

THE COUNTY OF MIAMI, INDIANA

Personnel Policies Handbook

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TABLE OF CONTENTS

CHAPTER 1 - PERSONNEL ADMINISTRATION

<u>SECTION</u>	<u>TITLE</u>	
1.1	USE AND REVISION OF PERSONNEL POLICIES HANDBOOK	2
1.2	EQUAL EMPLOYMENT OPPORTUNITY	2
1.3	MANAGEMENT RIGHTS	3
1.3	DRUG-FREE WORKPLACE	3
1.4.1	DRUG TESTING	4
1.4.2	FEDERAL MOTOR CARRIER SAFETY REGULATIONS/SAFETY SENSITIVE POSITIONS DRUG AND ALCOHOL	4
1.5	SEXUAL HARASSMENT	4
1.6	AMERICANS WITH DISABILITIES ACT (ADA)	5
1.7	AUTHORIZED ALIEN STATUS AND CITIZENSHIP	6
1.8	BLOODBORNE PATHOGENS	6

CHAPTER 2 - EMPLOYMENT POLICIES

<u>SECTION</u>	<u>TITLE</u>	
2.1	EMPLOYMENT APPLICATIONS	7
2.2	EMPLOYMENT REFERENCE CHECKS	7
2.3	EMPLOYEE MEDICAL EXAMINATIONS	7
2.4	EMPLOYMENT STATUS	8
2.5	PERSONAL INFORMATION CHANGES	9
2.6	ORIENTATION/EXIT INTERVIEWS	9
2.7	PROBATIONARY PERIOD	9
2.8	NEPOTISM	10
2.9	RESIDENCY	10
2.10	REQUESTS FOR INFORMATION	10

CHAPTER 3 - SALARY ADMINISTRATION

<u>SECTION</u>	<u>TITLE</u>	
3.1	WORK HOURS	11
3.1.1	FLEXTIME	12
3.1.2	TARDINESS	12
3.2	COMPENSATION	12
3.3	OVERTIME ADMINISTRATION	13
3.4	COMPENSATORY TIME POLICY	13
3.5	WAGE POLICY	14
3.6	TIMEKEEPING	14
3.7	PAYDAYS	15
3.8	PAY CORRECTIONS	15
3.9	PAY DEDUCTIONS	15
3.10	EMPLOYMENT TERMINATION	15
3.11	RETURN OF COUNTY PROPERTY	17

CHAPTER 4 - EMPLOYEE BENEFITS

<u>SECTION</u>	<u>TITLE</u>	
4.1	VACATION BENEFITS	18
4.2	PERSONAL DAYS	18
4.3	HOLIDAYS	19
4.4	SICK LEAVE POLICY	19
4.5	FAMILY AND MEDICAL LEAVE	20
4.6	MILITARY LEAVE	23
4.7	BEREAVEMENT LEAVE	24
4.8	PERSONAL LEAVE	24
4.9	JURY DUTY	25
4.10	BUSINESS TRAVEL & TRAINING	25
4.11	PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)	25
4.12	LONGEVITY PAY PLAN	26
4.13	DEFERRED COMPENSATION	26
4.14	EMPLOYEE INSURANCE	26
4.15	BENEFITS CONTINUATION (COBRA)	26
4.15.1	COVERAGE OF RETIREES	27
4.16	SHORT-TERM DISABILITY	28
4.17	WORKER'S COMPENSATION	28
4.18	RE-EMPLOYMENT	30

CHAPTER 5 - WORKING CONDITIONS

<u>SECTION</u>	<u>TITLE</u>	
5.1	SAFETY	30
5.2	EMERGENCIES	31
5.3	USE OF COUNTY TELEPHONES, FAX MACHINES AND COUNTY MAIL	31
5.4	USE OF COUNTY COMPUTER, INTERNET AND E-MAIL	32
5.5	USE OF EQUIPMENT AND VEHICLES	32
5.6	SMOKING	33

CHAPTER 6 - PERSONAL CONDUCT

<u>SECTION</u>	<u>TITLE</u>	
6.1	EMPLOYEE CONDUCT AND WORK RULES	33
6.2	ATTENDANCE AND PUNCTUALITY	33
6.3	PERSONAL APPEARANCE	34
6.4	COMMISSION OF A FELONY OR UNLAWFUL ACT	34
6.5	GIFTS OR GRATUITIES	34
6.6	BUSINESS ETHICS/CONFLICT OF INTEREST	34
6.7	ON THE JOB POLITICAL ACTIVITY	35
6.8	DEADLY WEAPONS FORBIDDEN	35
6.9	SECURITY OF PREMISES/INSPECTIONS	36
6.10	COMPUTER SOFTWARE LICENSING POLICY	36
6.11	CONFIDENTIALITY	37
6.12	SOLICITATION AND DISTRIBUTION	37
6.13	DISCIPLINE, GRIEVANCE AND SEPARATION	37
6.13.1	PROGRESSIVE DISCIPLINE	37
6.13.2	EVALUATION PERIOD	38
6.13.3	OTHER CONDUCT VIOLATIONS	38
6.14	DEMOTION AND SEPARATION	39

CHAPTER 7 - PROBLEM RESOLUTION

<u>SECTION</u>	<u>TITLE</u>	
7.1	PROBLEM RESOLUTION FOR NON-COURT EMPLOYEES	40
7.2	CASES INVOLVING EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION OR OCCUPATIONAL SAFETY AND HEALTH ACT STANDARDS	41

SEVERABILITY	42
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EMPLOYEE ACKNOWLEDGMENT FORM	43
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1. PERSONNEL ADMINISTRATION

1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

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

Nothing in this Handbook is intended to in any sense constitute a contract of employment or an expectation of continued employment. Miami County is an "At-Will" employer, which means the Employee may resign at any time and the Employer may discharge an Employee at any time with or without cause. This Handbook is not a contract of employment.

These policies and procedures apply to all Miami County employees, except when in conflict with special employment conditions set forth for elected officials or when in conflict with statutes governing employment relationships.

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

Although we believe the descriptive materials contained in this Handbook are accurate, some sections, such as insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures.

1.2 EQUAL EMPLOYMENT OPPORTUNITY

Miami County does not discriminate on the basis of race, color, gender, national origin, religion, age or disability in employment or in the provision of services.

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

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of his/her elected official/department head. Employees may raise concerns and make reports without fear of reprisal. Anyone

found to be engaging in any type of unlawful discrimination will be subject to disciplinary action which could result in termination of employment.

1.3 MANAGEMENT RIGHTS

The County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public, and to conduct the operations and activities of the County to the full extent authorized by law.

The "County" shall be defined to mean the Miami County Board of County Commissioners, the Miami County Council, the Elected Officials of Miami County, Agency and Department heads acting individually or in conjunction with each other within the areas of responsibility assigned to said individuals or as defined by applicable statute, constitutional provision, ordinance, case law or resolution.

1.4 DRUG-FREE WORKPLACE

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

The County shall maintain a drug-free work place in accordance with the Drug-Free Work Place Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the county. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is strictly prohibited. When appropriate, the county may refer the employee to approved counseling or rehabilitation programs.

Any employee while on official County business, or when serving as a representative of the County, who is convicted of a drug-related crime while in that capacity, must notify the County within five days of the conviction.

The County is required to notify the appropriate government-funding agency within ten days of the conviction. Appropriate personnel action, including possible discipline, up to and including termination, and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

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

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

Employees may keep prescription drugs on County premises when prescribed by a medical physician. Employees may keep over-the-counter medications on county premises as needed. Employees holding safety-sensitive positions shall notify their elected official/department head of such over-the-counter medications and prescriptions drugs, which may impair judgment in the performance of job duties and responsibilities.

1.4.1 DRUG TESTING

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g., blood, urine, saliva, hair or other body substances) to determine the prohibited use of alcohol or controlled substances, including, without limitation, marijuana, cocaine, opiates, amphetamines, barbiturates, and phencyclidine(PCP). The County will attempt to protect the confidentiality of all drug test results.

1.4.2 FEDERAL MOTOR CARRIER SAFETY REGULATIONS/SAFETY-SENSITIVE POSITIONS DRUG AND ALCOHOL POLICY

It is the policy of the County to comply with and abide by all laws and regulations that have been established by part 382-CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation(DOT), Federal Highway Administration (FHWA). In complying with these regulations, the County hereby institutes a comprehensive controlled substance and alcohol testing, training and record keeping program for employees in positions that have been classified as safety sensitive. In accordance with DOT/FHWA regulations, included in this classification of safety-sensitive positions are all positions, which require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license.

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety provisions contained within, are on file in department and may be reviewed upon request.

1.5 SEXUAL HARASSMENT

Everyone who works for the County is entitled to a workplace free from sexual harassment and intimidation. The County is committed to providing a work environment

that is free of any type of discrimination or unlawful harassment. The County prohibits any form of sexual harassment and will take corrective action against offenders, including discipline and/or discharge.

Any request for sexual favors and/or any other verbal or physical conduct of a sexual nature between employees in the workplace, or during job-related contacts with citizens or persons outside County employment, constitute sexual harassment and are prohibited, such as:

A. Unwelcome sexual advances.

B. Physical or verbal conduct of a sexual nature, or joking that is sex-oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive to others, or any other tasteless sexually-oriented comments or actions that offend others.

C. Any verbal or non-verbal communication expressing or implying that participation in sexual contact is a condition of employment, promotion or preferential treatment.

D. Conduct with sexual implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

Any employee who experiences sexual harassment should contact his/her elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee should go to the Health Office Nurse or the Veteran Service Officer who will report to the County Commissioners. An employee may raise the issue at any time. However, the best time to register a complaint is immediately after the act occurs. An employee's job will not, in any way, be threatened by truthfully reporting any acts of sexual harassment as described above.

1.6 AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy of the County that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act(ADA).

1.7 **AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

Verification of Employment Eligibility.

All applicants must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986, as amended. Applicants who refuse to supply the documentation necessary to prove they are American citizens or aliens authorized to work in this country will not be considered for employment. The I-9 Form must be completed by all Employees and retained by the County as required by law.

1.8 **BLOODBORNE PATHOGENS**

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens. To ensure that County employees are aware of occupational exposure to bloodborne pathogens, the County has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens, such as hepatitis B virus and HIV. This control plan is available for use by all County employees and is located in the County Health Office.

2. EMPLOYMENT POLICIES

2.1 EMPLOYMENT APPLICATIONS

All applicants are required to complete and sign a County application ("Application"), as well as any other forms required for statistical purposes or deemed necessary to process the Application. The Application shall be maintained by the elected officials and department heads. The Application shall request only the information necessary for rational decision-making and only questions specifically related to occupational standards.

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

The County relies on the accuracy of information on the Application, as well as other data presented throughout the hiring process and employment. The County does reserve the right to have the Miami County Sheriff conduct a background check of any applicant who files an application. Any misrepresentation, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

2.2 EMPLOYMENT REFERENCE CHECKS

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

2.3 EMPLOYEE MEDICAL EXAMINATIONS

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After a conditional offer of employment has been extended, certain designated positions may require an applicant to undergo a medical examination by a health professional of the County's choice, at the County's expense. Information on an employee's medical condition or history shall be sent to the elected official or department head and will be kept in a confidential file that is separate from other employee information. Access to

this information will be limited to the elected official/department head of the employee.

2.4 EMPLOYMENT STATUS

It is the intent of the County to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility.

Each employee is designated as **NON-EXEMPT OR EXEMPT** from federal and state wage and hour laws.

NON-EXEMPT employees, whether hourly or salaried, are entitled to overtime pay under the specific provisions of federal and state laws.

EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

In addition, each employee will belong to one of the following employment categories:

FULL-TIME employees are those who are not in a part-time, temporary or probationary status and who are regularly scheduled to work the County's full-time schedule of thirty-five (35) hours per week or more for twenty-six (26) weeks consecutively, or a seasonal worker working one thousand five hundred hours (1500) or more per year. Generally, they are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a full-time, temporary or probationary status and who are not generally scheduled to work the County's full-time schedule. However, part-time employees may be required to work additional hours based on staffing and business needs of the County. Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits (such as worker's compensation and social security benefits), they are ineligible for the entire County's benefit programs.

PROBATIONARY employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the County is appropriate. All employees shall be probationary employees for their initial six months of employment. At the end of their initial six months of employment, they shall cease to be probationary employees, unless their probationary status is extended by their elected official/department head.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and may be up to or exceed forty(40) hours during a workweek. Employment beyond any initially

stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change in writing. While temporary employees receive all legally mandated benefits (such as worker's compensation and social security), they are ineligible for the Entire County's benefit programs.

2.5 PERSONAL INFORMATION CHANGES

Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the County's benefit plan. It is the employee's responsibility to convey personal information in written form to the Auditors office and elected official/department head.

2.6 ORIENTATION/EXIT INTERVIEWS

A representative of the BOC (in Auditors office) shall conduct an informal orientation to familiarize a new employee with the County, and shall provide the new employee with a copy of the **Miami County Personnel Policies Handbook**.

Upon termination of the employment relationship with an employee, an exit interview with the employee shall be conducted by a representative of the Board of Commissioners.

2.7 PROBATIONARY PERIOD

All employees, regardless of status, will serve a probationary or provisional period within their job. This period will not be less than ninety (90) days. Part-time employees will normally serve a probationary period twice as long as full-time employees.

During the provisional period the employee's progress will be monitored and he/she will be advised regarding work proficiencies and deficiencies. Termination and/or transfer action may be taken at any point during this period without recourse to the appeal or hearing process. An employee performance evaluation will be filed prior to the completion of this period.

The terms and conditions of employment prescribed herein apply to all County employees regardless of their appointment status. Certain benefits, however, are extended only to full-time employees.

2.8 NEPOTISM

It shall be the policy of Miami County to discourage the working together of spouses, parent/children, brothers and/or sisters; usually in the same department, under the same supervisor.

One such relative shall not serve as the supervisor for another immediate relative nor shall one report directly to another, in any event.

The usual and standard practice shall be to avoid nepotism, unless peculiar qualifications make the hiring of relatives not only justifiable but sound management of Miami County as an Equal Opportunity Employer.

Temporary and seasonal employment are not covered by this section.

2.9 RESIDENCY

Recruitment of personnel shall not be limited only to those applicants who reside within Miami County. All other qualifications being equal, county residents will receive first consideration. However, upon hiring, the out-of-county employee may be required to establish residence within the county.

2.10 REQUESTS FOR INFORMATION

In the event, any person with written consent of an employee contacts the County, the Auditor shall release information regarding their position, hire date and wages. The elected official/department head shall release information regarding the employee's job performance, attendance and work habits.

For employment reference checks requested by other employers of past or current County employees, the County will respond in writing only to those reference inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Employees and former employees shall be provided copies of past performance records upon request; and must acknowledge receipt of the records in writing.

3. SALARY ADMINISTRATION

3.1 WORK HOURS

County offices and departments shall observe the hours of work designated by the head administrative or elected officer of that department. Work hours for every department must be established, however, and understood by the affected employees.

Generally speaking, the Courthouse will be open from 8:00 a.m. until 4:00 p.m. Certain offices may need to observe earlier opening hours and later closing hours in order to better serve the public. In such instances, employees will be informed as to departmental policy upon employment, or as such needs evolve.

Lunch breaks will be up to one (1) hour in length and scheduled at the discretion of the elected official/department head. Employees shall be relieved of all duties and be free to leave their posts during their lunch.

The County will not accept an employee working eight (8) hours during the 8:00 a.m. to 4:00 p.m. work day. Lunch breaks should be staggered. No County office with two or more employees (including the office holder or department head) is authorized to close its doors during the lunch break.

Two fifteen (15) minute break periods are allowed, provided that only one is used per half day, before and after lunch periods. Break periods are not to be used for late arrivals, extended lunch or for early dismissals, and are to be taken in a manner that is not disruptive to department work operations.

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

The normal work pattern for full-time employees, except in designated departments, shall be seven (7) hours for a normal day's work, and thirty-five (35) hours for a normal week's work to be completed in five (5) days, Monday through Friday. Each elected official/department head will have an opportunity to establish a flexible beginning and ending time for his or her department's workday. See Flexitime below.

3.1.1 FLEXTIME

Scheduling is available in some cases to allow employees to vary their starting and ending times each day between 6:00 a.m. and 9:00 p.m. If flextime is allowed, employees should consult their elected official/department head for implementation of the program.

3.1.2 TARDINESS

All employees are expected to arrive on time for work and are not to depart prior to regularly scheduled quitting time. Any departure from this policy will require prior permission by the employee's supervisor.

If an employee will unavoidably be either tardy or absent, it is his/her responsibility to notify supervisory personnel as soon as it is evident. This normally occurs before the start of the employee's shift or work day. Unreported and excessive tardiness will result in disciplinary action.

Supervisors are to keep records of all employee tardiness and absence. These records should include whether the absence/tardiness was reported prior to occurrence.

Employees unavoidably late or absent must notify their supervisors of the circumstances as soon as possible. Any employee tardy without prior notification, three (3) days in any month or then ten (10) days in any six (6) month period, will receive a letter of warning which will remain in his/her personnel file. The employee shall have had at least one (1) prior oral warning before this action is taken.

Further tardiness within the same period will result in the employee's suspension from work, without pay, for up to five (5) days.

Any employee absent without notification may receive a letter of warning the first time and may be suspended the second time this occurs within a one (1) month period. This suspension will be for a period not to exceed five (5) days and shall be without pay. Any further unauthorized absence may result in dismissal.

3.2 COMPENSATION

All wages are determined by the County Council and passed as a Salary Ordinance each year.

All persons hired to fill a part-time position shall be employed at the lowest part-time hourly/common labor rate as established by the County Council for that year, further they shall serve a probationary period in accordance with the Personnel Policy. During the

probationary time the hourly/common labor wage may be increased only to the highest hourly/common labor wage approved by County Council.

No employee shall receive more than the highest hourly/common labor wage prior to the end of their probationary period.

3.3 OVERTIME ADMINISTRATION

All County employees and all County offices and departments shall observe the hours of work designated by the head administrative officer or the elected official of that department. The work hours of all departments shall be set by the Board of County Commissioners and approved by the County Council. Work hours of each department must be established and understood by the affected employees. Any and all overtime will be worked only at supervisory request or with supervisory approval. Overtime must occur outside the 8:00 am. to 4:00 p.m., five (5) days per week, normal work schedule. Overtime will be compensated pursuant to the Federal Fair Labor Standards Act.

Overtime is defined as any time worked in excess of forty (40) hours. It is to be scheduled, approved, and used with supervisory approval. Employees will be granted one and one-half (1 ½) hours for every one (1) hour of overtime after they have worked forty (40) hours during their regular work week. The scheduling, approval, and use of compensatory time off, with supervisory approval, shall occur within not more than one hundred twenty (120) days from the time it is earned, so long as its use does not unduly disrupt the County's operations.

3.4 COMPENSATORY TIME POLICY

Employees will receive compensatory time off in lieu of monetary overtime compensation in accordance with Section 7(0) of the Fair Standards Act, and the terms of this agreement. This agreement is an express condition of employment.

Compensatory time off will be earned at a rate of one and one-half (1 1/2) hours for each hour actually worked over forty (40) in the employee's established workweek. An employee may accumulate up to eighty (80) hours of compensatory time off, and an employee will receive monetary overtime compensation for overtime hours actually worked which would cause the accumulation to exceed eighty (80) hours.

An employee may use earned compensatory time off with the approval of the supervisor. If it is not possible to approve the particular compensatory time off that has been requested, time off will be granted within a reasonable period, normally within one hundred and twenty (120) days, unless the requested time off would unduly disrupt operations. An employee will receive compensation based on the regular pay rate in effect when the compensatory time off is actually taken.

Miami County may elect to substitute monetary overtime pay for earned compensatory time off, either at the time overtime is actually worked or in any later period. Monetary overtime compensation will be based on the regular pay rate at the time of payment.

Miami County may also elect to apply earned compensatory time off to hours you have missed due to personal absence, short workweeks, layoffs, or leaves of absence, including medical leaves if not covered by (paid sick days/disability pay/etc.). In periods of slack work, it may be necessary to schedule time off, to which earned compensatory time off will be applied.

In the event an employee leaves employment for any reason, they will be paid for earned compensatory time off at the final regular rate of pay, or the average rate during the last three years of employment, whichever is higher.

Either the employee or Miami County may terminate this employment relationship at any time and for any reason. In such a case, final compensation will be provided for all work actually performed on or before the next regular pay date following termination.

3.5 WAGE POLICY

Violations of the sick leave and/or vacation policy of the County shall be penalized as follows:

- a. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, sick days, vacation days, and personal days.
- b. If an employee has no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.

3.6 TIMEKEEPING

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employees pay and benefits. "Time worked" is all time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording time worked. Employees should accurately record the time they begin and end their work, and the time they begin and end any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Employees shall record the use of sick leave, personal leave, vacation leave, Family and Medical leave or any other type of approved leave on their time records. Failure to record the leave in any status may result in the employee not being paid for the leave.

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

3.7 PAYDAYS

Paydays shall be bi-weekly. Paychecks may be obtained from the Auditor's office beginning at 8:00 a.m. on payday.

3.8 PAY CORRECTIONS

The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the elected official/department head should promptly bring the discrepancy to the attention of the Payroll Deputy in the Auditor's office so corrections can be made as quickly as possible.

3.9 PAY DEDUCTIONS

The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security "wage base." The County matches the amount of social security taxes paid by each employee.

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

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Payroll Deputy in the Auditor's office.

3.10 EMPLOYMENT TERMINATION

Since employment with the County is **AT-WILL** and based on mutual consent, both the employee and County have the right to terminate employment at any time, with or without cause.

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

Resignation: Employees who decide to resign their employment status with the County are asked to provide their supervisor adequate notice. For the purpose of this policy statement, such notice shall mean at least two (2) weeks. This allows for time to select and train a replacement.

Discharge: Dismissal or discharge is the ultimate form of disciplinary action. Generally all other avenues of corrective or remedial measures should be exhausted before resorting to permanent removal through dismissal. The County reserves the right, however, to consider individual circumstances in deciding appropriate disciplinary measures and may discharge an employee at any time when, in the County's opinion, circumstances warrant.

Persistent failure to comply with standards of performance and/or conduct will result in dismissal, and employees do need appraisal of this. There are, furthermore, infractions of a serious enough magnitude to require immediate dismissal.

Layoff: Circumstances beyond the control of either the County or its employees could arise that make a reduction in the workforce necessary. Such reductions may be necessitated by budget limitations, seasonal employment, weather conditions or other similar occurrences.

Terminations of this kind will be classified as layoffs and understood that they occur through no fault of the affected employee. Layoffs will occur according to the following schedule: performance history; length of service with the department; length of service within that specific job; or another similar predetermined schedule accepted by the Board of Commissioners.

Retirement: Voluntary employment termination initiated by the employee meeting County retirement criteria, such as age and length of service.

The County schedules exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints and questions may also be expressed. Exit interviews may be scheduled with the representative of the Board of Commissioners.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner:

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified in writing to the benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date shall always be the last day worked. An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off (e.g., sick days).

3.11 RETURN OF COUNTY PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees on or before their last day of work must return all property. Where permitted by law, the County may withhold from an employee's paycheck the cost of any items that are not returned as required. The County may also take all action deemed appropriate to recover or protect its property.

4. EMPLOYEE BENEFITS

The County provides a wide range of benefits to eligible employees. Programs such as social security, worker's compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in this handbook.

4.1 VACATION BENEFITS

To be eligible for Vacation Leave, an employee must be employed full-time as described in Section 2.4 Employment Status. The employee will be entitled to vacation with pay based on length of service, from date of hire forward. Full-time employees shall take Vacation Leave as indicated in the schedule below:

<u>Length of Service</u>	<u>Vacation Leave</u>
After 6 months to 1 year	5 days
1 year through 10 years	10 days
11 years through 15 years	15 days
16 years through 20 years	20 days
21 years through 25 years	25 days
26 years through 30 years (cap)	One (1) additional day per year of service not to exceed 30 days

Vacation time cannot accumulate from year to year, except that, with consent of the department head, vacation time may be used in the immediately following year. All vacations shall be scheduled and approved by each employee's respective department head.

4.2 PERSONAL DAYS

Each employee shall be entitled to two (2) days per year, with pay. Personal days are designated for use to conduct personal business which cannot be taken care of outside of normal working hours. Personal days may NOT be accumulated from year to year.

Amended Sept. 19, 2005

4.3 HOLIDAYS

The schedule of holidays will be determined by the Miami County Board of commissioners. Although Commissioners may designate other holidays, the County typically recognizes the following holidays:

New Years Day	Labor Day
Martin Luther King	Veterans Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

Primary and General Election days will also be observed as holidays in an election year.

For a paid holiday (one so designated by the Board of Commissioners) that falls during an employee vacation leave, a like period of time will be added to that employee's vacation time.

The Board of Commissioners reserves the right to declare days off to substitute holidays that fall on Saturday or Sunday. An employee absent without authorization on the day preceding and/or following a holiday will not receive compensation for the holiday. Any employee whose vacation period includes a holiday shall have an additional day to observe of his/her choosing. Miami County Courthouse office and the County Highway garage and offices will be closed to observe the major holidays of the year. Full-time employees will be paid their regular pay for those days that are designated by the Board of County Commissioners as "Holidays". To receive holiday pay for the designated time off on the designated holidays, the employee must work his or her regular schedule on the day before and the day after the holiday.

4.4 SICK LEAVE POLICY

Sick leave is a privilege granted to an employee as a protection in case of injury or illness to that employee.

I. ELIGIBILITY

- A. Must be a full-time employee
- B. No sick leave time is earned nor given during the first six (6) months of employment.

II. SICK PAY SCHEDULE

- A. After six (6) months employment, sick leave will accumulate at the rate of six (6) days per year.
- B. Unused sick leave may accumulate from year to year not to exceed a total of thirty (30) days.

For the above stated period of time, any employee will receive full pay for time lost during regular working days.

Sick leave may be granted for the following reasons:

1. Injury or illness of the employee.
2. To avoid jeopardizing the health of other employees
3. Injury or illness of an emergency nature within the immediate family that requires the employee to be away from work.
4. Pregnancy

No compensation will be paid for unused sick leave days, and sick leave days may not be added to vacation time.

Employees are expected to notify their supervisor of their absence, due to sickness or injury, during the first hour of the day of absence. On any continued absence, the supervisor should be kept informed as to the condition of the employee and the probable date of return to work. The employee will be required to provide the supervisor with a physician's statement before returning to work for any absence from work of three (3) or more consecutive days.

4.5 FAMILY AND MEDICAL LEAVE

Purpose: To establish procedures for authorizing leaves of absence to employees because of the birth or placement of a child for adoption, or because of a serious health condition of the employee or the employee's child, parent or spouse.

Child: A biological, adopted or foster child, stepchild, legal ward or child for whom the employee has day-to-day responsibility for care and financial support. (*)

Parent: A biological or adopted parent or other person who had day-to-day responsibility for care and financial support of the employee when he/she was a child. In-laws do not qualify.

Serious Health Condition: Illness, injury, impairment or physical or mental condition involving in-patient care or continuing medically necessary treatment by a health care provider. (**)

FMLA: The Family and Medical Leave Act of 1993.

Eligibility: Employees may request and shall receive an unpaid leave of absence, intermittent leave or a modified work schedule for their own serious illness or to care for a spouse, child or parent who has a serious illness and is dependent upon the employee for care. For an employee to be eligible for medical leave, he/she must have been

employed by the County for at least one year and must have worked 1,250 hours within the previous 12-month period.

Employees may request and shall receive an unpaid leave of absence in conjunction with the birth or placement of a child with the employee for adoption or foster care. Employees may request, subject to the approval of the elected official/department head, a modified work schedule or intermittent leave following the birth or placement of a child with the employee. Leaves or schedule modifications must conclude within twelve (12) months after the birth or placement of the child with the employee.

* A child over eighteen (18) qualifies if the child is unable, due to mental or physical disability, to provide for his/her own care.

** A period of incapacity of three (3) consecutive calendar days or less is not normally covered unless the incapacity is caused by a condition that was previously covered; an episodic chronic condition (e.g., asthma, epilepsy, diabetes); or pregnancy/

In addition to leave under this policy, employees may also be entitled to accrued paid leave, workers' compensation, short and long term disability and/or coverage under the Americans with Disabilities Act. In such cases, absences will also be charged against the employee's family/medical leave entitlement.

Notice: Whenever possible, the employee shall provide notice of at least fifteen (15) work days of her/his intent to take such leave, and the dates and expected duration of the leave.

The elected official/department head must notify an employee when leave is to be charged as family/medical leave.

The elected official/department head shall provide the employee a leave notice when designating family/medical leave (appendix A). If the notice is not provided, no action can be taken against the employee for failure to comply with the requirements contained in the notice.

Absences may not be retroactively designated as family/medical leave unless the elected official/department head does not become aware of the reason until after the leave has begun, or the elected official/department head fails to properly designate the leave, the employee is entitled to the benefits of this policy, but the absence will not be charged against the employee's family/medical leave entitlement.

Verification: The employee shall provide certification of the birth or placement of a child. For medical leave a Certification of Health Care Provider may be required and must be provided if the employee is absent five (5) or more days (Appendix B). When leave is foreseeable, the employee should provide the certification prior to leave.

As soon as practical after receiving notice of the need for an unforeseen family/medical leave, the appointing authority must provide the employee written notice which indicates whether medical certification will be required, (Appendix A). If the leave has already begun, the notice may be mailed to the employee. If practicable, the employee must provide medical certification with fifteen (15) calendar days. The employee shall be provided a reasonable opportunity to correct any problems with the certification.

If the elected/department head questions the validity of the employee's medical certificate, the appointing authority may require the employee to obtain a second opinion from a provider designated by the elected official/department head. The second opinion may not be obtained from a provider who is employed by or regularly contracts with the County. If the opinions differ, the appointing authority shall provide the employee a list of two (2) or more specialist in the appropriate field. The employee shall select from the list a third health care provider whose opinion shall be final and binding. Both the second and third opinions shall be at the County's expense. Pending resolution of the dispute, the employee shall be provisionally entitled to family/medical leave. The elected official/department head may request recertification of medical conditions under certain circumstances (Appendix C). If the employee fails to provide recertification with fifteen (15) days, when it is practicable to do so, additional family/medical leave is at the employee's expense. No recertification of second or third opinions may be required.

Scheduling: When an intermittent leave or modified work schedule is medically necessary, the employee and the elected official/department head shall attempt to arrange a schedule which meets the employee's needs without unduly disrupting the operations, subject to the approval of the health care provider.

Use of intermittent leave or time off under a modified work schedule may be charged in increments of one hour. Where the employee uses accrued paid leave or cover the absence, it shall be charged against the employee's leave balance in increments of one hour.

Duration: An employee may not take more than twelve (12) weeks of leave under this policy in any twelve months (12) month period. For this purpose, a rolling twelve (12) month period will be used, measured backward from the date leave is used. Where the employee uses intermittent leave or is granted a modified work schedule, only the actual leave time will be charged against the twelve (12) week limit.

Insurance Coverage: While on family/medical leave, the employee shall be entitled to coverage under the County health/vision and life insurance on the same terms and conditions in effect at the time leave began, provided the employee continues to pay the required employee share of the premium.

Use of Accrued Paid Leaves: If available and appropriate, employees requesting family/medical leave are required to use ten (10) days of available sick leave prior to

receiving unpaid leave. Thereafter, the employee may choose to use appropriate accrued paid leave or unpaid leave. Use of paid leave shall be charged against the twelve (12) week limit provided under this policy. Employees who have exhausted the twelve (12) weeks of leave are not prohibited from using other appropriate accrued leave to which they are entitled.

Return from Leave: Employees returning to work from family/medical leave shall be returned to the same or equivalent position from which they left. Employees are also entitled to be returned to the same shift or equivalent schedule. A return-to-work medical certification is required when the employee has been absent for five (5) or more days. Miami County will consider an employee's failure to report to work at the end of the leave period as an employee resignation.

Non-discrimination: No employee may be discriminated against for their use of family/medical leave. Use of family/medical leave cannot be considered as a negative factor in promotional and disciplinary decision; nor can the use of such leave be charged against an employee under an attendance policy.

Record Keeping: All uses of paid and unpaid leave under this policy must be recorded as family/medical leave on the employee's attendance report. All written documentation pertaining to requests for or uses of family/medical leave must be maintained for at least three (3) years.

Posting: Pursuant to the FMLA, copies of the attached notice must be posted in conspicuous locations (Appendix D)

4.6 MILITARY LEAVE

Military leaves of absence are granted if an employee enlists, is inducted, or is recalled to active duty in the Armed Forces of the United States for a period not more than four(4) years (plus any involuntary extension for not more than one(1) year). Upon satisfactory completion of military service and re-application with the County within ninety(90) days after being released from active duty, an employee will be reinstated to the same or comparable job to the one the employee left, assuming the employee is still qualified and circumstances have not changed to the extent it would be impossible or unreasonable to provide re-employment.

I. Any employee who has military obligations through service in the National Guard or the active reserves of the Armed Forces of the United States, shall be compensated by the County for the difference of their military base pay to equal their normal County pay.

II. To receive such leave, the employee must present his/her notification papers to the supervisor or office holder as soon as they are received by the employee.

III. After fulfilling reserve or National Guard duties, the employee must report for work at the beginning of the next regularly scheduled work day after any necessary travel time to return from service. If delayed by factors beyond the employee's control, the employee must report to work within a reasonable time after fulfilling reserve or National Guard duties.

4.7 BEREAVEMENT LEAVE

I. Bereavement leave may be granted an employee for a death in the employee's immediate family.

II. Bereavement leave with pay may be allowed for up to five(5) work days for the death of an employee's spouse, parent, brother, sister, grandparent, son, son-in-law, daughter, daughter-in-law, or grandchild of the employee, and parent, brother, sister, or children of the spouse.

III. Bereavement leave of one(1) day may be granted for attending the funeral of other relative or fellow workers.

IV. Time off without pay may be granted to attend funerals of family friends, at the discretion of the department head or supervisor.

4.8 PERSONAL LEAVE

Group insurance benefits will continue while an employee is on personal leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

Additional time off, without pay, may be granted by the office holder, department head, or supervisor, providing such leave does not disrupt the operation of such office or department. Time off without pay will not earn vacation time.

4.9 JURY DUTY

Office holder may approve any absence from work, without loss of pay, for employee called to serve on a jury in any local, state or federal court. A copy of the subpoena and/or a certificate of service must be presented to the office holder or supervisor. Court or "legal leave" does not apply to the employee who might be the defendant or plaintiff in any court litigation.

Pay received by the employee for service on a jury will be deducted from regular County pay. That is, the sum of the two (2) pays shall be no greater than the regular County pay afforded the employee. Mileage or expense allowances for the above service will not be considered as part of the pay received.

4.10 BUSINESS TRAVEL & TRAINING

Employees may be provided leave with pay for approved job-related training. Training leave requests must be approved by the elected official/department head prior to the intended departure.

The elected official/department head is responsible for authorizing all employee business travel and reimbursement of travel expenses, including overnight lodging, per day meal allowances, mileage reimbursement, and related expenses.

For State called and instructional and informational meetings recognized by the Board of Commissioners as valuable to the performance of an employee's duties, reimbursement for expenses of that training will be made as follows:

1. Mileage from the Courthouse to the training site and back to the Courthouse at the established rate.
2. Parking fees and tolls.
3. Registration fees and material fees.
4. Meal allowance of \$25.00 per day.
5. Actual lodging expense in an amount equal to the single room rate.

Normally, out-of-state travel will not be approved for County employees.

4.11 PUBLIC EMPLOYEE'S RETIREMENT FUND(PERF)

All full-time County employees, except Deputy Sheriffs who are covered under the Sheriff Retirement Program, are covered by PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to covered workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. The employee contributes 3% of his/her gross wage for deposit into an annuity savings

account. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. PERF's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement. Questions concerning the program, should be directed to: Public Employees' Retirement Fund of Indiana, Harrison Building, Suite 800, 143 West Market Street, Indianapolis, IN 46204-2899; phone(888)526-1687.

4.12 LONGEVITY PAY PLAN

Salaried and hourly employees scheduled to work thirty-five hours per week or more will be eligible for longevity pay upon completion of two years of employment.

4.13 DEFERRED COMPENSATION

The County offers a deferred compensation program to eligible employees. Employees interested in participating should contact the Payroll Deputy in the Auditor's office.

4.14 EMPLOYEE INSURANCE

The County provides a medical insurance program for full-time employees. The employee pays a bi-weekly portion of the cost as set by the Board of County Commissioners. Each employee shall receive an insurance handbook describing all benefits upon completion of the orientation interview. Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of these insurance premiums that are normally deducted from gross pay.

Specific details regarding eligibility and coverage are available in the Auditors office.

4.15 BENEFITS CONTINUATION(COBRA)

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

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus, an administration fee.

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

4.15.1 COVERAGE OF RETIREES

After September 1, 1997, the Employer shall provide to retired participants the opportunity to continue coverage under the Plan. This provision applies to each retired participant whose retirement date is after September 1, 1997.

The retired participant must meet each of the following requirements:

- a) He must have reached age 55 on or before his retirement date but will not be eligible for Medicare; and
- b) He must have completed 20 years of active service with a public employer, 10 years of which must have been completed immediately prior to his retirement date; and
- c) He must have completed at least 15 years of participation in the retirement plan of which he is a member on or before his retirement date.

The retired participant must make a written request for the continuation of coverage to the Employer within 90 days after his retirement date. The retiree premium contribution shall be 50% of the premium cost of an individual employee's share of COBRA insurance coverage. The retired participant's coverage shall terminate herein upon the earlier of:

- a) The date the retired participant becomes eligible for Medicare, or;
- b) The date the Employer ceases to maintain the Plan.

The spouse and/or dependent children of the retiree are not eligible for continuation of coverage offered by the Plan. COBRA shall be made available to these eligible dependents.

4.16 SHORT-TERM DISABILITY

The County provides a Weekly Accident and Illness Income Benefit to all full-time employees. When an employee is unable to work due to a short-term disability or illness that is not subject to a workmen's compensation claim, and is able to return to work, but only for performance of limited duties, the employee may return to work upon providing the following:

1. A doctor's verification of the limited disability.
2. A detailed explanation of what limited duties the employee is capable of performing.
3. A doctor's statement estimating when the limited disability or illness is likely to terminate. The employee may only return to work and perform limited duties after the employee has used all accrued sick time, vacation time, and personal time and provided that there are currently limited duties available to be performed which would comply with all doctor's recommendations. The elected official/department head shall have discretion to determine whether or not there is a limited duty position available within their department for any given employee to perform. The employee performing limited duties due to short-term disability shall be paid at the same rate they were paid prior to the onset of the short-term disability or illness.

4.17 WORKER'S COMPENSATION

The County provides a comprehensive worker's 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. The County's worker's compensation program is subject to compensability requirements as follows:

1. The injury or illness must arise out of employment.
2. The injury or illness must occur during the course of employment.
3. The injury or illness must have occur by accident or unforeseen event.

Any employee who sustains a work-related injury or illness regardless of how minor shall inform his or her elected official/department head immediately. If this injury or illness is emergent in nature the employee shall seek treatment at the emergency room. If the applicable injury or illness is non-emergent, each employee shall seek treatment as necessary. All elected officials/department heads must notify the Auditor's Office immediately upon the injury or illness of any given employee under their direct supervision. Any employee wishing to seek coverage under the County's Worker's compensation program must obtain and complete all applicable forms and return them to the Insurance deputy in the Miami County Auditor's office.

a. First seven (7) days off work.

If an employee is unable to work, and has completed all requested forms for worker's compensation. The County will pay the qualifying employee his or her regular salary for the first (1st) day through the seventh (7th) day the employee is off of work due to a qualifying injury. The employee shall receive compensation at the same rate and amount as their position previously received for a normally scheduled workweek. After an employee has been off of work for a qualifying worker's compensation injury for more than twenty-one and one-half (21 ½) days and has received confirmation of Worker's Compensation coverage from the worker's compensation insurance carrier the Worker's Compensation insurance carrier will pay the employee for the first (1st) day through there seventh (7th) day off of work. The employee receiving payment from the Worker's Compensation insurance carrier for the first (1st) day through there seventh (7th) day off of work, must upon receipt, pay all amounts received to the County in reimbursement for the first (1st) day through the seventh (7th) day of work. All employees applying for and receiving worker's compensation shall execute an agreement with Miami County agreeing to reimburse the county for payment of compensation for days one (1) through seven (7) upon receipt from worker's compensation insurance. Execution of the aforementioned agreement is a condition precedent to receipt of compensation for days one (1) through seven (7) off of work.

b. Eight (8) days and forward off work.

Worker's Compensation Insurance will pay benefits to the injured worker at the following rate:

1. temporary total disability Sixty-six and two-thirds (66 and 2/3) percent of the previous fifty-two (52) week average gross wage the with a maximum weekly benefit of Five hundred, Eighty-eight Dollars, (\$588.00).

2. Temporary partial disability Sixty six and two-thirds (66 and 2/3) percent of the difference of the average gross wage and actual earnings of the employee up to a maximum wage of Eight hundred, eighty-two Dollars (\$882.00).

MEDICAL AND VISION INSURANCE.

The County will pay a qualifying employee's share of all medical and vision insurance for the period the employee is away from work and receiving worker's compensation.

EMPLOYEE'S SERVICE RECORDS.

All Employee's Service Records shall be recorded with a W-C indicating the employee is off of work due to a qualifying worker's compensation injury. Any employee desiring a physician's second opinion may obtain said opinion solely at the employee's expense.

4.18 RE-EMPLOYMENT

Former employees who left County employment in good standing may be considered for re-employment. Former employees who resigned without adequate notice or who were dismissed for cause will not be considered for re-employment. A previously terminated employee who is re-employed will be considered a new employee from the date of re-employment, unless break in service is less than 365 days, in which case the employee shall retain accumulated longevity; however, benefits will not accrue for time away from County service.

5. WORKING CONDITIONS

5.1 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the County and all employees. The County will take all reasonable steps to ensure a safe environment for employees, customers, and visitors and to ensure compliance with federal, state, and local safety regulations.

Employees shall obey safety rules and exercise caution in all work activities, and shall immediately report any unsafe conditions to the elected official/department head. Reports and concerns about workplace safety issues may be made without fear of reprisal. All employees are expected to correct unsafe conditions as promptly as possible. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

All accidents that result in injury must be reported to the elected official/department head, regardless of how insignificant the injury may appear. The elected official/department head must report such accidents to the Auditor's office. Such reports are necessary to comply with laws and to initiate insurance and worker's compensation procedures.

5.2 EMERGENCIES

When an emergency occurs in the workplace of any County employee, the Board of Commissioners may close the workplace and employees will be reimbursed at their regular rate of pay.

This emergency is intended to include snow storms, tornadoes, extreme heat or cold, electrical or mechanical failures, or other condition that could be of substantial threat to the health and well being of the employees.

Employees who fail to report for work or leave their place of work because of the above described emergencies, without the authorization of the Board of Commissioners or their designated representative, will not receive pay for the time lost.

This policy does not apply to those positions in the Sheriff's Department, Jail and Highway Department who might be expected to work during an emergency.

5.3 USE OF COUNTY TELEPHONES, FAX MACHINES AND COUNTY MAIL

Personal telephone calls should be limited in frequency and duration. Employees should use discretion in using County telephones when making local personal calls. Personal use of telephones for long-distance and toll calls is not permitted, except for emergencies. Employees shall reimburse the County for all long-distance/toll calls.

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

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

A fax machine is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace.

5.4 USE OF COUNTY COMPUTER, INTERNET AND E-MAIL

Computers, computer files, the E-mail system, and software are County property intended for business use. Employees should not use a password, access a file or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and E-mail use may be monitored.

The County strives to maintain a workplace that is free of harassment and sensitive to the diversity of its employees. Therefore, the County prohibits the use of computers and the E-mail system in ways that are disruptive, offensive to others, or harmful to morale.

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

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-County business matters.

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

Employees may only use software on local area networks or on multiple machines according to software license agreements. The County prohibits the illegal duplication of software and its related documentation.

Employees should immediately report violations to their elected official/department head, the Information Systems Service Department or any member of management. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

5.5 USE OF EQUIPMENT AND VEHICLES

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

Employees should promptly notify the elected official/department head of any equipment, machines, tools, or vehicles that appear to be damaged, defective, or in need of repair. Prompt reporting could prevent deterioration of equipment and possible injury to employees or others. The elected official/department head can answer any questions

about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles.

Vehicles owned, leased or rented by the County may not be used for personal use without prior approval and shall not be driven out of Miami County, unless they are being used for official County business, and/or the special exceptions requiring authorization by the appropriate County authority.

Improper, careless, negligent, destructive, or unsafe use of operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, including discharge.

5.6 SMOKING

In keeping with the County's intent to provide a safe and healthful work environment, the use of any tobacco products in County buildings is prohibited. The use of tobacco products is permitted in an area designated by the property manager. This policy applies equally to all Elected Officials/Department Heads, employees and visitors. No smoking signs are posted in County facilities.

6. PERSONAL CONDUCT

6.1 EMPLOYEE CONDUCT AND WORK RULES

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency and economy in their work. All employees should attempt to correct any faults in their performance, which are called to their attention and should avoid any behavior, which conflicts with County policies.

6.2 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify the elected official/department head as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

6.3 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image presented to visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your elected official/department head if you have questions regarding what constitutes appropriate attire.

6.4 COMMISSION OF A FELONY OR UNLAWFUL ACT

A prospective employee's conviction of a felony is a factor that will be considered adversely in the employment decision, although it will not be an automatic disqualification. The failure of an employee to list such a conviction upon his or her employee application will subject that employee to immediate dismissal.

Any employee found guilty of a felony on or after the date of the employment application may be subject to immediate dismissal. An employee charged with a felony or found participating in felonious activity, either during work hours or while off duty, will be subject to leave of absence from work until a court of law establishes innocence or guilt. Any employee found guilty of a misdemeanor on or after the date of the employment application may be subject to suspension or discharge, including not being legally qualified to operate assigned vehicles or equipment. Misdemeanors that involve County vehicles/property, or in which the related behavior reflects poorly on the employee and/or the County, will be treated similarly.

6.5 GIFTS OR GRATUITIES

Employees are encouraged to maintain good relations with suppliers and others with whom the County conducts business. However, the practice of accepting gifts and or gratuities may be contrary to the public interest. Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who furnish or propose to furnish materials, goods, or services to the County.

6.6 BUSINESS ETHICS/CONFLICT OF INTEREST

The County recognizes and respects the rights of individual employees to engage in activities outside the organization that do not in any way conflict with, or reflect poorly, on the County. A County employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the

County commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44-1-3.

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

Employees having a substantial financial interest in a company/corporation that might benefit from conducting business with the County must file a conflict of interest statement with the County Clerk and County Auditor. If deemed by an authoritative official to be in the best interest of the County, those employees shall either divest themselves of such interest or be discharged from County employment.

6.7 ON THE JOB POLITICAL ACTIVITY

County employees are prohibited from using their County position and/or time during working hours to assist in political campaigns or otherwise engage in political activity. No employees paid partially or wholly from Federal Funds are eligible to run for office in a partisan election.

6.8 DEADLY WEAPONS FORBIDDEN

"Deadly weapon" has the definition provided by Section 35-41-1-8 of the Indiana Code. No person shall possess a deadly weapon in any Miami County Government building and/or upon the property immediately surrounding such building without having received written permission from the Miami County Sheriff.

Any person who enters any Miami County Government building or the parcels of property contiguous thereto, consents to a search of their person, possessions or files, by metal detector or other reasonable means. A person waives any and all claims that they may have to be free from search and/or seizure for a deadly weapon by entering or attempting to enter upon the real estate of the Miami County Government.

Any person, in lieu of subjecting themselves to a search by the Miami County Sheriff or representative of the Sheriff, or any metal detection device, may immediately leave the premises of the Miami County Government.

The Miami County Sheriff, or any of his deputies, shall establish reasonable procedures to carry out the terms and conditions of this policy.

The Miami County Sheriff and/or any law enforcement officers, may detain any person

they have reason to believe possess a deadly weapon in violation of this policy, for a sufficient amount of time to obtain the proper name, address, date of birth, social security number and/or to seize such deadly weapon.

In addition to the penalties provided by ordinance, any employee who violates this policy may be subject to disciplinary action, up to and including termination.

6.9 SECURITY OF PREMISES/INSPECTIONS

The County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

6.10 COMPUTER SOFTWARE LICENSING POLICY

It is the County's policy that software licensed by the County should not be duplicated or used in any manner inconsistent with the County's rights and the vendor's right as specified in licensing agreement.

No licensed software may be installed on a Miami County computer that has not been validated by the County, and/or is not properly licensed to the County or end-user.

The County purchases or licenses computer software from a variety of outside computer companies. The County does not own the copyright to this software, and unless authorized by the software developer or software license, does not have the right to reproduce it or install it on more than one(1) computer.

With regard to the use of software on local area networks (LANs) where the license allows use on multiple computers, the County shall deploy the software, and the County's employees will use the software only in accordance with the license agreement.

County employees who make, acquire or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination.

6.11 CONFIDENTIALITY

Employees shall consult with their elected official/department head before releasing information, which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

6.12 SOLICITATION AND DISTRIBUTION

This policy is designed to protect the interests of the citizens of Miami County by ensuring that only official County business is transacted in work areas during employees' work time. This section shall include the promotion of religious beliefs or religious materials by employees or non-employees during work hours in the workplace.

There shall be no solicitation or distribution by employees or non-employees during work time in the workplace. This section does not apply to vendors and or charity organizations that have received the approval of the Board of County Commissioners.

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

6.13 DISCIPLINE, GRIEVANCE, AND SEPARATION

The Board of Commissioners of Miami County recognizes the need for a standard policy regarding employee discipline. The policy set forth describes the County's general guidelines concerning discipline. This section is not intended to form a contract between the County and its employees, because each disciplinary situation involves unique circumstances. While the County's goal is to administer discipline uniformly and indiscriminately, the County reserves the right to consider each individual's circumstances, work record, and any other appropriate factor in determining appropriate discipline. The application of discipline in such a fashion will preclude the selective enforcement of County employment policy.

6.13.1 PROGRESSIVE DISCIPLINE

Disciplinary action will generally be applied progressively except when, in the opinion of the County, the violation is serious enough to require more immediate action. The Steps of progression will be:

- a. Oral Reprimand - Documented for employee's file
- b. Written Reprimand - Documented for employee's file
- c. Three Day Suspension Without Pay - Documented for employee's file

- d. Discharge - Documented for employee's file

Applied in this manner, employees will be advised about their performance, how and where it needs improvement, and what the consequences will be if no remedial action is taken.

6.13.2 EVALUATION PERIOD

Employees within their evaluation period may be transferred or discharged at any time. The evaluation period is specifically designed to monitor and evaluate performance, progress, and aptitude for the job. Employee evaluation should be used to chart the employee's progress and shared with him/her to demonstrate this. Each evaluation can be compared with previous ones to see where improvement or regression has occurred. Termination for non-performance is facilitated considerably through the effective use of the evaluation.

Finally, the annual performance review can and should be employed as a guidance and counseling tool. Employees can be advised about their strengths and weaknesses and thus given the opportunity to maintain their proficiencies and work on their deficiencies.

6.13.3 OTHER CONDUCT VIOLATIONS

Other conduct violations warranting immediate suspension pending investigation include:

- a. Misuse or theft of County materials/property;
- b. Willfully falsifying reports/records;
- c. Commission of or alleged commission of felonious acts;
- d. Certain misdemeanor violations, especially those that occur during work hours on County property or that involve County vehicles.

Disciplinary action may result from conduct other than that outlined herein. Common sense dictates what represents unacceptable or deficient job performance and/or behavior. Disciplinary measures and/or dismissal will also be applied for conduct including but not limited to:

- a. Excessive absenteeism;
- b. Insubordination;
- c. Failure to otherwise perform prescribed duties;
- d. Gross misconduct.

6.14 DEMOTION AND SEPARATION

I. DEMOTION DUE TO INAPPROPRIATE PLACEMENT

Employee demotion, that is reassignment to a lower classified and paying position, may or may not reflect disciplinary proceeding. There are occasions when an employee is inappropriately placed upon employment and, through no fault of his/her own, is unable to perform the duties as assigned. This employee will be reassigned or demoted if a suitable opening is available and if it can be expected that he/she will be able to perform the duties incumbent to the new position.

II. DEMOTION/DISCIPLINARY CONDUCT

Demotion can also result from persistent noncompliance with personnel policy and standards of accepted conduct. This would represent disciplinary action of a severe nature, and thus would only be taken after adequate notice had been provided the employee regarding deficiencies, there has been continued noncompliance, and there seems no alternative left short of discharge.

Even then, demotion will only be the selected course of action if it can be determined and demonstrated that performance will improve in the new position.

III. ORGANIZATIONAL CHANGE

Organizational change also may make reassignment and/or demotion necessary. If any employee's position has been abolished and/or reclassified, every attempt will be made to reassign or transfer this employee to a similar classification at comparable pay. If lateral transfer is not possible due to lack of suitable available openings, reassignment to a lesser job will be offered the employee.

IV. REMOVAL/SUSPENSION

Removal from the job may come in the form of suspension. Suspension is almost always without pay although there are occasions that warrant suspension with pay (typically the pay is retroactive to the date of suspension in cases where a hearing clears the affected employee of any wrongdoing).

Suspension is a temporary proceeding that is generally only observed for one or two reasons:

1. As the final disciplinary step before dismissal;
2. Until resolution of a pending legal or administrative procedure. In the

former instance, employees are provided more than sufficient notice before suspension occurs.

In the second circumstance, the suspension can come without previous warning. This suspension is usually associated with infractions or alleged infractions of a serious enough nature to require discontinued presence on the job until resolution.

When a decision is reached in the legal or administrative hearing, the employee will either be reinstated or permanently removed.

7. PROBLEM RESOLUTION

Any County employee who feels a job action was unfairly taken against him/her, or who feels otherwise aggrieved, shall have the right to submit this matter to management for hearing and resolution. The County has the right as an employer, to make decisions surrounding employment practices; and these decision affect those who are employed by the County; This is not to say that management makes 100% error-free decisions. Thus, a grievance procedure is hereby established. This procedure provides the employee a vehicle to insure that job actions are not arbitrarily and selectively applied. The procedure creates no implied contract between the County and its employees which requires the County to follow the policy in every case. Like all policies contained in this document, it is set forth as a guideline and not as a binding procedure. The County reserves the right to modify the policy to address employee's individual circumstances.

7.1 PROBLEM RESOLUTION FOR NON-COURT EMPLOYEES

The following procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks the County's policies have been violated, or who believes that he/she has been treated unfairly. A "complaint" is an employee's expressed dissatisfaction with what the employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy.

A complaint should be heard and resolved at the lowest organizational level. An employee has the following steps available to resolve complaints:

STEP 1: Elected Official/Department Head(Oral Complaint)

An employee should first discuss a complaint with the elected official/department head. The employee should schedule a time to discuss the situation with the elected official/department head and every effort should be expended to resolve the issue satisfactorily at the meeting.

STEP 2: Elected Official/Department Head(Written Complaint)

If a complaint cannot be solved satisfactorily by the employee and elected official/department head through discussion, or if the decision is not satisfactory to the employee, the employee may submit the complaint in writing. The employee may take or send the written complaint to the elected official/department head. Elected officials/department heads are encouraged to give a written response to the complaint within five(5) days.

STEP 3: Elected Official/Department Head

If a satisfactory solution is not reached, the elected official/department head having hiring/termination responsibility for the employee, will make a decision.

STEP 4: County Commissioners

When a complaint involves an elected official/department head, a written complaint detailing their alleged employment violation may be directed to the County Commissioners for investigation. The Commissioners will take appropriate action as deemed necessary, including retaining independent professionals to assist in assessing the allegation.

7.2 CASES INVOLVING EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, OR OCCUPATIONAL SAFETY AND HEALTH ACT STANDARDS

Any grievances involving federal regulations under Equal Employment Opportunity, Affirmative Action, or Occupational Safety and Health Act standards, shall follow the normal four-step grievance procedure with the following exception(s).

After a grievance has been filed, the supervisor of the aggrieved employee will make a written record of the grievance and file it with the County Board of commissioners.

In any event, all County employees have the right to present matters about which they

feel aggrieved for consideration and resolution. Further, no employee need fear reprisal in any form for filing any grievance. Any evidence that supervisory personnel are engaged in any kind of reprisal activity will result in severe disciplinary action.

SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and state laws, County of Miami, Indiana rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal or competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County of Miami, Indiana reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

EMPLOYEE ACKNOWLEDGMENT FORM

The Miami County Employee handbook(“Handbook”) describes important information about employment with Miami County, and I understand that I should consult the elected official/department head or Auditors office regarding any questions not answered in the Handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the Board of County Commissioners has the ability to adopt any revisions to the policies in this Handbook. Although we believe the descriptive materials contained in this handbook are accurate, some, like insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures and any discrepancies between them should be directed to the Auditors office.

Furthermore, I acknowledge that this Handbook is not a contract of employment. I acknowledge that I have received the Handbook, and I understand that it is my responsibility to read and comply with the stated policies and any subsequent revisions.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME(typed or printed)

APPENDIX

- A. Request for Family/Medical Leave
- B. Certification of Health Care Provider
- C. Family/Medical Leave Policy - Recertification of Medical Conditions
- D. Your Rights Under the Family and Medical Leave Act of 1993 and the State of Indiana's Family/Medical Leave Policy

(Appendix A)

Employer Response to Employee
Request for Family or Medical Leave
(Optional Use Form - See 29 CFR § 825.301)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



(Family and Medical Leave Act of 1993)

OMB No. : 1215-0181
Expires : 08-31-07

Date:

To: _____
(Employee's Name)

From: _____
(Name of Appropriate Employer Representative)

Subject: REQUEST FOR FAMILY/MEDICAL LEAVE

On _____, you notified us of your need to take family/medical leave due to:
(Date)

- The birth of a child, or the placement of a child with you for adoption or foster care; or
- A serious health condition that makes you unable to perform the essential functions for your job; or
- A serious health condition affecting your spouse, child, parent, for which you are needed to provide care.

You notified us that you need this leave beginning on _____ and that you expect
(Date)
leave to continue until on or about _____
(Date)

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

1. You are eligible not eligible for leave under the FMLA.
2. The requested leave will will not be counted against your annual FMLA leave entitlement.
3. You will will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____ (insert date) (must be at least 15 days after you are notified of this requirement), or we may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply: (Explain)

5. (a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make premium payments as follows: *(Set forth dates, e.g., the 10th of each month, or pay periods, etc. that specifically cover the agreement with the employee.)*

(b) You have a minimum 30-day *(or, indicate longer period, if applicable)* grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, *provided* we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on leave.

(c) We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.

6. You will will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.

7. (a) You are are not a "key employee" as described in § 825.217 of the FMLA regulations. If you are a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us as discussed in § 825.218.

(b) We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. *(Explain (a) and/or (b) below. See §825.219 of the FMLA regulations.)*

8. While on leave, you will will not be required to furnish us with periodic reports every _____ *(indicate interval of periodic reports, as appropriate for the particular leave situation)* of your status and intent to return to work *(see § 825.309 of the FMLA regulations)*. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you will will not be required to notify us at least two work days prior to the date you intend to report to work.

9. You will will not be required to furnish recertification relating to a serious health condition. *(Explain below, if necessary, including the interval between certifications as prescribed in §825.308 of the FMLA regulations.)*

This optional use form may be used to satisfy mandatory employer requirements to provide employees taking FMLA leave with Written notice detailing specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. (29 CFR 825.301(b).)

Note: Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

Public Burden Statement

We estimate that it will take an average of 5 minutes to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND THE COMPLETED FORM TO THE OFFICE SHOWN ABOVE.



(When completed, this form goes to the employee, Not to the Department of Labor.)

OMB No.: 1215-0181
Expires: 07/31/04

1. Employee's Name

2. Patient's Name (if different from employee)

3. Page 4 describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition¹ qualify under any of the categories described? If so, please check the applicable category.

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____ (6) _____, or None of the above _____

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5. a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present incapacity² if different):

b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)?

If yes, give the probable duration:

c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated² and the likely duration and frequency of episodes of incapacity²:

¹ Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.

² "Incapacity," for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

o. a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:

c. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

7. a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?

b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential job functions)? If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment?

8. a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?

b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery?

c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

Signature of Health Care Provider

Type of Practice

Address

Telephone Number

Date

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

Employee Signature

Date

"**Serious health condition**" means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity² or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity² of more than three consecutive calendar days (including any subsequent treatment or period of incapacity² relating to the same condition), that also involves:

- (1) Treatment³ two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; or
- (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment⁴ under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

- (1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- (3) May cause episodic rather than a continuing period of incapacity² (*e.g.*, asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity² which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity² of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

This optional form may be used by employees to satisfy a mandatory requirement to furnish a medical certification (when requested) from a health care provider, including second or third opinions and recertification (29 CFR 825.306).

Note: Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

³ Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A regimen of continuing treatment includes, for example, a course of prescription medication (*e.g.*, an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Public Burden Statement

We estimate that it will take an average of 10 minutes to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

DO NOT SEND THE COMPLETED FORM TO THIS OFFICE; IT GOES TO THE EMPLOYEE.

FAMILY/MEDICAL LEAVE POLICY

RECERTIFICATION OF MEDICAL CONDITIONS

Under the Family/Medical Leave policy, the Elected Official/Department Head may request recertification's of medical conditions in the following circumstances and for the reasons listed below:

- (a) If the reason for leave is pregnancy or a chronic condition, recertification can be requested for reason (1), (3) or (6).
- (b) If the minimum duration of the period of incapacity specified on the certification furnished by the health care provider is more than 30 days, recertification can be requested for reasons (2), (3), (4) or (5).
- (c) If the leave has been taken intermittently or on a reduced leave schedule bases, recertification can be requested for reason (2), (3), (4) or (5).
- (d) In circumstances not covered by (a), (b) or (c) recertification can be requested for reason (1), (3), (4) or (5).

Reasons for requested recertification:

- (1) 30 days have elapsed since the last certification and the request is in connection with an absence.
- (2) The minimum duration of the period of incapacity specified in a previously submitted certification has expired.
- (3) The employee requests and extension of leave.
- (4) Circumstances described by the previous certification have changed significantly.
- (5) Management has information that casts doubt upon the continuing validity of the certification.
- (6) Management receives information that casts doubt upon the employee's stated reason for absence.

[Appendix D]

YOUR RIGHTS
Under the
FAMILY AND MEDICAL LEAVE ACT OF 1993
and the
STATE OF INDIANA'S FAMILY/MEDICAL LEAVE POLICY

FMLA requires employers to provide up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption of foster care;
- To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or the employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 15 days advance notice when the leave is "foreseeable".
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan".
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- - Interfere with, restrain, or deny the exercise of any right provided under FMLA

- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede and State or local law or union settlement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government Department of Labor.

Technology Usage Policy

Please read this policy carefully. It contains important information about your responsibilities and rules you must follow once you are granted access to Miami County's computer and technology facilities. Your signature indicates that you understand the terms of this policy. A copy of the signed policy will be placed in your personnel file.

In consideration for accessing and using the Miami County technology and communications equipment and services, including but not limited to computers, computer facilities, networks, Internet, Intranet or Extranet connections, telephones, facsimile machines, copy machines, typewriters, scanners, pocket computers, personal digital assistants, Palm-type devices, cell phones, pagers, voicemail, electronic mail, licensed or developed software, software documentation or electronic data of any kind (hereafter referred to as "Technology"), I understand and agree to the following rules:

1. I shall use all Technology consistent with:

- a. this policy,
- b. the Miami County Personnel Policy, and
- c. all other policies of Miami County government.

2. My voicemail and e-mail messages will not contain content that may be reasonably considered offensive or disruptive to any employee. Offensive content would include but would not be limited to, sexual comments or images, racial slurs, gender-specific comments, or any comments that would offend someone on the basis of his or her age, sexual orientation, religious or political beliefs, national origin, or disability.

3. I will be responsible for the content of all text, audio, or images I place or send over the Internet. I will attach my name to all messages communicated on the Internet. I will not transmit any messages using someone else's name, without his or her express consent, nor under

an assumed name.

4. I understand that any voicemail and email sent or received using equipment provided by Miami County, and the data stored on such systems, are and remain at all times the property of Miami County. As such, all voicemail and e-mail messages created, sent, and received are and remain the property of Miami County. I have no right to privacy as to any information or file transmitted or stored through Miami County's computer systems, voicemail, electronic mail, or other Technology.

5. I understand that computer passwords are confidential and should not be shared with or used by any other person, other than the Office Head. I will keep the Office Head advised of all sign-on passwords, screen saver passwords, and other passwords that may be needed to access computers or other Technology allocated for my use. At no time will I share or use another person's computer password, unless expressly authorized by that person for limited, one-time use.

6. I shall use care in protecting the Technology and the information contained on it from unauthorized access, misuse, theft, damage, destruction, modification or disclosure. At no time shall I access, or attempt to access, any Technology without having the express authority to do so. At no time shall I access, or attempt to access, any Technology in a manner inconsistent with the approved method of system entry. At no time will I leave a workstation without first ensuring that I have properly secured the workstation from unauthorized access.

7. I understand that all information and work product developed while on the job or while using counties facilities or resources will be the exclusive property of Miami County.

8. I will not copy, share, distribute, disclose, sublicense, modify, reverse-engineer or sell any software licensed, developed or being evaluated by Miami County unless I have received prior written approval from The Miami County Board of Commissioners to do so. At all times I shall use care to protect and keep such software strictly confidential in accordance with the license or any other agreement by Miami County.

9. I shall only use equipment or software owned, licensed or being evaluated by Miami County. I will not use personal or third-party equipment or software at Miami County facilities, nor use Miami County owned software on non-Miami County equipment, unless I have received prior written approval from The Miami County Board of Commissioners.

10. I will not download any patches, updates, applications, screen savers, or other software products without prior approval from the Miami County Technology Supervisor and Office Head. I understand that the Miami County Technology Supervisor must perform a virus scan on any software prior to installation. I understand that all software used on county computers will be procured properly through the appropriate county procedures.

11. I understand that I am strictly prohibited from using county provided technology for any and all of the following purposes:

- a. Viewing, transmitting, retrieving or storing material that may in any way be considered obscene, pornographic or sexually explicit.
- b. Transmitting any messages containing derogatory, harassing or inflammatory remarks about an individual or group's race, color, religion, national origin, age, disability, or other characteristic or attribute not related to their job performance.
- c. Transmitting any abusive, profane or offensive language.
- d. Transmitting any information which the employee knows or has reason to believe may be false, misleading or libelous.
- e. Sending or posting any chain letters, jokes, solicitations, or advertisements not directly related to some business purpose or activity.

- f. Using the County's e-mail system or Internet access for any political or religious causes or activities.
- g. Using the County's technology systems for any gambling related activity.
- h. Using the County's e-mail system or Internet access for personal gain, including the solicitation of, or engagement in, any non-company business.
- i. Using the County's e-mail system or Internet access for any other purpose which is illegal, may damage the County's reputation or is otherwise contrary to the County's best interest.

12. I understand that Miami County reserves the right to monitor use of all Intelenet or county-provided Technology including, but not limited to, electronic mail, Internet and Intranet.

13. I understand that Internet and electronic mail messages are considered public communications, not private, and that most of my communications using the Technology may be subject to storage, retrieval, and disclosure under the Indiana Access to Public Records laws.

14. I understand that the county may conduct unannounced internal audits of Technology to monitor and assure compliance with county policies.

15. If I am found in violation of this policy, I understand I may face disciplinary actions including reprimand, suspension, termination of employment or criminal or civil prosecution if the act is a violation of law.

16. I understand that this policy maybe modified to reflect any changes in county policy or procedures.

Employee/User's name (printed)

Employee/User's signature

Date signed: _____

AMENDED MIAMI COUNTY ORDINANCE NO. 9-19-05
ORDINANCE ESTABLISHING VACATION POLICY
FOR ALL MIAMI COUNTY EMPLOYEES

WHEREAS, I.C. 36-1-3 entitled "Home Rule", grants local government units all powers necessary for effective operations of local governmental affairs; and

WHEREAS, Miami County Indiana has adopted a code of ordinances codifying all Miami County Ordinances; and

WHEREAS, the Miami County additionally adopted a personnel policy handbook on December 20, 1999 establishing a vacation policy; and

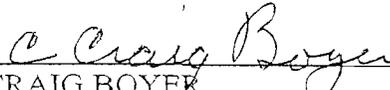
WHEREAS, it is now necessary to amend the Miami County Code of Ordinances, Title 4, Chapter 4, Section 1, entitled Vacation Benefits, and Miami County personnel policy handbook section 4.1 entitled vacation benefits, to enable the Miami County Code of Ordinances and Miami County Personnel Policy Handbook to be in complete coordination.

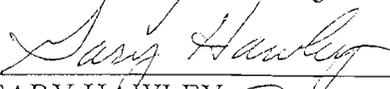
NOW THEREFORE, be it ordained and ordered by the Board of Commissioners of Miami County as follows;

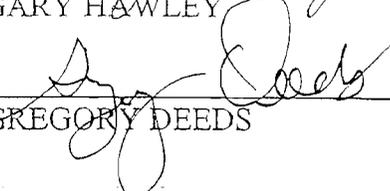
The Miami County Code of Ordinances, Titled 3 Administration, Chapter 32, County Employees Section 03, and Miami County personnel policy handbook section 4.1 entitled Vacation Benefits shall apply retroactively to January 1, 2005 and shall now read as follows:

See (Exhibit A) attached hereto and made a part hereof.

Passed and Adopted by the Board of Commissioners of Miami County, Indiana this 19 day of September, 2005 on one reading with the rules being suspended by unanimous consent of all Miami County Commissioners as indicated by their signatures below.


CRAIG BOYER


GARY HAWLEY


GREGORY DEEDS

ATTEST:

Brenda Weaver, Auditor

AMENDED MIAMI COUNTY ORDINANCE NO. 11-21-05
ORDINANCE ESTABLISHING SICK LEAVE AND PERSONAL DAY POLICY
FOR ALL MIAMI COUNTY EMPLOYEES

WHEREAS, I.C. 36-1-3 entitled "Home Rule", grants local government units all powers necessary for effective operations of local governmental affairs; and

WHEREAS, Miami County Indiana has adopted a code of ordinances codifying all Miami County Ordinances; and

WHEREAS, the Miami County additionally adopted a personnel policy handbook on December 20, 1999 establishing a sick leave and personal day policy; and

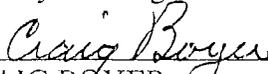
WHEREAS, it is now necessary to amend the Miami County Code of Ordinances, Title 3, Chapter 32, Section 4, entitled Sick Leave, Miami County personnel policy handbook section 4.4 entitled sick leave policy and section 4.8 entitled personal days, to enable the Miami County Code of Ordinances and Miami County Personnel Policy Handbook to be in complete coordination.

NOW THEREFORE, be it ordained and ordered by the Board of Commissioners of Miami County as follows:

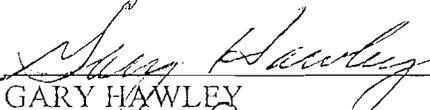
The Miami County Code of Ordinances, Title 3 Administration, Chapter 32, County Employees Section 04 entitled Sick Leave Policy, and Miami County personnel policy handbook section 4.4 entitled Sick Leave Policy and section 4.2 entitled Personal Days shall now read as follows with application retroactive to January 1, 2005:

See (Exhibit A & B) attached hereto and made a part hereof.

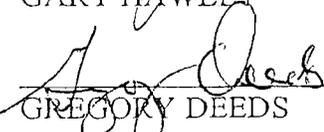
Passed and Adopted by the Board of Commissioners of Miami County, Indiana this 21 day of November, 2005 on one reading with the rules being suspended by unanimous consent of all Miami County Commissioners as indicated by their signatures below.



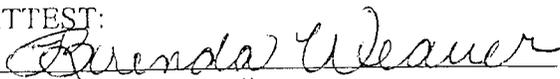
CRAIG BOYER



GARY HAWLEY



GREGORY DEEDS

ATTEST:


Brenda Weaver, Auditor

**ORDINANCE ESTABLISHING IDENTIFICATION
FOR ALL MIAMI COUNTY EMPLOYEES**

WHEREAS, I.C. 36-1-3 entitled "Home Rule", grants local government units all powers necessary for effective operations of local governmental affairs; and

WHEREAS, Miami County Indiana has adopted a code of ordinances codifying all Miami County Ordinances; and

WHEREAS, the Miami County additionally adopted a personnel policy handbook on December 20, 1999; and

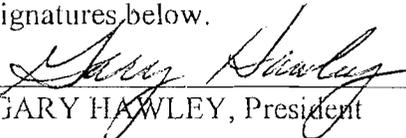
WHEREAS, it is now necessary to amend the Miami County Code of Ordinances, Title 3, Chapter 32, Section 11, entitled Identification, and Miami County personnel policy handbook section 3.1.3 entitled Identification, to enable the Miami County Code of Ordinances and Miami County Personnel Policy Handbook to be in complete coordination.

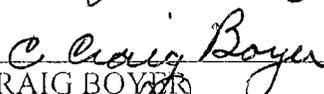
NOW THEREFORE, be it ordained and ordered by the Board of Commissioners of Miami County as follows;

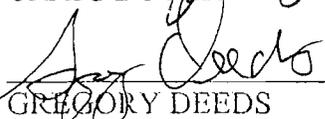
The Miami County Code of Ordinances, Titled 3 Administration, Chapter 32, County Employees Section 11 and Miami County personnel policy handbook section 3.1.3 entitled Identification shall now read as follows:

All Miami County Employees working in the Miami County Courthouse, The Courthouse Annex Building and all other office personnel on county payroll shall be required to wear and/or display identification cards, for purposes of identification as provided by Miami County. The identification cards provided shall be worn and/or displayed at all times in which employees are working. Each employee is responsible for the identification card provided to them and it shall be at the discretion of the Miami County Commissioners for the replacement cost for any and all lost identification cards. Noncompliance shall be subject to discipline as per county policy.

Passed and Adopted by the Board of Commissioners of Miami County, Indiana this 24th day of August, 2006 on one reading with the rules being suspended by unanimous consent of all Miami County Commissioners as indicated by their signatures below.


GARY HAWLEY, President


CRAIG BOYER


GREGORY DEEDS