratic electoral process. While the City has no intention of hindering an employee's right to run for elective office, or to campaign for others seeking elective office, running or campaigning for office must not interfere with an employee's ability to carry out his/her duties in a fair and impartial manner. Factors that warrant attention include:

- Maintaining the integrity of all City departments and operations;
- Preventing and/or eliminating the risk of improprieties or even the appearance of such conduct;
- Preserving order, discipline, and efficiency by City employees and avoiding the disruption City operations; and
- Eliminating opportunities for City employees to devote less than their full time attention and energies to their duties as City employees.

Taking these factors into consideration, following are the City's policies concerning employees campaigning for elective office and engaging in political work:

F. General Campaigning and Political Work

No City employee, including an employee holding elected office (this applies only to an employee that holds elected office and are employed by the City in a capacity other than as an elected official), is to be involved in any campaign-related activity or political work during an employee's working hours. This mandatory complete separation extends to: telephone usage, meetings, and written, oral or electronic communications which in any way relate to an employee's campaign-related or political activities. Any activities related to campaigning or political work must be conducted solely on an employee's own time.

If approached during working hours by anyone relating to any type of campaigning, whether it occurs within or outside an employee's office, or whether it is in-person or via telephone or electronically, an employee is not to participate in any such discussion during working hours. The employee should state that he or she cannot discuss any campaign or political-related matters during working hours. Any such communications must be conducted outside of an employee's working hours.

For purposes of this policy, "working hours" for hourly-paid employees includes all hours for which an employee is paid by the City, including employee break time regardless of employee location, and lunch periods, paid or unpaid. The policy also applies if an employee is on City premises and while in uniform, identifying the individual as a City of East Chicago employee. The term "working hours" does not apply to employee lunch periods if an employee is off City property and out of uniform. For salaried employees and others who do not use time cards or otherwise record his or her hours of work, "working hours" are from 8:30am to 4:30pm.

When campaigning for others during non-working time, no employee may proactively hold himself or herself out as an employee of the City of East Chicago in such a way as to give the impression that the City has endorsed the candidate(s). The employee at all times must act in his or her personal capacity.

G. Gifts and Gratuities—Giving or Receiving

Employees are not allowed to solicit or accept any gift, gratuity, favor, reward, or other item of monetary value that might reasonably influence or reasonably appear to influence their judgment or conduct in the performance of their job. If an employee receives an unsolicited item, they must immediately notify their Department Head or the Human Resources Department for guidance. In particular, employees shall neither solicit or accept any gift from an individual or organization that (1) has or is seeking to obtain contractual or other business relations with the City; (2) conducts an operation or activity that may be affected by City activities; or (3) has an interest that may be affected by the performance or nonperformance of the employees' duties (except one of nominal value with the approval of the City's Human Resources Department).

In the same respect, employees are not allowed to give any gift, gratuity, favor, reward or other item of monetary value that reasonably might influence or appear to influence the judgment or conduct of the recipient in the performance of his or her job.

Violations of the gift policy can be grounds for disciplinary action up to and including immediate termination. Legal action may also be taken at the City's discretion.

H. Confidential Information

Many employees are given access to confidential information and records in order to do their jobs. While an open climate of information sharing is most often desirable, there is a need to safeguard information as well. Such confidential information includes but is not limited to: financial information, contact information, compensation data, personnel data (that is not otherwise public) or other property and similar information relating to the City's operations that is not generally available to the public.

Confidential information shall be protected and not be disclosed, used, copied or removed from City premises, except as necessary to perform the duties of the employee's job or as specifically directed by City management. Confidential information may be disclosed to other employees only on a need-to-know basis. This obligation to maintain the confidentiality of City information applies both during and after employment with the City. If an employee is unsure as to whether certain information is confidential, it is the employee's responsibility to obtain a determination from the employee's supervisor, Department Head or the Human Resources Department regarding the status of the information and its use. Failure to abide by the terms of this policy may subject employees to disciplinary action, up to and including termination.

Employees with questions concerning the coverage of this policy should contact their supervisor, department head or the City's Human Resources Department.

Any employee who discloses confidential information or documents will be subject to disciplinary action, up to and including immediate termination and which may include legal action, even if the employee does not benefit from the disclosed information

I. Media Relations and Related Inquiries

Any person from the media wanting a statement regarding The City of East Chicago should be sent directly to the Mayor's Office or Multi Media Department. Every employee's cooperation is mandatory in this matter and failure to do so could result in disciplinary action up to and including termination.

As a public entity, however, certain information pertaining to management of the City is considered public information, including some information regarding public employees. When in doubt or unsure of whether information should be released, the employee should contact the Law Department. **(See Section 1 regarding Employee Records and certain limited disclosures, as required by law regarding City employees.)**

J. Reporting Requirements

Any conduct potentially violating the policies referenced should be reported by the employee to the Human Resources Department to ensure that the employee's conduct is consistent with both the letter and spirit of this policy. Employees who become aware of any conflicts of interest or other violations of the City's Code of Ethics by others also are obligated to report such conduct immediately to the City's Human Resources Department. The City reserves the right to determine when an activity conflicts with the City's interests and to take whatever action is necessary to resolve the conflict.

K. Violations of Code of Ethics

Failure to abide by this policy will subject an employee to disciplinary action, up to and including termination. Legal action may also be taken at the City's discretion.

SECTION 3
III. HOURS OF WORK AND COMPENSATION

A. Hours of Work

Generally, the workweek hours for City employees shall be five (5) days, forty (40) hours per week and eight (8) hours per day. Office employees will generally work 8:30 a.m. to 4:30 p.m. unless otherwise scheduled. Department hours, lunch and rest periods will be defined by individual departments. Union employees will comply with the hours of work, lunch periods and rest periods as outlined in the collective bargaining agreement.

Lunch will be scheduled to fall approximately during the middle of the employee's workday, subject to the supervisor's approval (Generally, lunch shall occur between 11 a.m. and 1 p.m., unless otherwise noted). In those positions where an employee is unable to take a regularly scheduled lunch, special arrangements will be made by the supervisor to ensure that the employee will have the opportunity to eat lunch. Since lunch breaks are paid (non-union), an employee is not entitled to additional pay or time off for missed or reduced lunch periods. Part-time employees do not receive a paid lunch, and should contact their supervisor about whether or not they are eligible for an unpaid lunch. Break periods are scheduled by the department supervisor and are considered work time and included in the calculation of hours working. These rest periods are not guaranteed and are at the discretion of the department supervisor/manager depending on time and staffing availability.

Employees covered by a collective bargaining agreement should refer to the Collective Bargaining Agreement for specific information regarding hours of work. When a difference exists between the Collective Bargaining Agreement and this handbook, the Collective Bargaining Agreement will take precedence.

B. Paychecks

Employees are paid on a bi-weekly basis via direct deposit or by paychecks available every other Friday. The standard pay period begins on Saturday at 12:00 AM and ends on the following second Friday at 11:59 PM.

An employee who discovers a mistake in his/her paycheck, loses their paycheck, or has it stolen, should immediately notify his/her Department Head to initiate the replacement check procedure.

C. Direct Deposit

All full-time, part time and seasonal employees must have their paycheck directly deposited into a designated bank account. By utilizing direct deposit, the paycheck is electronically transferred to the employee's personal bank account and will be available on the designated pay date barring a legal bank holiday. Employees should contact the Department of Human Resources to process and authorize direct deposit.

D. Payroll Deductions

By law, the City of East Chicago automatically deducts Federal and State income taxes and Social Security payments from an employee's gross earnings. Employees may also sign up for voluntary deductions such as insurance premiums and retirement plans.

In addition, wage garnishments may be issued through a court order to withhold a sum of money from an employee's earnings for payment of a debt. The maximum amount that an employee may be garnished is twenty-five percent (25%) of an employee's bi-weekly disposable earnings unless an agreement has been made with the debtor. An involuntary garnishment orders the City to make deductions from an employee's wages in order to repay debts (Internal Revenue Service, child support, U.S. Department of Education, creditors, bankruptcies, etc.). A bankruptcy will temporarily stop garnishments with the exception of court ordered family support.

Voluntary agreement or assignment of wages is when the employee requests, in writing, that he/she would like to pay their debts directly out of his/her wages.

E. Fair Labor Standards Act, Overtime and Compensatory Time Off

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. Special rules for State and local government employment applies to fire protection and law enforcement activities, volunteer services, and compensatory time off instead of cash overtime pay. The FLSA does not limit the number of hours in a day, or days in a week an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old.

1. Non-Exempt Employees

Nonexempt employees are entitled to be paid a minimum wage, as set by Federal and/or State law. Overtime pay at a rate of not less than one and one-half times the employee's regular rate of pay is required after 40 hours of work in a workweek, except that the City has established a compensatory time off program, consistent with Federal law, in which employees are provided with compensatory time off in lieu of overtime up to certain maximum accruals of compensatory time off, as described below. Employees will be expressly advised in the event that compensatory time off is not applied to the employee's department, and in such circumstances the employee will be provided with overtime pay, as described above. The City reserves the exclusive right to determine the manner of providing overtime compensation to employees. All wages paid, including any overtime pay, is provided to employees on the regular payday for the pay period covered.

2. Exempt Employees

Exempt employees do not receive overtime pay regardless of the number of hours they work in any given week. City employees are classified as exempt based on being paid on a salaried basis and also having certain duties meeting the test of "exempt" status, as required under Federal law. Exempt employees, however, may have certain amounts deducted from their salary on various grounds, including disciplinary suspensions of one or more full days for violations of workplace rules and other employee established employee standards of conduct. Similarly, deductions from an employee's salary may be made for any absences based on the Family and Medical Leave Act.

If an exempt employee believes that an improper deduction has been made, or the exempt employee has otherwise not been paid on a salaried basis, the employee may immediately contact the Human Resources Department. Human Resources will investigate the circumstances surrounding the deduction and will share the results of the investigation with the employee. If the investigation discloses that the deduction was improper, the City shall immediately correct the error and take appropriate steps to ensure future compliance. No exempt employee will face retaliation if he or she questions a deduction from his or her paycheck. Similarly, no other employee will face retaliation if he or she assists the exempt employee in the challenge.

3. Overtime By Non-Exempt Employees

For non-exempt employees, any overtime work is not permitted unless authorized in advance by your supervisor. "Donated" time, unscheduled work without pay, is not expected or allowed. Employees working unauthorized overtime will be subject to disciplinary action.

Overtime pay (i.e. compensatory time off) is earned if an employee works in excess of forty (40) hours in any work week. However, according to federal law, paid holidays, vacations, leaves of absence and other non-working time (including using compensatory time off) are not considered hours worked for the purpose of computing earned overtime. In other words, to be eligible for overtime, an employee must work more than forty (40) hours in a work week.

4. Compensatory Time Off

In accordance with Section 7(o) of the Fair Labor Standards Act (FLSA), the City of East Chicago may offer compensatory time off in lieu of monetary overtime compensation. Compensatory time off is earned at a rate of one and one-half hours for each hour worked over forty (40) hours in the established workweek.

- If the work of an employee for which compensatory time may be provided involves work in a public safety activity, an emergency response activity, or a seasonal activity, the employee engaged in such work may accrue up to 480 hours of compensatory time off—this represents 320 hours of actual overtime worked. (Note: This limit does not apply to office personnel, and does not apply to parks and recreation personnel who work year round.)

- For any other work by a City employee, the employee may accrue up to 240 hours of compensatory time for hours worked—this represents 160 hours of actual overtime worked.

- Any such employee who accrues 480 or 240 hours of compensatory time off shall, for additional overtime work, be paid overtime compensation, consistent with Federal law.

- Unused compensatory time must be paid to the employee as overtime pay if not used by the aforementioned dates, or if the employee terminates employment with the City for any reason. Monetary overtime compensation will be based on the employee's regular pay rate at the time the compensatory time was earned.

- An employee on an approved FMLA leave must use all compensatory time prior to the use of sick, personal, vacation or unpaid leave.

An employee may use earned compensatory time off with the approval of his/her Department Head, in four (4) hour increments whenever possible. Balances of less than one hour will be converted to overtime pay. Under no circumstances can compensatory time be used to offset tardiness. If it is not possible to approve the particular compensatory time off the employee has requested, time off will be granted within a reasonable period, unless the requested time off would unduly disrupt operations. An employee will receive compensation based on his/her regular rate of pay in effect when the compensatory time off is actually taken.

Monetary overtime compensation will be based on the employee's regular pay rate at the time earned.

The City may also elect to apply earned compensatory time off to hours missed due to personal absence, short work weeks, layoffs or leaves of absence, including medical leaves if not covered by paid leave time. In the event an employee leaves employment for any reason or transfers to an exempt or excluded position, the employee will be paid for earned compensatory time off at his/her final regular rate of pay.

SECTION 4

IV. EMPLOYEE BENEFITS

A. General Overview

The City of East Chicago provides benefits for all employees consistent with current practices in the community, and with funds available for such purposes. For employees covered under a Collective Bargaining Agreement, the Collective Bargaining Agreement will take precedence over any inconsistencies in the employee handbook.

B. Mandatory Benefits

The following is a brief outline of benefits provided:

- *Social Security* provides benefits in the event of death, disability and retirement and is available to all employees as of their first day of employment.

- *Medicare* is an insurance program provided to employees in their retirement or disability.

- *Worker's Compensation* provides coverage for employees who are injured on the job or become sick as a result of his/her work. This includes payment of medical expenses and limited liability for death, dismemberment and disability. Worker's compensation coverage is available to all employees on their first day of work as required by State Law.

- *Unemployment Insurance* provides benefits in accordance with state laws in cases of involuntary separation based on a lack of work situation or other good cause. This benefit is available to all eligible employees. Additional information can be obtained by contacting the Indiana Employment Security Office.

C. Health Insurance and Supplemental Insurance Benefits

1. Health Insurance

Regular full-time employees are eligible for single (employee) and family health insurance plans and consist of medical, dental and vision coverage. Non-union full-time employees may be offered a single plan or choices in regard to health coverage. Such personnel are eligible for such benefits after an applicable waiting period based on the terms of the applicable plan. New employees may waive the option to enroll by signing a waiver form. All insurance premiums are payroll deducted. Based on the escalating costs of health insurance, changes may occur regarding the nature and scope of coverage as well as the applicable premiums required for coverage, and employees will be notified in any changes in the required premium.

2. Working Spouse

If the employee's spouse is employed and eligible for coverage through his/her employer, then the spouse is required to enroll in and maintain coverage through his/her employer's health plan. If the spouse fails to enroll in or maintain such coverage, the City Plan will pay no more than 50% of covered expenses after satisfaction of any deductibles.

3. Life Insurance

Life insurance benefits equal to one times the employee's annual salary (maximum $50,000) are offered to all newly hired, non-union, full-time employees after an applicable waiting period based on the terms of the policy. This benefit currently is provided at no cost to the employee.

4. Supplemental Insurance benefits

Supplemental insurance benefits are offered to all employees (full and part-time) to purchase individually through various insurance companies. Policies range from additional life, short-term disability, cancer, hospitalization, etc. Employees enroll in these plans directly with the insurance company representative. Employees are eligible for enrollment once per year during the *Open Enrollment Period*. Open enrollment is the only time that an employee may enroll, make changes to or terminate supplemental insurance coverage.

Questions concerning any of the above benefits should be referred to the Benefit Administrator.

D. Retirement Plans

As a public employer, The City of East Chicago participates in the Public Employee's Retirement Fund (PERF). Employees covered under PERF earn retirement benefits in two different ways: (1) the pension plan (i.e. Defined Benefit Plan) which does not require any employee contribution, but requires certain levels of service to be eligible for benefits; and (2) an Annuity Savings Account, which is based on employee contributions (made for the employee by the City in which there is automatic "vesting" (i.e. eligibility) by City employees. Although the City makes financial contribution on behalf of its employees, PERF is a state program, and as such the City has no say or control over the plan.

1. The Pension Plan

Based on the pension plan, an employee currently is eligible for retirement benefits at the age of 65 if he or she has ten or more years of creditable service. Employees may retire at age 60 with at least 15 years of creditable service or if the member's age in years plus the years of creditable service equals at least 85 and the member is at least 55 years of age. With fifteen or more years of creditable service, the employee may retire as early as age 50 with a reduced pension. Details regarding eligibility and benefits are governed exclusively based on the terms of the applicable plan, and employees should contact PERF for more details. Employees also can find more information about the pension plan on PERF's website at www.in.gov/perf

2. The Annuity Plan

State law requires that 3% of an employee's gross wages be contributed to PERF to fund an employee's Annuity Savings Account. These contributions are considered member contributions and are sent to PERF for deposit in the employee's individual Annuity Savings Account. These contributions and accumulated interest credits are refundable to an employee in the event that an employee leaves employment for any reason prior to becoming eligible for the pension plan. While actively employed in a position covered by the Fund, an employee is not permitted to withdraw funds from the employee's Annuity Savings Account for any reason. Additional details regarding the Annuity Plan are available from PERF, which includes additional details about the plan, which is available on the website described above.

The above summary of the benefits under PERF are intended solely for informational purposes, and employees are to be guided solely based on the terms of the applicable plan as provided to employees through PERF. Any questions relating to PERF should be directed to the PERF office. Questions or comments can be sent via email to questions@perf.in.gov. Employees also may contact a PERF representative at 1-888-526-1687.

3. 457B Retirement Plan

This federally authorized measure allows government employees to voluntarily invest pre-tax dollars for retirement in a variety of mutual funds and securities. The funds are portable and can be rolled over to another qualified plan. The 457 Plan is provided through several reputable financial services firms chosen by the City. Decisions on investments are made by the employee.

E. Vacation Benefits / Annual Leave

(This section may be subject to union contract/agreement which may supersede this handbook. This section may also be superseded by the development and implementation of a Personal Time Off policy, if set by Executive Order.)

Vacation/Annual Leave benefits are offered to all full-time employees who have been employed for at least one year. Employees are not eligible for and do not earn vacation pay during their first twelve (12) months of employment. The amount of vacation earned depends on whether or not the employee was hired prior to April 10, 2012.

1. Employees Hired Prior to April 10, 2012

Beginning during the second year of employment, employees accumulate vacation time as follows:

a) Employees with less than 3 years of service (i.e. during the second and third year of full-time employment) will receive 12 days annually, accrued at the rate of one day per month;
b) Employees with more than 3 years but less than 15 years will receive 18 days annually, accrued at the rate of 1.5 days per month;

c) Employees with 15 years of service or more will receive 24 days annually, accrued at the rate of 2 days per month.

2. <u>Employees Hired After (April 10, 2012)</u>

a) Employees with less than 5 years of service will receive 10 days annually, accrued at the rate of .83 day per month;
b) Employees with more than 5 years but less than 16 years will receive 15 days annually, accrued at the rate of 1.25 days per month;
c) Employees with 16 years of service but up to 20 years will receive 20 days annually, accrued at the rate of 1.66 days per month;
d) Employees with 21 years of service or more will receive 25 days annually, accrued at the rate of 2.083 days per month.
e) Vacation will be rounded up to the nearest full day.

Additionally, and in accordance with Indiana state statute, the number of vacation leave days may be reduced when an employee is absent on worker compensation.

Employees may not carry over more than one year's accrual of vacation time each year, and employees will not accrue any vacation time beyond the maximum carry-over accrual. In the event of termination, an employee will be paid for the amount of leave carried over at the beginning of the current year plus the amount of vacation leave earned and unused during the current year to date.

Generally, employees should request vacation in advance. Vacation should be used only in full day (8 hour), weekly increments, except for vacation balances of less than one week, which can be used as floating days. All vacation must be scheduled in December of the prior year.

Other than employees covered under a collective bargaining agreement, to the extent that an employee currently has different vacation benefits than those referenced above, which are more favorable based on the employee's length of service, the existing benefits will continue in effect during the balance of the employee's employment with the City.

F. Paid Sick Leave/Personal Time

(In accordance with Indiana Code, sworn police officers and fire fighters are provided additional paid leave. The provisions of that law supersede this section wherever applicable. A summary of those benefits are provided in the Appendix section of this handbook. This section may also be superseded by the development and implementation of a Personal Time Off policy, if set by Executive Order.)

Paid Sick Leave is available to full-time employees in order to compensate employees for short-term absences due to personal illness/injury that arise in which an employee needs time off. The Mayor shall establish the number of sick days for employees of the City for the fiscal year by December 31 of the prior year by Executive Order.

An employee who has been with the City for less than one year, or is on a non-FMLA leave shall receive a pro-rated number of sick/personal leave days. Additionally, and in accordance with Indiana state statute, the number of sick/personal leave days may be reduced when an employee is absent on worker compensation.

Sick leave is to be taken only when an employee is unable to work because of sickness or because of necessary doctor or dentist appointments, which cannot be scheduled during an employee's non-working hours due to the unavailability of the health care professional and other appropriate circumstances. Sick leave may not be used in lieu of vacation or personal leave. Sick days can only be used for the illness of the employee unless such absence is due to FMLA. When used in conjunction with FMLA leave, sick time may be taken in increments as small as the time clock system allows.

An employee may accumulate up to sixty (60) days of sick leave. Assuming that the employee is not on leave under the Family and Medical Leave Act (FMLA), if an employee is unable to report for work because of illness and has not made satisfactory arrangements previously, the employee (or member of the employee's family) must notify the employee's Supervisor by telephone at least one (1) hour prior to the employee's starting time. The employee also should inform the supervisor of the estimated day of return. Except where excused in advance based on a physician's instructions, as provided to the City, an employee is required to call in on a daily basis in the event of requested sick leave. Failure to follow the required notice procedures may disqualify an employee from receiving paid sick leave benefits and otherwise result in disciplinary action, up to and including termination.

At minimum, an employee, who is off work for three (3) or more days, must provide the department head with a statement from a medical provider. Departments may require a medical provider statement for absences of less than three (3) days, providing the policy is applied on a department-wide basis. The statement should not state the nature of the illness.

Sick leave benefits are provided as an accommodation for current employees. As a result, employees are not eligible for pay based on unused sick leave in the event of the employee's termination of employment, whether it is on a voluntary or involuntary basis.

G. Holidays

The following holidays with pay shall be observed for full time employees:

- New Year's Day
- Dr. Martin Luther King, Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day

- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day

In order to receive pay for these holidays, an employee must be at work the day before and the day after the holiday unless the employee is on vacation or other approved leave. Additionally, and in accordance with Indiana state statute, an employee is absent on worker compensation shall not be entitled to holiday pay; the employee will instead be paid his/her regular worker compensation benefit.

In addition, the city will designate by December 31st of each year, which days will be the actual dates of holiday observation for the coming year. The Mayor may also declare additional holidays through Executive Order.

Employees covered under a collective bargaining agreement may have a different holiday schedule.

H. Personal Leaves of Absence

All full-time employees, who have been employed for at least one (1) year, may be eligible for a personal leave of absence for a period not to exceed three (3) months. The decision to grant such leave must be approved by the department head and the Human Resources Department. In all cases, an "Application for Personal Leave of Absence" must be completed. The application for leave must specify the reason, duration, starting and ending dates. In reviewing such a request, the City will review the individual circumstances involved taking into account the employee's length of service, attendance record, other periods of leave, number of requests, duties, work load, and whether such work can be adequately performed based on the employee's proposed leave of absence.

In order to maintain continuity of service and certain benefits, such leaves of absence must be applied for and approved in advance of the proposed leave.

If a personal leave lasts less than thirty (30) days, an employee will be retained on the City's health insurance plan, but the employee must make arrangements for the payment of the employee portion of the applicable premiums in order to continue such coverage. An employee on a leave of absence extending beyond thirty (30) days shall pay the COBRA rate for each full month of absence thereafter until the employee's return. The employee shall not pay for insurance for any month in which he/she works at least one day of work. An employee who allows his/her coverage to lapse during a leave of absence shall be fully reinstated upon return.

While every effort will be made to reinstate an employee to the same or comparable position upon his or her proposed return to work date, the City cannot guarantee employment to any individual.

I. Jury Duty

Jury duty benefits will be paid to all full-time employees in the event they are called to serve on a jury or as a witness in response to a subpoena. Employees are not entitled to time off due to legal actions of their own cause, unless an exception is made by the City Attorney. Employees will suffer no loss of pay or benefits for service and the compensation received by the employee for serving shall be deducted from the employee's pay during his/her absence and/or the employee may be requested to tender the check to the City. An employee is required to notify his/her supervisor as soon as receiving a notice of jury duty or the employee is subpoenaed to serve as a witness, and documentation may be required to verify such service, including the payment received for jury service.

When serving on jury duty, if the employee is dismissed early at any time during jury duty, the employee is required to contact his or her, supervisor who may require that the employee report for work.

J. Bereavement Leave

Bereavement leave is available to all full-time employees who have completed the introductory period. Employees may be requested to provide copies of the certification of death, and proof of relationship.

In the event of the death of a member of an employee's immediate family, the employee shall receive three (3) days off with pay within ten (10) calendar days of death. Immediate family is defined as a spouse, parent, sibling (including in-law), child (natural, step or adopted), grandparent, grandchild and mother or father-in-law. Excluded are former relatives due to the dissolution of marriage. In certain situations, the Mayor may grant additional bereavement leave on a case-by-case basis.

K. Military Leave

The City of East Chicago supports full and part-time employees who meet their obligations in the U.S. military service by granting leaves of absence, together with re-employment rights, as provided by applicable Federal and/or State law. The City encourages and supports employees who choose to serve our nation in the armed forces. In certain cases where an employee is called to military service, either for active duty or annual training, that employee may be entitled to reinstatement reemployment and other rights under the Uniform Services Employment and Reemployment Rights Act of 1994 ("USERRA") and subsequent amendments.

The Act provides a series of rights to employees serving in the U.S. Armed Forces:

Reemployment Rights- An employee has the right to be reemployed in his/her civilian job if leave is taken to perform service in the uniformed service and:

- Advanced written or verbal notice of that service was given;
- The employee had five (5) years or less of cumulative service in the uniformed services while with that particular employer;

- The employee returns to work or applies for reemployment in a timely manner after conclusion of service; and
- The employee had not been separated from service with a disqualifying discharge or under other than honorable conditions.

In meeting the aforementioned conditions, an employee must be restored to the job (or a comparable job) and benefits the employee would have attained if he/she had not been absent due to military service.

Right To Be Free From Discrimination and Retaliation- An employee who is a past or present member of the uniformed service; has applied for membership in the uniformed service; or is obligated to serve in the uniformed service; may not be denied:

- Initial employment;
- Reemployment;
- Retention in employment;
- Promotion; or
- Any benefit of employment because of his/her status.

In addition, retaliation may not occur against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

Health Insurance Protection- An employee who leaves his/her job to perform military service, has the right to elect to continue existing employer-based health plan coverage for the employee and that employee's dependents for up to twenty-four (24) months while in the military. In the event that the employee does not elect to continue coverage during military service, the employee has the right to be reinstated in the employer's health plan when he/she is reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

If the employee accepts other employment during any period of military leave, he/she will be deemed to have voluntarily resigned. If the employee remains on active duty in the military for a period greater than four years, the City is no longer obligated to return him/her to employment.

Arrangements need to be made to arrange for continuation of health insurance coverage and payment of the applicable premium while on military leave. An employee in military service for less than thirty-one (31) days only will be required to pay the standard employee premium for continuation of coverage. For absences exceeding thirty-one (31) days, the employee may be required to pay the full cost of the premium, similar to the amount paid by employees who elect continuation of coverage following termination of employment. Specifically, employees may continue coverage during military leave granted in excess of thirty-one (31) days at the employee's own expense through the provisions of Federal law based on the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

In accordance with Indiana Code **IC 10-16-7,** a member of the Indiana National Guard or U.S. Reserves who is employed by a municipal government is entitled to receive from the member's

employer a leave of absence from the member's respective duties in addition to regular vacation period without loss of time or pay for the time that the member is:

1. on training duties of the state under the order of the governor as commander in chief; or
2. a member of any reserve component under the order of the reserve component authority;

for any consecutive or nonconsecutive period that does not exceed a total of fifteen (15) days in any calendar year.

The above guidelines set forth the general parameters concerning military leave. Any questions should be directed to the Human Resources Department.

L. Family and Medical Leave

The City of East Chicago recognizes that employees may need time off to care for the medical needs of themselves, their children, their spouses and their parents. In order to comply with the Family and Medical Leave Act ("FMLA"), the City has developed this policy to provide eligible employees the necessary flexibility to manage their careers and family needs. To the extent that the FMLA provides greater family or medical leave rights to employees than are provided under existing policies, the requirements of the FMLA will prevail and will supersede existing policies. Leave time taken under other policies, which would qualify as leave under the FMLA, will be taken into account when computing the FMLA leave.

The following information should be viewed only as an outline of FMLA. Please contact the Human Resources Department for specific details.

Eligibility- To be eligible for the FMLA, an employee must have been employed for at least twelve (12) months and must have worked at least 1,250 hours during the previous twelve (12) month period. The FMLA entitles eligible employees to take up to twelve (12) weeks unpaid leave of absence during a twelve (12) month rolling period. Leave may be taken on either a "block" basis (from the start date continuously until the employee returns or leave is exhausted) or on an intermittent basis. In the event that the leave is intermittent, leave will be granted increments as small as the time clock system will allow.

FMLA leave does need to be taken in conjunction with leave due to an on-the-job injury (worker compensation).

Reasons for Taking Leave: The specific medical reason an employee takes FMLA leave is strictly confidential and should be discussed only with the Department of Human Resources. Unpaid leave must be granted for any of the following reasons:

- To care for a newborn child, newly adopted or newly placed foster child. The employee's right to leave for this reason ends 12 (twelve) months after the birth, adoption or placement of the child with employee.
- To care for a family member such as a spouse, child or parent who has a serious

health condition (under the care of a health care provider) and prevents that individual from performing their regular activities for three or more days.

- For a serious health condition (under the care of a health care provider) which debilitates the employee and prevents that individual from being able to perform his/her duties at work for three or more days.
- Exigency Leave - Any qualifying exigency (arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
- Servicemember Family Leave - An eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of twenty-six (26) work weeks of leave during a twelve (12) month period to care for the service member ("Service Member Family Leave"). Service Member Family Leave shall only be available during a single twelve (12) month period. Additionally, during the single twelve (12) month period described in this paragraph, an eligible staff member shall be entitled to a combined total of twenty-six (26) work weeks of leave under this paragraph and general FMLA leave described in the preceding paragraph. Nothing in this paragraph shall be construed to limit the availability of general FMLA leave under the preceding paragraph during any other twelve (12) month period. A covered service member is defined as a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Serious injury or illness for purposes of Service Member Family Leave is defined as an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Written Notification- All notification of leave under the FMLA, including extensions, will be provided to employees in writing in accordance with federal regulations. In turn, the employee will also make all requests for such leave in writing. In those situations where, due to an emergency, notification cannot readily be provided in writing, the employee will be requested to provide such notice as soon as possible using all federally approved forms. Employees have a responsibility to notify their employer as soon as possible once they are aware that a leave that may qualify under FMLA may be needed. Employees seeking leave should contact the Human Resources Department.

Computing Leave Time- The twelve (12) month period for taking leave will be measured from the first day of leave taken.

Extension of Leave- FMLA leave may not be extended beyond twelve (12) weeks to any employee without the written approval of the Human Resources Department. All such extensions will be considered on a case-by-case basis.

Special Limitations- The Act includes a special provision in the event of a birth, adoption or placement of a foster child, and where both parents are employed by the City. In those cases, a total of twelve (12) weeks of leave is available to the parents and may be taken in any combination of leave providing the total taken by both individuals does not exceed twelve (12) weeks.

Medical Certification- If leave is requested due to your own or a family member's serious health condition, you must provide medical certification from an appropriate health care provider. The medical certification must include the date on which the condition began and its probable duration. An employee may be denied leave if he/she does not provide satisfactory certification. The City of East Chicago may also require a second opinion or third opinion regarding certification of a serious health condition, at its expense.

Outside Employment - You may not work for outside employers while on family and medical leave with the City of East Chicago

Substitution of Paid Leave - FMLA leave is unpaid. An employee on family and medical leave must first substitute any available compensatory time, and then substitute sick leave time. Your total FMLA leave time, which may include paid leave, may not exceed 12 weeks. The City has the right to designate such leaves as running concurrently with FMLA leave.

Health Insurance Coverage While On Leave- Group health and/or dental insurance coverage for employees while on leave will be continued on the same basis as coverage would have been provided had the employee been continuously employed during the leave period. Any share of health and/or dental insurance premiums which had been paid by the employee prior to the leave, must continue to be paid by the employee during the leave period. If paid leave is substituted as discussed above, the employee's portion of the premium will be paid by payroll deduction. If all or part of the leave is unpaid, the employee must make arrangements with the Human Resources Department for a mutually agreeable schedule for paying the employee's portion of the premium. The employee's failure to make the necessary contributions will lead to the cancellation of group health and/or dental insurance coverage.

Failure to Return from FMLA Leave- If the employee does not return to work following leave (depending on the reason for the employee's failure to return to work); the City reserves the right to recover all group health and/or dental insurance premiums paid by the City during the leave period. The reimbursement will be based on the cost of COBRA coverage. An employee who fails to return to work at the end of a leave and does not notify the Human Resources Department of his/her status, may be terminated.

Status Report and Medical Certification Prior to Returning from Leave- An employee on FMLA leave may be asked to provide periodic reports to the City as his/her status (including if leave is taken for a family member), whether they intend to return to work and the date which they will return to work, if known.

Employees who take FMLA leave due to their own serious health condition must provide a fitness-for-duty medical certification from their treating health care provider prior to being permitted to return to work. Under no circumstances will an employee who fails to provide certification be permitted to return to work. Fitness-for-duty is not required if leave is taken to care for a family member.

Job and Benefit Protection- Employees returning from FMLA leave will be given the same job they had when they left on leave or an equivalent job with equivalent pay, benefits and other employment terms, including no loss in years of service. Employees, who fail to return to work at the end of leave, lose their rights to be returned to their former jobs or equivalent positions.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of leave. However, employees will not accrue any type of leave benefit while they are on non-pay status; such benefits will be restored upon return to work.

Misrepresenting Reasons for Leave- An employee that intentionally misrepresents the reasons for requesting family and medical leave may be discharged.

Changes in Regulation- The Family and Medical Leave Act is subject to updates, changes and amendments by Congress and the U.S. Department of Labor, Wage and Hour Division. In the event that such change conflicts with this handbook or other City policy, the current federal law or regulation shall apply.

Definitions- The following definitions will be used:

- A "child" refers to a biological, adopted, foster, or "step" child, a legal ward, or a person less than eighteen (18) years of age, for whom the employee has the responsibility to provide care and support. Additionally, a "child" is considered a person eighteen (18) years or older who is incapable of self-care due to a physical or mental disability. A "parent" refers to an individual's natural parent or a parent who has/had legal custody of a child as described above.
- Health care provider includes:
- Doctors of medicine or osteopathy authorized to practice medicine
- Podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers (each performing within their scope of practice)
- Christian Science practitioners listed with the First Church of Christ, Scientist of Boston, or any health care provider recognized by the City's group health.

SECTION 5
V. EMPLOYEE RESPONSIBILITIES AND GENERAL WORK RULES

Equal Employment, Anti-Harassment and Retaliation

As part of the City's commitment to ensuring equal employment opportunity in the workplace, the City has set forth below certain standards of conduct expected of all employees of the City of East Chicago.

A. Discriminatory Conduct or Discriminatory Harassment Prohibited

The City is committed to providing a work environment that respects the dignity and worth of each individual. As discussed at the outset of this Handbook, the City of East Chicago is committed to equal employment opportunity in all areas of employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, benefits or any other term or condition of employment. Inappropriate workplace behavior inconsistent with this policy will not be tolerated. Similarly, harassment directed at any employee which is contrary to the City's equal employment opportunity policy is unacceptable at any time. While the City of East Chicago cannot regulate the personal morality of employees, it can insist upon a work environment that is free from discrimination and harassment because of a person's race, religion, color, gender, sexual orientation, age, disability, national origin, ancestry, veteran status or any other characteristic protected by law.

B. Sexual Harassment

Adversely impacts the morale and productivity of an employer's most valuable asset, its employees. In addition, State and Federal law protects employees, visitors, contractors, vendors and all those who enter the workplace from sexual harassment. The City of East Chicago believes that it shares a responsibility with its employees, to stop and prevent sexual harassment. Sexual harassment will not be tolerated in the workplace.

C. Discriminatory Harassment, Including Sexual Harassment

As indicated above, the prohibition against harassment in the workplace is intended to cover any conduct directed at an employee based on any characteristic protected by law. This policy applies to all harassment occurring in the work environment whether on City premises, or other work or City-related settings, and applies regardless of the gender of the individuals involved. This policy covers all employees of the City of East Chicago, including applicants for employment. Further, the City will not tolerate harassment by third parties (e.g. contractors, vendors) in their dealings with City employees.

Definition of Sexual Harassment- Sexual harassment is generally defined as conduct which shows disrespect, hostility or aversion to an employee, visitor or contractor through the use of

sex-based comments or actions of a sexual nature. Sexual harassment may involve verbal, visual or physical conduct which results in an employee or employees (or others present in the workplace) being subjected to an environment that is uncomfortable and unnecessary.

There are two forms of sexual harassment: hostile work environment and quid pro quo harassment.

Hostile Work Environment- This form of sexual harassment involves sex-based conduct by a co-worker or a supervisor that creates a hostile or offensive work environment and which adversely interferes with an employee's ability to perform his/her work. Examples of a hostile work environment include (but are not limited to):

- Asking questions or making statements about an employee's sexual conduct or preferences;
- Exposing oneself or revealing private body parts;
- Engaging in unwelcome physical contact such as pinching, kissing or inappropriately touching another employee;
- Disseminating or displaying pornographic materials or sexually explicit photographs;
- Making obscene, sexual gestures.

Quid Pro Quo- This type of sexual harassment involves a supervisor who uses his/her authority to either threaten or require a subordinate employee to submit to sexual activity as a requirement for either: continued employment, favorable performance evaluations, securing advancement, or for the grant of any other tangible employment benefits. Examples of quid pro quo harassment include (but are not limited to) the following examples:

A supervisor stating to a subordinate employee: "Things could be a lot easier for you here if you would go away with me for the weekend."

A supervisor withholding a favorable performance evaluation from a subordinate employee until the employee gives in to the supervisor's sexual advances.

Although the City of East Chicago does not condone any inappropriate action or comment, it is important to review the manner and circumstances in which the actions in question occurred. In determining whether alleged conduct constitutes sexual harassment, the City will evaluate the record as a whole and at the totality of the circumstances.

Proven violations of this policy will result in disciplinary action up to and including termination based on the severity of the infraction and the past history. The level of discipline applied will be made on a case by case basis.

Reporting Procedure- Any employee who reasonably believes that he/she has either witnessed or been subjected to sexual harassment shall immediately report the discriminatory conduct to their supervisor or any member of the City's Human Resources or Law Departments.

All complaints will be documented in writing. The complaint shall remain confidential to the extent possible, subject to the need to conduct an investigation of the allegations.

Investigation and Resolution of Complaint- All reports of sexual harassment shall be investigated in a confidential and expedient manner. However, since it is crucial that an investigation be conducted, complete confidentiality cannot be guaranteed. The City will not tolerate any retaliation against an employee who makes a good faith report of sexual harassment. If the investigation reveals that the report has merit, corrective action, up to and including termination will be taken to remedy the situation.

Upon completion of an investigation, the victim will be afforded the right to know what disciplinary action was taken.

False Claims of Sexual Harassment- As an employer, the City of East Chicago takes its responsibility to stop sexual harassment very seriously. An employee who falsely accuses another employee of sexual harassment can create unnecessary anguish, emotional distress and harm to an innocent employee as well as waste the City's time and resources. Consequently, the City of East Chicago reserves the right to discipline any employee who intentionally makes a false report of sexual harassment.

Other Harassment Defined- The City of East Chicago encourages all of its employees to create a workplace that is harmonious and conducive to providing services to the public and to fellow employees. Comments or actions that are deliberately hurtful, rude, unprofessional, or offend other employees have no business in the workplace.

An employee should advise his/her supervisor in regard to activity brought about by another employee that undermines workplace professionalism.

The above list of examples is not intended to be all-inclusive.

Non-Retaliation- The City of East Chicago prohibits retaliation based on exercising any rights under this policy. An individual who reports incidents, which, in good faith, the employee believes to be violations of this policy, or who is involved in the investigation, will not be subject to reprisal or retaliation. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against an individual for reporting discrimination or discriminatory harassment or for participating in an investigation of allegations of such conduct will be subject to appropriate disciplinary action.

Complaint and Investigation Procedure- The City requires the prompt reporting of all incidents of discrimination, harassment or retaliation based on any violation of this policy. If an employee believes that he/she is being subjected to such conduct or has observed any conduct which the employee believes is in violation of this policy, the City has set up a complaint procedure for all employees to follow. Any employee, who becomes aware of such conduct, even if it involves another employee, also is expected to report such conduct.

An employee has the option of reporting any violations of this policy to: (1) the Department Head in which the Employee works; (2) the City of East Chicago's Director of Human Resources; or (3) any other Department Head, as desired by the employee. The employee should report the discriminatory, harassing or retaliatory conduct to someone other than the person engaging in the offensive conduct. *[Note: Because of the critical need to appropriately and expeditiously address any concerns of discrimination, harassment and retaliation in the*

workplace, the Employee Complaint Procedure, as discussed elsewhere in this Handbook, does not apply to complaints of discrimination, harassment or retaliation.]

When an employee reports a complaint of discrimination, harassment or retaliation, as specified above, the City will undertake a prompt investigation as may be appropriate under the circumstances. The steps to be taken during the investigation cannot be fixed in advance, but will vary depending upon the nature of the allegations. Confidentiality will be maintained throughout the investigative process to the extent practicable and consistent with the City's need to undertake a full investigation.

Violations of Policy- Any person who is determined to have engaged in any conduct which violates the City's prohibition of discrimination, harassment or retaliation will be subject to disciplinary action, up to and including termination.

D. Attendance and Punctuality

All employees are expected to report for work on a daily basis in a punctual manner unless otherwise authorized. This policy applies to all City of East Chicago employees including those covered by a collective bargaining agreement unless the bargaining agreement or contract explicitly addresses the issue in a manner contrary to this section. In those instances, the terms of the collective bargaining agreement or contract will supersede this policy.

The City uses a time clock system for all employees. Exempt employees are still required to punch in/out to allow the City to account for employees on premises. For exempt employees, the actual time shown on the punch in/out is irrelevant and will not be used for the purposes of pay.

When an employee must leave during his/her scheduled shift due to illness or emergency, that individual must notify his/her Department Head and request approval prior to leaving. If the employee cannot locate a Department Head, he/she must follow the chain of command and contact a member of management prior to leaving.

Definitions

Tardy*:* Employees clocking in and/or arriving five (5) or more minutes late for their scheduled shift are considered to be tardy.

Absence**:** Employees failing to show up for their scheduled shift are considered to be absent. Absences may be considered excused or unexcused as defined below:

Excused**:** An absence will be considered excused if it falls within any of the following categories:

- Approved time off as requested and approved by supervisor
- Approved time off for a workers' compensation accident, recuperation, and/or treatment
- Approved leaves of absence (i.e. bereavement, jury, personal or a Family Medical Leave)
- Admission to the hospital - If an employee, spouse, child, or parent is admitted to the hospital, the absence will be recorded as excused upon receipt of hospital documentation.

In keeping with federal law (HIPPA), the information should not list or describe the specific medical condition or services provided.

Unexcused: All other absences not identified above are considered unexcused

Employees are required to notify their Department Head at least 1 (one) hour prior to their scheduled shift, unless prevented by an emergency situation (In that case, the Department Head or a member of the administrative staff should be contacted at the employee's earliest convenience). Calling off does not however, make the absence excused. Failure to properly notify the department of an absence may change the absence to a "No call/No Show" which is a more serious violation.

Part Time Employees: A part-time employee who works more than eight (8) months out of the year may be excused from scheduled work days no more than six days per year. This provision does not apply to seasonal or temporary employees.

E. Drug-Free Workplace Policy

The City of East Chicago has a strong commitment to its employees to provide a safe workplace and promote employee health. Consistent with the spirit and intent of this commitment, the City has developed a comprehensive Drug Policy Handbook to guide employee conduct, which is designed to maintain a safe environment for City of East Chicago employees and its citizens and provide help for employees who have substance abuse problems. The policy below is intended to supplement the handbook regarding employee rules of conduct and also highlight various terms in that handbook.

All employees are encouraged to review the *Substance Abuse Handbook* and the policies set forth below to guide their conduct on a day-to-day basis.

In short, as discussed below, the illegal use or consumption of drugs and controlled substances by employees of the City of East Chicago is strictly prohibited. Further, the consumption of alcohol or evidence of an employee reporting for work under the influence of alcohol is also a violation of City policy. Applicants for employment who test positive for illegal drugs or who are found to have alcohol present in their system beyond a permitted level are not considered suitable for employment with the City.

The City expects employees to report for work in a condition to perform their work duties. The City recognizes that employee off-the-job as well as employee on-the-job involvement with alcohol and drugs can have an impact on the workplace, on the public, and on fellow employees:

(1) The illegal use, sale, or possession of narcotics, drugs, or controlled substances while on the job or during the working day is a dischargeable offense. Any illegal substances will be turned over to the appropriate law enforcement agency and may result in criminal prosecution. For purposes of this policy, lunch time is considered to be part of an employee's "working day."

(2) Off-the-job illegal drug use which could adversely affect an employee's job performance or which could jeopardize the safety of others, is proper cause for disciplinary action up to and including termination.

(3) Employees who are arrested for off-the-job drug activity may be considered to be in violation of this policy, or changes the employee's legal ability to meet the requirements of his/her job (i.e.: licensure). In deciding what action to take, City management will take into consideration the nature of the charges, the employee's present job assignment, the employee's work record with the City, and other facts relative to the impact of the employee's arrest upon the conduct of City operations.

(4) Some of the drugs which are illegal under federal, state, or local laws include, among others, marijuana, heroin, hashish, cocaine, hallucinogens, and depressants and stimulants not prescribed for current personal treatment by an accredited physician.

(5) The use of controlled substances as part of a prescribed medical treatment program is naturally not grounds for disciplinary action, but appropriate accommodations and/or job restrictions may be necessary in circumstances where such medication may have an impact on employee safety and the safety of others. Employees aware of any such concerns should bring them to the immediate attention of the employee's supervisor or the City's Human Resources Department.

(6) The use or possession of alcohol during the working day or reporting to work under the influence is also a violation of the City's policy against substance abuse.

In addition, no controlled substance or alcohol is permitted on any work site, in any City vehicle or on the person of any employee while engaged in City business. As a condition of employment, all employees shall be free from chemical impairment and shall abide by the terms of this policy. In addition, employees shall notify Human Resources of their conviction for violation of any criminal drug statutes within five (5) days after such conviction occurs. Further, any employee who is involved in a motor vehicle accident or work related accident while operating a city owned vehicle or while operating any motor vehicle during working hours is required immediately to notify the employee's supervisor and Human Resources so that a timely decision can be made regarding any required testing. Any employee discovered violating this policy will be subject to disciplinary action, up to and including termination.

Certain jobs within the City require safety and security standards which require periodic alcohol and drug testing. These tests will be performed in compliance with Federal Standards, any applicable collective bargaining agreement and City rules and regulations. The results of all alcohol and drug tests will remain confidential. An applicant who fails a physical because of a positive drug test result or fails a drug test in any other way will be terminated. Employees who refuse to submit to testing or refuse to participate in the required substance abuse program are subject to immediate termination. An employee who has two positive test results within a five (5) year period will be subject to termination without further notice. An employee who tests positive

for an illegal drug or a drug obtained through illegal means may be terminated for a first positive test.

While employed or being considered for employment at the City, the following types of drug and/or alcohol testing will be performed, consistent with the guidelines set forth in the Substance Abuse Policy Handbook (which is included in the appendix section of this handbook):

- Pre-employment testing
- Random testing
- Reasonable suspicion (cause)
- Post-Accident testing
- Return to Work testing
- Follow-up and Compliance testing
- Voluntary testing

Employees with questions regarding the City's Drug Free Workplace Policy, including the Substance Abuse Policy Handbook, should contact the City's Human Resources Department.

F. Guidelines For Conduct

(*This policy applies to all City employees including those covered by a collective bargaining agreement, unless the bargaining agreement or contract explicitly addresses the issue in a manner contrary to this chapter. In those instances, the terms of the bargaining agreement or contract will supersede the terms of this chapter. In accordance with Indiana Code, For officers, fire fights or other sworn personnel, this section may be superseded by general orders issued by the East Chicago Police or Fire Chief, and/or by policies and procedures adopted by the East Chicago Merit and Fire Civil Service Commissions.)*

Organizations need regulations to govern the conduct of employees, maintain smooth operations, and provide general direction, and the City of East Chicago is no exception. Rules have been enacted to help maintain safe and desirable working conditions for everyone, and are posted for general information and to ensure equitable and uniform corrective action when necessary. In order to demonstrate an accurate account of any incident that results in discipline, an employee's supervisor should complete a written report of any improper action. Disciplinary action will be issued by the supervisor upon review and authorization by the department director/supervisor, and after review by the City's Human Resources Department. In matters of Category IV violations, these actions must first be reviewed by the Mayor (or his designee) before a decision on termination is made.

The City reserves the right to depart from these guidelines and to take action up to and including immediate discharge when, in its opinion, such action is necessary to protect the well-being of the City of East Chicago or its employees.

It is impractical to attempt to list all types of misconduct that may result in disciplinary action; therefore, the following are only basic guidelines:

Category I- The City of East Chicago expects proper procedures and actions of its employees including, but not limited to: being on time; showing respect to co-workers, supervisors and visitors; reporting personal injuries; following normal daily procedures; and notifying one's supervisor in advance of any tardiness or absence. When an employee does not abide by these regulations, it is the supervisor's responsibility to work with the employee to correct the employee's behavior. If there is no improvement, the employee will be notified that his or her behavior or lack thereof, is not in accordance with City policy. This notification will be made verbally with written record of the discussion placed in the employee's file.

Category II- When an employee fails to adhere to safety rules, creates conditions that are unsanitary or potentially dangerous to other employees, displays rudeness/discourtesy to the public, walks off the job without authorization, causes waste of materials or parts due to carelessness, reports to work in dirty clothing or in an unclean manner, uses or possesses another employee's personal tools without consent, engages in a minor act of sexual harassment, engages in verbal confrontations that disrupt the workplace, neglects to properly perform assigned duties, incurs excessive unexcused absences or fails to report off of work in a timely manner, engages in activities that are unethical such as performing personal work on City time, or when an employee commits a second Category I violation within twelve (12) months of the last discipline issued, that employee will be notified in writing that his or her behavior is not appropriate. Subsequent violations could lead to additional action including suspension and termination.

Category III- These actions are more serious in nature and have significant impact on the City of East Chicago or its employees. They include: being under the influence of alcohol or deliberate abuse of prescription or illegal drugs; specific refusal to follow legitimate directions from one's supervisor or conduct that directly challenges the legal or legitimate authority of a supervisor or manager; commits an act of sexual harassment; posting, altering or removing any matter on a City bulletin board without authorization, disorderly conduct; reckless damage to a vehicle or other City property of less than $2,500.00 where the loss is caused by the employee; failure to report within forty-eight (48) hours any accident; a pattern of negligence in carrying out assigned duties, threatening, intimidating or retaliating against another employee; concealing defective work; use of government equipment, tools, materials or other City property for personal use; sleeping on the job; carrying an unauthorized passenger in a City vehicle during work hours; violating departmental safety rules; entering a confined space without permit; or the violation of City Policy.

An employee who commits any of these infractions or any other infraction viewed by the City as serious misconduct, or who commits a second violation of the guidelines contained in Category II within twelve (120 months of the last discipline issued, will be suspended without pay for three (3) to five (5) days, along with other measures that may be applicable (e.g. counseling). A subsequent violation could lead to additional action including termination.

Category IV- When an employee commits a deliberate action that is deemed inexcusable, that employee will be subject to immediate dismissal. Such actions include deliberate damage of property; a serious violation of City Policy, East Chicago City ordinance, Indiana or Federal law; gambling; conviction of a felony; actions that endanger the health and welfare of another employee; willful disruption of city operations; operating a vehicle without a valid license, deliberate negligence in carrying out one's job responsibilities; the use of physical force against another individual; damage to a City vehicle or equipment that totals $2,500.00 or more where

the loss is caused by the employee; theft, willful tampering with equipment or computer programs; gross insubordination; falsification of records – including time cards, release of confidential information; unreported absence for three (3) days; possession of illegal drugs and alcohol (all instances of alleged substance abuse or intoxication shall be handled pursuant to methods prescribed in Ordinance 7415); possession of weapons, firearms or explosives, physical or sexual assault or abuse; a second violation of a Category III regulation within twelve (12) months of the last discipline issued; or any other extremely serious action. Such behavior will result in an immediate suspension without pay for five (5) days pending review for termination by the Mayor.

The foregoing listing of causes for disciplinary action is to help illustrate the City's progressive disciplinary policy and does not preclude the City of East Chicago from disciplining employees for reasons not specifically listed. In addition, the City reserves the right to depart from the aforementioned guidelines in matters where the circumstances demand a stronger or milder response.

G. Documentation/Procedures For Discipline

All disciplinary action, including a verbal reprimand, will be documented. Written notice of discipline shall be signed by the supervisor and the disciplined employee. In the event the employee refuses to sign, a witness should sign to verify that the employee was given the opportunity to review the form. An employee who is disciplined shall be given the opportunity to respond, explain or comment in writing when discipline is issued.

Discipline shall be administered discreetly and explained clearly to the employee. As noted in the "Guidelines for Conduct," the seriousness of the offense will be considered when discipline is issued. In certain instances, the City reserves the right to depart from the aforementioned guidelines in matters where the circumstances demand a stronger or milder response.

H. Types of Disciplinary Actions

Oral reprimands are for the first offenses which do not require suspension. Oral reprimands should be documented for future reference and should include a warning to the employee that a subsequent violation could result in further disciplinary actions.

Written reprimands may be issued if an oral reprimand has not corrected the problem or if the violation is not serious enough to require a suspension. The reprimand shall specify which further disciplinary actions could result from subsequent violations.

Suspension without pay shall be administered for repeat offenses or where required immediately due to the nature of the offense. The first day of suspension shall be the first day in which the employee works less than 51% of the workday.

Immediate discharge or dismissal shall be imposed where prior disciplinary actions have not corrected the behavior or where, due to the seriousness of the offense, such action is required.

A supervisor should make every effort to document and file the disciplinary action taken within five (5) working days (Monday-Friday, and not counting paid holidays) of **notification** of the incident.

I. Notice Of Changes To The Guidelines For Conduct

It is important for employees to be made aware of any changes to this policy. Supervisors shall be responsible for advising employees of any changes, and be responsible for the conspicuous posting of any changes or amendments made to the policy.

J. Separation Policy

Unfortunately, conditions may arise which require the termination of an employee. The policy discussed herein is set forth to describe our general philosophy concerning separation decisions. As discussed above, the City recognizes that each termination situation presents a unique set of circumstances. Fairness and common sense dictate that each separation decision be reviewed and decided on its individual facts in the context of surrounding circumstances.

K. Involuntary Separations Due to Lack of Work

Based on availability of City funds and/or the need for effective administration of the City operations, circumstances may arise requiring the involuntary termination of an employee, including an employee with a satisfactory performance record. An employee will receive his/her last paycheck and pay for any accrued but unused vacation.

L. Voluntary Terminations

Circumstances may arise where separations are initiated at the request of an employee. Due to scheduling problems and other related concerns, it is critical for employees terminating employment voluntarily to advise the City of their intent to resign. It is the employee's responsibility to give immediate written notice of his or her intention to resign and provide sufficient lead time to meet work and scheduling commitments. If the employee fails to provide the resignation in writing, that employee's supervisor should document the resignation. An employee only is entitled to compensation up through the employee's last day of active employment and pay for any accrued but unused vacation.

M. Employee Complaint Procedure

All employees of the City of East Chicago are encouraged to resolve problems in an open manner and can do so without the fear of reprisal for seeking such resolution. In order to address employee concerns, the following Employee Complaint Procedure ("ECP") shall apply to employee complaints and concerns. Employees covered under a collective bargaining agreement, however, have separate procedures that apply, as set forth in the applicable agreement.

- An employee should register the complaint verbally with the employee's supervisor within three (3) working days after its occurrence or within three (3) working days after the reason for the problem has become known to the employee. This step provides the employee and supervisor the opportunity to quickly come to terms and resolve the complaint in an informal manner. The supervisor, after discussing the situation with the employee, generally will

respond within five (5) working days, or as soon as practicable to offer a resolution to the employee.

- In the event that a problem or conflict cannot be resolved verbally with the direct supervisor, it will then be referred to the Department Head. The employee must submit the complaint in writing, stating the circumstances and the personnel involved. The complaint must be received by the Department Head within five (5) working days after unsuccessful resolution with the employee's direct supervisor. The Department Head generally will contact the employee within five (5) working days, or as soon as practicable, to attempt a resolution of the matter. If necessary, a meeting will be scheduled to discuss the specifics of the situation and to explore solutions.

  Once the matter has been discussed and/or a meeting held, the Department Head will provide the employee with a written response. The response will be sent and/or provided to the employee generally no later than seven (7) working days after the meeting or discussion.

- If the matter is not resolved by the Department Head, the matter is to be submitted to the City's Human Resources Department for final review. (For certain departments, final review may be made by a department other than the Human Resources Department, and employees will be advised). The employee must submit the complaint, in written form, within five (5) working days of receiving the Department Head's response.

  A final review and decision generally will be made within thirty (30) days after being submitted. Prior to any final decision, final review and resolution may include an informal hearing with the employee, the Supervisor and/or the Department Head and/or witnesses provided by the employee or City. In any such informal hearing**,** the employee will be given the opportunity to voice the specifics of the situation, and the parties involved will discuss the details of the complaint and possible solutions, if any. The employee will be provided a written response as part of the final review of the situation.

The ECP is intended to apply to any complaints about an employee's terms or conditions of employment and employee disciplinary actions except employee terminations. To maintain a positive working environment, it is essential that conflicts be addressed quickly, in a fair and objective manner.

The above procedures are intended as guidelines for resolution of employee disputes and are not to be viewed as creating a contract concerning the procedures to be followed regarding any complaint between the City and any employee.

[Note: Based on the sensitive nature of complaints relating to the City's policy on Equal Employment, Anti-Harassment and Retaliation, and the need to appropriately and expeditiously address such concerns, the Employee Complaint Procedure, as discussed above, does not apply to such complaints. The separate complaint procedure is discussed in that policy.]

N. Dress Code and Personal Appearance

(For employees of the East Chicago Police and Fire Departments, this section applies to all civilian and unsworn employees. For officers, fire fighters, or other sworn personnel, this section may be superseded by general orders issued by the East Chicago Police or Fire Chief, and/or by policies and procedures adopted by the East Chicago Merit or Fire Civil Service Commissions.)

The City of East Chicago believes every employee's appearance is important to our public image. Most areas do not have uniforms, however, the City has adopted the following guidelines to ensure that the appearance of its employees is consistent with the image that the City wishes to project to the public.

In general, clothes must be clean, not torn, overly worn, or overly revealing. Clothing with inappropriate words, phrases, or pictures is not acceptable. In general, employees should dress in clothing that is appropriate for the job duties being performed. Departments may set their own standards for dress, including casual days.

***Personal Appearance**:* Hair must be neat, clean, and not extreme in style or color. Make-up should enhance facial features, but should not be overdone. Colognes and perfumes should never be overbearing. Male and female earrings are acceptable; however, the City does not allow tongue or facial piercing (lip, nose, eyebrows, etc.). Tattoos should be covered at all times. For safety reasons, jewelry should be conservative and not over accessorized. This includes long bracelets, chains, earrings, or other dangling jewelry that may pose a safety hazard. Individual departments may require a stricter policy for safety purposes.

Exceptions to Policy: Employees will be advised of any events or exceptions to the dress code policy in which the above rules do not apply.

The attire and appearance of any employee should not draw undue attention by either style or fit. Employees altering their appearance or dress to a condition considered unacceptable by City standards will be given the opportunity to correct it. Employees who fail to make the corrections will be considered ineligible for work until he/she complies. All employees will need to be familiar with specific department dress code as well as the handbook. Employees must comply with the strictest policy.

O. Smoking Policy

It is the intent of the City of East Chicago to protect the health and welfare of city employees and the general public by providing a smoke-free environment in all city-owned facilities and vehicles thereby reducing contact with the risks of exposure to tobacco smoke. Under Indiana Law, while smoking, persons must stay a must minimum of eight (8) feet away from any door or entrance to a building.

P. Computers, Email, the Internet and Social Media

The City of East Chicago treats all computer files, including electronic mail (e-mail) sent or received, as business information. The City reserves the right to access, review, copy, and/or delete any computer files, including e-mail sent or received. Employees should never use a City

computer for personal files or e-mail. Further, employees should realize that email should be representative of the City and should always be checked for grammar, composition and content.

Q. Internet Usage

The City provides many employees with access to the Internet. In order to ensure compliance with existing copyright and decency laws, and to protect the City from being victimized by the threat of viruses or hacking into City systems, the following guidelines have been established:

It is the policy of the City of East Chicago to limit Internet access to official business. The introduction of viruses, or malicious tampering with any computer system, is expressly prohibited. Any such activity will result in disciplinary action and possible termination of employment.

Files which are downloaded from the Internet must be scanned with virus detection software before installation or execution. All appropriate precautions should be taken to detect for a virus and, if necessary, to prevent the infection of other machines.
Employees shall not place City material (copyrighted software, internal correspondence, etc.) on any other accessible computer without prior permission.

Alternate Internet Service Provider connections are not allowed.

Unless otherwise noted, all software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder. Any infringing activity by an employee may be the responsibility of the organization. Therefore, the City may choose to hold the employee liable for their actions.

The deliberate downloading or retention of documents which are considered obscene or discriminatory on any City computer and/or account can result in disciplinary action. Given the potential for errant access, accidental access to obscene or discriminatory sites or material should be immediately reported to management in order to avoid disciplinary action.

The City of East Chicago reserves the right to inspect the computer system of any employee at any time for violations of this policy.

R. Social Media

Discussion, debate and sharing one's opinion occur in many forms and forums including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to: LinkedIn, Twitter, Facebook, YouTube, and MySpace.

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

1. Protect Confidential And Proprietary Information: Do not post confidential information about the City. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information do so at the risk of disciplinary action or termination.

2. Respect Copyright And Fair Use: When posting, be mindful of the copyright and intellectual property rights of others.

3. Don't Use Organization Logos: Do not use the City's seal, other identifying logos, other images, or iconography on personal social media sites. Do not use the City's name to promote a cause, political party or candidate.

4. Respect Time and Property: Remember, City computers and time on the job are reserved for work-related business.

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

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

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

8. Personal Sites: Identify views as personal and refrain from identifying yourself as an employee of the City of East Chicago.

9. Photography: Photographs posted on social media sites can easily be appropriated by others.

10. Know That The Internet Is Permanent: Once information is published online, it is essentially part of a permanent record, even if you "remove/delete" it later or attempt to make it anonymous. If your complete thought, along with its context, cannot be squeezed into a character-restricted space (such as Twitter), provide a link to an online space where the message can be expressed completely and accurately.

S. Cell Phones, Pagers and Wireless Communication Devices

Personal wireless devices such as cell phones (including texting), pagers, etc. are common items in everyday life. However, the City of East Chicago does not allow these devices to be used during regular work time. Cell phones should only be used for official use, or accessed for personal use during breaks. In addition, employees are responsible to notify family members, babysitters, etc. that personal phone calls can be disruptive to the work schedule. During working hours, employees should only be contacted for emergencies.

T. Travel Expenses

Reasonable travel expenses incurred by authorized employees traveling for purposes of City-related business or to attend conferences, educational seminars, or meetings related to City business may be reimbursed for actual travel expenses.

Employees must first obtain prior authorization and approval for City-related travel from the head of their respective department. When making travel arrangements, employees should request government rates whenever possible. Employees in a travel status must retain original receipts for their expenditures in order to obtain reimbursement. Should a trip also include personal travel, only expenses incurred for City-related business will be reimbursed.

Reimbursable travel expenses include coach airfare, single-occupancy lodging, car rental, mileage incurred on an employee's personal car, taxi, parking, tolls, meals, and meeting, conference, or seminar attendance fees.

Meals-Employees in a travel status will be entitled to a meal allowance of $25.00 for four (4) to eight (8) hours in a travel status per day and $50.00 for eight (8) to twenty-four (24) hours in a travel status per day. Employees will not be entitled to a meal allowance for meals that are included in tuition for seminars, meetings, or conferences. No meal allowance will be provided for travel consisting of four (4) hours or less.

Transportation- Employees traveling in their own personal vehicles will be reimbursed at the prevailing mileage rate set by the **State of Indiana** for the actual distance traveled. If the mileage submitted is questionable, reimbursement will be made based on reasonable acceptable mileage for the distance travelled. Employees renting vehicles during an approved travel status will also be reimbursed for fuel purchased in addition to the rental fees. Expenses incurred in travel between an employee's home or work station and airport or similar transportation facility are also reimbursable, such as taxi, mileage, and terminal parking.

Upon return from travel status, employees must submit a City "*Request for Reimbursement*" to their department head along with all original receipts supporting their expenditures.

U. Use of City Property

Personal use of city owned/leased equipment, tools and/or vehicles is prohibited.

SECTION 6
VI. SAFETY AND SECURITY

A. Visitors

Due to safety and security reasons, employees are discouraged from inviting family, friends and guests to visit them while they are working. Visitors to City facilities during working hours should be greeted in general visitor areas (if available) and/or in parking lots. If it is necessary for an employee visitor to be in general work areas, they should be accompanied by the employee or Department Head. Employee visitors are also prohibited at all times from riding in City owned vehicles.

B. Work Related Injuries and Worker's Compensation

The City provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period; or if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately, even if no medical treatment is required at the time. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately.

C. Inspections of City Property and Other Searches

In order to combat employee theft in the workplace, the City has established certain policies to safeguard its property. Needless to say, the City requires its employees to maintain total honesty and integrity in the workplace. In this regard, employees may not remove any property from the premises. Theft (unauthorized removal) or misappropriation (unauthorized storage, transfer, etc.) of City or another person's property is a violation of City policy. Employees involved in such conduct will be subject to discharge and prosecution to the fullest extent of the law.

The City reserves the right to periodically search offices and desks when circumstances warrant. This right will be exercised when the search is necessary for the completion of an internal investigation or the voluntary or involuntary departure of an employee.

Periodically, the City also reserves the right to search any articles when entering or leaving the premises. All employees are expected to cooperate fully concerning such inspections, and failure to cooperate may result in disciplinary action up to and including termination. It must be emphasized, however, that no stigma should be attached to routine spot inspections of personal effects or City supplied materials or equipment. Any employee may be subject to a requested inspection, and being selected does not suggest suspicion of a violation of any City rule.

D. Employee Lockers

The City provides lockers for use by certain employees during work, and such lockers are viewed as City property. Employees will be assigned a locker with a lock and key. Each locker

also may be opened with the City's master key. The City reserves the right to inspect lockers assigned to employees at any time.

Employees should not leave valuables or cash in an employee locker. The City will not assume responsibility for missing items from employee lockers. Lockers are designed to hold only personal clothing items and should not be used to store items which belong to the City or fellow employees. For employee protection and security, employees should keep any locker combination confidential and not change or share lockers with other employees.

E. Cooperation with Investigations/Searches

As a condition of employment, all employees are required to provide full cooperation with any and all internal investigations, including but not limited to theft, destruction of property, alcohol or drug situations, and harassment and discrimination complaints. This may include being interviewed by representatives of the City and/or outside governmental agencies, submitting to independent testing *(urine and breath)* and searches; including but not limited to, any and all containers brought into and/or taken out of any facility. As part of an investigation, and consistent with the City's policy on "Inspections of City Property and Other Searches," employees may be requested to permit inspection of vehicles parked on city premises, lockers, desks, offices, computer files, e-mail, voice mail or any other item provided by the City. Failure to cooperate with any aspect of such an investigation may be viewed as a deliberate act of misconduct and result in disciplinary action up to and including termination.

F. Emergency Procedures

Each Department Head may establish appropriate emergency procedures for their department. These procedures generally will be made available to employees at the time of orientation and on an annual basis. Employees should check with their Department Head for their department specific procedures to handle emergencies. If emergency procedures are not available, employees should contact Human Resources for assistance.

G. Changes To The Handbook

As the City grows, laws change and the needs of employees and the public change, the City of East Chicago also may modify its rules to keep pace with progress. The City will keep employees informed of any changes to the best of its ability. However, the City may change this handbook at any time, with or without notice to comply with changes in Federal or State law, or City ordinance. Such changes are effective immediately.

H. Appendix: Ordinances Creating and Amending Employee Handbook

This City Personnel Policy Handbook was created by the following East Chicago City Ordinances.

1. **Ordinance No. 3434 passed August 12, 1986.**
2. **Ordinance No. 12-0005 passed April 10, 2012.**
3. **Ordinance No. 13-0037 passed December 30, 2013.**
4. **Ordinance No. 15 – 0029 Passed December 31, 2015.**

Sponsor: MAYOR ANTHONY COPELAND

ORDINANCE No. 12-0005
AN ORDINANCE REGARDING AMENDING AND REPLACING ORDINANCE NO. 3434 AND ESTABLISHING A NEW PERSONNEL POLICY MANUAL FOR THE CITY OF EAST CHICAGO

WHEREAS, the City of East Chicago, must comply with Federal and State employment laws, including the Federal Fair Labor Standards Act, the Family and Medical Leave Act, and the American's with Disabilities act, among others;

WHEREAS, there have been several siginfigant changes in Federal and State employment law since the City of East Chicago Employment Handbook was last updated in August of 1986;

WHEREAS, the City wishes to ensure compliance with applicable Federal and State employment laws, and to modernize its employment policies and practices.

WHEREAS, the City has prepared an updated Employee Handbook for the employees of the City of East Chicago to promote and maintain a positive and efficient working environment and to provide general direction and information.

THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EAST CHICAGO that Ordinance No. 3434 is hereby repealed; that sections 41.105 through § 41.137 of the East Chicago Municipal Code are hereby repealed and replaced by the provisions of the attached Employment Handbook and §41.170 through §41.205 of the East Chicago Municipal Code are hereby amended to reflect the provisions of the attached Employment Handbook.

PASSED and ADOPTED by the Common Council the City of East Chicago, Lake County, Indiana, on this the 9th day of April, 2012.

Gilda Orange

GILDA ORANGE, PRESIDENT
EAST CHICAGO COMMON COUNCIL

PASSED and ADOPTED by the Common Council of the City of East Chicago this 9th day of April, 2012

Attest:

Mary Morris Leonard

MARY MORRIS LEONARD
CITY CLERK

PRESENTED by me to the Mayor for his approval and signature on this 10th day of April, 2012

Mary Morris Leonard
MARY MORRIS LEONARD
CITY CLERK

APPROVED and SIGNED by me on this 10th day of April, 2012

ANTHONY COPELAND MAYOR
CITY OF EAST CHICAGO

FILED IN CLERK'S OFFICE
APR 10 2012
Mary Morris Leonard
Clerk, East Chicago City Hall

RECEIVED
APR 04, 2012
CITY CLERK'S OFFICE

Sponsor: Mayor Anthony Copeland

ORDINANCE No. 13-0037

AN ORDINANCE AMENDING ORDINANCE NO. 12-0005 PERSONNEL POLICY MANUAL FOR THE CITY OF EAST CHICAGO

WHEREAS, THE City of East Chicago must comply with Federal and State employment laws, including the Federal Fair Labor Standards Act, the Family and Medical Leave act, the American's with Disabilities Act and the Affordable Care Act, among others;

WHEREAS, certain changes in Federal and State law have taken effect since the current Personnel Policy Manual, also referred to as the Employee Handbook, was adopted in 2012;

WHEREAS, the Common Council of the City of East Chicago wishes to ensure compliance with applicable laws and other best practices as described herein;

NOW THEREFORE, BE IT ORDAINED by the COMMON COUNCIL of the CITY OF EAST CHICAGO that Ordinance No. 12-005, the East Chicago Personnel Policy Manual, is hereby amended as follows:

SECTION I. Ordinance No. 12-005, the East Chicago Personnel Policy Manual, Page 9 is hereby amended to read as follows:

Employee Classifications

Regular Full Time employees are those who have successfully completed an introductory period and have a regularly scheduled **work week of 30 hours** or more per week (other than "Temporary" employees). Full-time employees are eligible for participation in benefit programs offered by the City (See pages 22-27).

Regular Part Time employees are those who have successfully completed an introductory period **and average a work week of less than 30 (thirty) hours per week** (other than "Temporary" employees). Regular part-time employees are eligible for all legally mandated benefits but are ineligible for all other benefit programs offered by the City.

SECTION II. The following new sections are hereby added to Ordinance No. 12-005, the East Chicago Personnel Policy Manual, Page 9 as follows:

Seniority

Generally, seniority is not the sole determining factor for promotion, advancement or retention. When seniority is considered, only current full-time service will be considered; previous service interrupted by a break in service will not be considered.

Seniority is used to determine eligibility when a conflict occurs in scheduling vacation. For that purpose, seniority, based on the employee's full-time service within that department will be used. If two employees have the same amount of seniority, determination will be made based on alphabetical order by last name.

Employee and Contractual Services

An employee of the City of East Chicago is forbidden from providing contractual services to the City of East Chicago. An employee who is employed by more than one department will be eligible for overtime or compensatory time, if the total number of hours exceeds 40 (forty) hours in one workweek. An exception to this policy is the sale of goods providing that those goods are sold under a separate tax identification number.

SECTION III. Ordinance No. 12-005, the East Chicago Personnel Policy Manual, Page 11 is hereby amended to read as follows:

Introductory Period

Each newly hired employee **is provided a 90 (ninety)** calendar day introductory period during which he/she will be evaluated on the quality and quantity of work, dependability and attendance, ability to learn new job skills, ability to follow instructions, and general work attitude. The employee should request any training or tools needed to be successful in his/her role. The *Introductory Period* is an assessment period that helps determine whether the employee and City should continue the employment on a more long-term basis. In appropriate circumstances, the introductory period may be shortened or extended at the sole discretion of the City but cannot exceed a year.

SECTION IV. Ordinance No. 12-005, the East Chicago Personnel Policy Manual, Page 18 is hereby amended to read as follows:

Direct Deposit

As of March 1, 2014, all full-time employees must have their paycheck directly deposited into a designated bank account. This policy shall not

apply to seasonal employees. By utilizing direct deposit, the paycheck is electronically transferred to the employee's personal bank account and will be available on the designated pay date barring a legal bank holiday. Employees should contact the Department of Human Resources to process and authorize direct deposit.

SECTION V. Ordinance No. 12-005, the East Chicago Personnel Policy Manual, Pages 24 and 25 are hereby amended to read as follows:

Vacation Benefits / Annual Leave

Employees Hired After (April 10, 2012)

a) Employees with less than 5 years of service will receive 10 days annually, accrued at the rate of .83 day per month;
b) Employees with more than 5 years but less than 16 years will receive 15 days annually, accrued at the rate of 1.25 days per month;
c) Employees with 16 years of service but up to 20 years will receive 20 days annually, accrued at the rate of 1.66 days per month;
d) Employees with 21 years of service or more will receive 25 days annually, accrued at the rate of 2.083 days per month.
e) Vacation will be rounded up to the nearest full day.

SECTION VI. Ordinance No. 12-005, the East Chicago Personnel Policy Manual, Page 49 is hereby amended to read as follows:

Travel Expenses

Transportation- Employees traveling in their own personal vehicles will be reimbursed at the prevailing mileage rate set by the **State of Indiana** for the actual distance traveled. If the mileage submitted is questionable, reimbursement will be made based on reasonable acceptable mileage for the distance travelled. Employees renting vehicles during an approved travel status will also be reimbursed for fuel purchased in addition to the rental fees. Expenses incurred in travel between an employee's home or work station and airport or similar transportation facility are also reimbursable, such as taxi, mileage, and terminal parking.

SECTION VII. The Council hereby acknowledges that page and section numbers in the published 2012 Employee Handbook may be adjusted in the updated Personnel Policy Manual/Employee Handbook as a result of the foregoing changes and additions to the content of the Manual.

PASSED and ADOPTED by the Common Council the City of East Chicago, Lake County, Indiana, on this the 23 day of December, 2013.

LENNY FRANCISKI, PRESIDENT
EAST CHICAGO COMMON COUNCIL

Attest:

Mary Morris Leonard
MARY MORRIS LEONARD
CITY CLERK

PRESENTED by me to the Mayor for his approval and signature on this 30 day of December 2013.

Mary Morris Leonard
MARY MORRIS LEONARD
CITY CLERK

APPROVED and SIGNED by me on this 30 day of DECEMBER, 2013.

ANTHONY COPELAND MAYOR
CITY OF EAST CHICAGO

FILED IN CLERK'S OFFICE
DEC 30 2013
Mary Morris Leonard
Clerk, East Chicago City Court

DEC 04 2013

Sponsor: Mayor Anthony Copeland

ORDINANCE No. 15-0029

AN ORDINANCE AMENDING ORDINANCE NO. 12-0005 PERSONNEL POLICY MANUAL FOR THE CITY OF EAST CHICAGO

WHEREAS, THE City of East Chicago must comply with Federal and State employment laws, including the Federal Fair Labor Standards Act, the Family and Medical Leave act, the American's with Disabilities Act and the Affordable Care Act, among others;

WHEREAS, certain changes in Federal and State law have taken effect since the current Personnel Policy Manual, also referred to as the Employee Handbook, was adopted in 2012 as Ordinance No. 12-0005 and revised in 2013 as Ordinance No. 13-0037; and

WHEREAS, the Common Council of the City of East Chicago wishes to ensure compliance with applicable Federal and State law, and other best practices as described in the updated Employee Handbook.

NOW THEREFORE, BE IT ORDAINED by the COMMON COUNCIL of the CITY OF EAST CHICAGO that the East Chicago Personnel Policy Manual, Ordinance No. 12-0005 and Ordinance No. 13-0037 are hereby amended as follows:

SECTION I. The East Chicago Personnel Policy Manual is hereby amended and revised to read as follows in the attached 2016 East Chicago Personnel Policy Manual.

SECTION II. The Council hereby acknowledges that page and section numbers in the published 2012 and 2013 Employee Handbook may be adjusted in the updated Personnel Policy Manual/Employee Handbook as a result of the foregoing changes and additions to the content of the Manual.

PASSED and ADOPTED by the Common Council the City of East Chicago, Lake County, Indiana, on this the 31 day of December, 2015.

LENNY FRANCISKI, PRESIDENT
EAST CHICAGO COMMON COUNCIL

PASSED and ADOPTED by the Common Council of the City of East Chicago this 31 day of December, 2015

Attest:

Mary Morris Leonard

MARY MORRIS LEONARD
CITY CLERK

PRESENTED by me to the Mayor for his approval and signature on this 31 day of December, 2015.

Mary Morris Leonard

MARY MORRIS LEONARD
CITY CLERK

APPROVED and SIGNED by me on this 31st day of December, 2015.

ANTHONY COPELAND MAYOR
CITY OF EAST CHICAGO

DEC. 09, 2015