

CITY OF PORTAGE

EMPLOYEE HANDBOOK



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Section One Introduction
(Mission, Vision, Application & Purpose)

INTRODUCTION

Welcome to the City of Portage, Indiana. This handbook is a guide that describes the procedures and regulations that relate to your employment and has been prepared to assist you in making your employment enjoyable and rewarding.

Although the handbook is designed to serve all employees in an equitable and fair manner, parts of this book may be superseded by specific department procedure or by collective bargaining (if applicable). Wherever possible, copies of those agreements or procedures have been included in the back section of this handbook.

MISSION AND VISION OF THE CITY OF PORTAGE

Mission - The City of Portage is dedicated to fostering a thriving, inclusive City by delivering high-quality municipal services, promoting sustainable development, and enhancing the quality of life for all residents. We are committed to transparency, integrity, and innovation in all our endeavors.

Vision - The City of Portage envisions a vibrant, sustainable, and forward-thinking City where residents enjoy a high quality of life, businesses prosper, and natural resources are preserved for all future generations. We strive to be a model of excellence in municipal governance, fostering a high-energy community with a strong sense of unity and inclusiveness.

UNIFORM APPLICATION OF THIS HANDBOOK

It is the intent of the City of Portage to adopt an employee handbook that applies uniformly to all divisions of government unless superseded by contract or collective bargaining agreement. Although this handbook makes reference to the position of Mayor, employees of the Clerk's Office and other independent subdivisions do not fall under the Mayor's direction.

As an example, in applying this handbook uniformly, employees of the Clerk's office should substitute "Clerk" wherever this handbook uses the term "Mayor" except where such authority is granted exclusively to the Mayor by ordinance or state statute. Likewise, employees of other divisions of city government should make similar allowances wherever "Mayor" is referenced. This handbook applies to all employees unless superseded by contract or collective bargaining agreement.

VOID OTHER EMPLOYEE HANDBOOKS AND PERSONNEL POLICY MANUALS

All other employee handbooks and personnel policy manuals (PPMs) should be declared void upon the approval and issuance of this PPM. Employees may not refer to earlier handbooks/PPMs for any policies, even if this PPM does not include language regarding prior policies. If any provision of this handbook is found to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

PURPOSE OF THE EMPLOYEE HANDBOOK

This Personnel Policy Handbook has been prepared for the employees of the City of Portage to promote and maintain a positive working environment and to provide general direction and information. Since it is not possible for this handbook cover each and every aspect of employment, the policies, procedures, and benefits described in this handbook are summary descriptions, presented for information only. This handbook is not intended to be all-encompassing or applicable to every situation. An employee who wishes to review a policy in its entirety should contact his/her department head.

Neither this handbook nor any other written or verbal statement made to an employee by a representative of the City of Portage is intended to be an actual or implied contract unless produced in writing, signed by the appropriate department head, and explicitly stated in writing that the document is intended to serve as a contract (except for finalized Collective Bargaining Agreements).

Although the City of Portage wishes to make every effort to maintain continuity in its policies and the handling of personnel issues, it retains the right to add, modify, or terminate its policies, procedures, or benefits at any time, subject to Board of Works and Safety approval, should a situation arise where a change is necessary to preserve appropriate operations. In those instances, changes shall be immediately applicable to all employees regardless of whether the change conflicts with previous language contained in the handbook. In an emergency, an exception may be made to this handbook and approved by the Board of Works and Safety after the fact.

All non-sworn city employees are employees “at will,” and are free to resign at any time, just as the City of Portage is free to terminate employment, at any time, pursuant to City policy. Neither this handbook nor any other written or oral statements of City policy is intended to modify the “at will” status of an individual’s employment. However, this statement is not intended to imply that the City and its employees are not able to enter into a contract regarding terms for employment. This handbook is not a contract; however, employees are expected to follow its policies and may be subject to disciplinary procedures up to and including termination if they violate the policies in the handbook. The City of Portage recognizes the Collective Bargaining Agreements that set some of the terms of employment for employees within the respective bargaining units.

NOTIFICATION OF CHANGES TO THIS HANDBOOK

This handbook provides summaries and information about what an employee can expect from the City of Portage and what the City of Portage expects from its employees. The City retains the right to change/amend this handbook at any time, as long as new or modified policies are negotiated in good faith. When a policy change occurs, employees will be notified in writing of changes in policies by their respective department head who will distribute revisions of the manual.

QUESTIONS ABOUT THIS HANDBOOK

Employees who have questions or comments about any part of this handbook are encouraged to contact their respective supervisor or department head. If further clarification is needed, the employee may contact the Human Resources Department.

APPLICABILITY OF POLICIES

The policies and procedures outlined in this handbook apply to all employees of the City of Portage, except:

- Elected Officials.
- Police Officers, Firefighters, and other employees within bargaining units will adhere only to the policies which that are not superseded by their own respective collective bargaining agreements.
- Individuals appointed to serve on a City Board or Commission.
- Attorneys who serve the City; and
- Individuals with employment contracts, who will follow only those policies which are not superseded by specific contract provisions.

Applicable state and federal laws and regulations will **always** supersede this policy manual, collective bargaining agreements, and procedure manuals.

PRODUCTIVE WORK ENVIROMENT

It is the goal of the City of Portage to offer a Productive Work Environment by promoting employee safety, growth, and goal attainment, by fostering mutual respect, trust, and open communication, encouraging learning, creativity, and team performance.

Section Two: General Employment Practices **(Rights & Compliance)**

CIVIL RIGHTS

It is the policy of the City to provide an internal complaint and investigation procedure to encourage early resolution of civil rights violations based on employee complaints within the organization and to monitor policies, practices, and actions. This policy is in addition to any existing grievance and complaint procedures.

Any employee who feels that he/she has received unfair treatment in discipline, pay, promotion, or assignment because of his/her race, color, sex, sexual orientation, religion, national origin, ancestry, age, political affiliation, disability or veteran's status may file a complaint.

The City's Human Resources Department will receive and investigate all complaints of a discriminatory nature. Utilizing this procedure will not preclude any other internal grievance or complaint procedure; however, utilizing an external complaint procedure such as filing with the State Civil Rights or the U.S. Equal Employment Opportunity Commission will preclude use of the internal procedure due to superseding authority.

Internal anti-discrimination practices will serve to improve communication and encourage voluntary compliance. This does not, however, mean that corrective action may not be directed by the Human Resources Department or the Office of the Mayor (or other elected official) when voluntary methods fail.

AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE ACCOMMODATION

Individuals with disabilities be given the same opportunity to participate in the services, programs, or activities of the City. The City will not 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 City to comply with all applicable requirements of the Americans With Disabilities Act (ADA). ADA outlaws discrimination against individuals with disabilities in a variety of employment sectors including local government. Any employee who wishes to discuss his or her needs as a disabled employee should contact their department head.

Protection- An employee with a disability who is qualified to do a job is protected by the ADA from job discrimination on the basis of that disability. Under the ADA, a disability includes physical or mental impairment that substantially limits a major life activity or a major bodily function. To be protected under the ADA, an employee must have or be regarded as having substantial (as opposed to a minor) impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, and performing manual tasks, caring for oneself, learning or working, or a major bodily function. An employee must satisfy the employer's requirements for the job, such as education, employment experience, skills, or licenses. He/she must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties for that position. An employer cannot refuse to hire an employee because his/her impairment prevents the employee from performing duties that are not essential to the job.

Pregnancy The City of Portage complies with the Americans with Disabilities Act (ADA) and the Pregnancy Discrimination Act, providing reasonable accommodations for employees with pregnancy-related conditions or disabilities. Employees needing accommodations should notify Human Resources to engage in the interactive process and determine appropriate workplace adjustment

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

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

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

Covered Employment Practices- The ADA makes it unlawful to discriminate in all employment practices such as:

- Recruitment, firing, hiring, training, job assignments, promotions, pay, benefits, layoff, leave, and all other employment related activities.
- It is also unlawful for an employer to retaliate against an employee for asserting his/her rights under the ADA. The Act also protects an employee if he/she is a victim of discrimination because of family, business, social, or other relationship or association with an individual with a disability.

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

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

Once hired and working, an employer cannot require an employee take a medical examination or ask questions about a disability, but the employer can request information about and confirmation that an employee can perform the essential functions of the job with or without reasonable accommodation. An employer may conduct voluntary medical examinations that are part of an employee health program and may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

All medical records must be kept confidential and maintained in separate medical files.

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

For Further Information, contact the Human Resources Department.

PREGNANT WORKER FAIRNESS ACT (PWFA)

The City of Portage also recognizes accommodations that are described in the Pregnant Worker Fairness Act. The City will provide a "reasonable accommodation" to a qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship"

LIMITED ENGLISH PROFICIENCY SERVICES

The City of Portage will make reasonable efforts to provide Limited English Proficiency (LEP) individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

Employees should never refuse to serve an LEP individual who is requesting assistance. It is the City's responsibility to make a reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, including interpreters.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Portage is committed to providing equal employment opportunities for all applicants and employees. Applicants and employees shall be treated fairly and equally. Employment decisions will comply with all applicable state and federal employment discrimination laws, and be made without regard to race, color, gender, sex, gender identity, sexual orientation, religion, national origin, age, disability, veteran's status, political affiliation, or citizenship. In addition, the City will not tolerate discrimination by anyone, including, but not limited to, co-workers, supervisors, department heads, elected or appointed officials, vendors, and the general public. This policy applies to all employment decisions including, but not limited to, recruiting, hiring, compensation, training, promotion, termination,

and all other terms and conditions of employment. Any employee who believes they have witnessed or experienced discrimination should promptly report the incident to the Portage Human Resources Department, following this policy.

It is the official policy of the City to:

1. Recruit, hire, and promote for all job classifications without regard to race, color, sex, religion, national origin, ancestry, age, sexual orientation, political affiliation, veteran's status, or disability.
2. Base decisions on employment to further the principles of equal employment opportunity in accordance with the City's affirmative action plan.
3. Ensure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only job-related requirements for promotional opportunities.
4. Acknowledge its intent to abide by this policy by including the words "Equal Employment Opportunity Employer" in all recruitment advertising, and on all City letterhead.
5. Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, education, City sponsored training, tuition assistance, social, and recreational programs, will be administered without regard to race, color, sex, veteran's status, sexual orientation, religion, national origin, ancestry, age, political affiliation or disability.
6. Special meetings will be held, at least annually, with executive, management and supervisory personnel to explain the intent of the City's equal employment opportunity policy, and individual responsibility for effective implementation, and clarifying the City's position on equal employment opportunity. The date of these meetings will be recorded and specified in the City's EEO/Affirmative Action Plan.

Any questions regarding equal employment opportunities, potential discriminatory practices, or matters within the scope of City employment should be directed to the Human Resources Department.

HARASSMENT

The City of Portage encourages all of its employees to work at creating a workplace that is harmonious and conducive to providing services to the public and to fellow employees. Deliberate or repetitious comments or actions that are hurtful, rude, unprofessional, discriminatory, or offend other employees have no business in the workplace.

An employee should advise his/her supervisor or department head regarding activity brought about by another employee that undermines workplace professionalism.

SEXUAL HARASSMENT

The City is committed to a policy of equal employment opportunity for all applicants and employees. The City believes that it is important to maintain a safe, pleasant, and comfortable work environment. Sexual harassment adversely impacts the morale and productivity of an employer's most valuable asset, its employees. In addition, state and federal law protects employees, visitors, contractors, vendors, and all those who enter the workplace from sexual harassment. The City believes it shares a responsibility with its employees, board appointments, and elected officials to stop and prevent sexual harassment. Simply put, sexual harassment will not be tolerated in the workplace, and employees engaging in such activity are subject to discipline including but not limited to termination.

Definition of Sexual Harassment- Sexual harassment refers to unwelcome sexual advances, comments of a sexual nature, requests for sexual favors, and harassment or comments about an individual's gender, all of which create a hostile work environment.

Quid Pro Quo-This type of sexual harassment involves a supervisor who uses his/her authority to either threaten or require a subordinate employee to submit to sexual activity as a requirement for either: continued employment, favorable performance evaluations, or securing advancement in the City.

Hostile Work Environment- Unwelcome or offensive behavior in the workplace, which causes one or more employees to feel uncomfortable, scared, or intimidated in their place of employment.

Although the City does not condone any inappropriate action or comment, it is important to review the manner and circumstances in which the actions occurred. There are many types of harassment such as: psychological harassment, cyber bullying, and third-party harassment

Reporting Harassment- Any employee who believes that the actions or words of a Department Head, supervisor, non-supervisory employee, or non-employee with whom the City does business constitute harassment to the employee or to another has a responsibility to report or complain about the situation.

Reports or complaints of harassment may be made verbally or in writing by an employee to the employee's Department Head, or to the Human Resources Director. Reports or complaints of harassment may also be directed to the Mayor and/or Chief of Staff.

Supervisors and Department Heads are required to report all harassment to the Human Resources Director, regardless of how knowledge of the harassment is acquired and even if the harassed employee never actually complains to the Department Head or supervisor. A complaint or report of harassment is **not** handled through the grievance procedure.

Investigating Reports and Complaints of Harassment- The HR Director is responsible for investigating all reports or complaints of harassment. Investigations are conducted promptly, thoroughly, and impartially. While no guarantees regarding confidentiality can be made, an investigation will be conducted in as confidential a manner as possible. Employees are required to cooperate in any investigation. Employees who refuse to cooperate in an investigation may be subject to disciplinary action. To prevent the possibility of continued harassment while an investigation is being conducted, steps may be taken to separate the complainant from the accused. Human Resources will maintain a written record of complaints.

Final Determination Following and Investigation of Harassment-Following an investigation of harassment, the HR Director will submit in writing to the Board of Works and Safety the facts of the case and a recommendation for action. The Board of Works and Safety will make a final determination, as immediately as possible as to whether harassment occurred; and if harassment occurred, the measures to prevent its recurrence, and discipline of the harasser. The final determination and the nature of any disciplinary action will be communicated to both the complainant and the accused, as well as to the HR Director and all other affected Department Heads.

Protection from Complaint-Related Retaliation-

The city prohibits any form of retaliation against employees for reporting harassment, filing a complaint of harassment, or providing information in support of a harassment complaint.

However, if an investigation of a complaint shows that the complaint or information was willfully or intentionally false, the individual who provided the false information will be subject to disciplinary action, up to and including discharge. In accordance with the Department of Labor's Whistleblower Protection Law. The City of Portage will not retaliate against an employee for exercising their rights under this law.

AUTHORIZED ALIEN STATUS AND CITIZENSHIP

The City of Portage is in compliance with the Immigration and Control Act (Employment Eligibility Form and I-9 Form). And participates in the E-Verify process per Indiana code.

MANAGEMENT RIGHTS

The City as a public employer has the responsibility and authority to manage and direct its workforce on behalf of the public and to conduct operations and activities of the City.

Section Three: Employer Procedures
(Hiring, Positions, Compensation & Pay)

HIRING EMPLOYEES

Vacancies occur when an employee leaves his/her position, or a need is recognized requiring the hiring of additional personnel. Please contact Human Resources for further details.

Filling Open Positions- The City recognizes two classifications of applicants:

- Internal applicants- include active employees and employees on layoff, including active employees and employees on layoff from the Utilities Department.
- External applicants- Individuals interested in working for the City.

The City may also fill open positions with a formal bidding process when applicable.

Internal Process/General Posting Requirements- The City will make a good effort to post/email an open position to every City department before they are advertised externally. There is, however, no guarantee that every posting will be seen by every employee. During the posting period, only internal applicants may apply for the position.

Postings will include a basic description of the position, its requirements, whether the position is full-time, part-time, or temporary, the category, the earnings range with minimum and maximum earnings identified; and the level of education, job standards, and/or experience required.

Additionally, the posting will inform employees of the deadline for applying for the position before external applicants may become part of the selection pool.

NOTE: For bargaining employees, please refer to your current CBA for policy regarding Internal Posting requirements.

How Internal Applicants May Apply for Posted Positions-Current employees will receive emails about job openings. Active employees who want to apply for open positions must submit a Letter of Intent to the employing Department Head. Letters of Intent are available in each department. In some cases, the hiring Department Head may also require an employee to complete an application, if there is information not noted in an employee's original application which would demonstrate his or her ability to perform the job for which he or she is applying.

An employee on layoff will be contacted by the department from which the employee was laid off and informed of open positions. An employee on layoff must submit a "Letter of Intent," and application, if required, to be considered for an open position in which he/she is interested.

Moving From One Department to Another- When an employee moves from one department to another within the city that employee's benefits move with the employee. The employee loses no benefits when making such a move. Exceptions to this include employees who move from the Fire Department or Police Department to a civilian position.

When an employee moves from one department to another, a two week notice should be given by the hiring department to the current department. Generally, this decision should be based upon the needs of the current department and the two-week notice period may be extended, if required.

Ineligibility From Consideration For Open Positions- In certain circumstances an employee may not be eligible for consideration to fill an open position. Several reasons exist, including:

1. An employee who is still completing his/her Probationary Period will not be considered for a posted position in another department.
2. An employee will not be considered for a posted position in another department if he/ she has received a written reprimand or suspension for any reason within 90 calendar days prior to the initial date of a posting through the time for which the position is being filled.
3. An employee who is on a Performance Improvement Plan at the time a position in another department is posted may be considered for the opening, providing the employee notifies the hiring Department Head of the progress he/she is making in regard to that plan.

Exceptions to Posting Requirements- There are exceptions to the posting policy:

- Positions which a Department Head intends to fill with an employee within his or her department do not have to be posted inside the department or City-wide.
- Departments with entry-level positions with high turnover rates for which internal applicants have not historically applied may forego posting those positions.
- If there is evidence to strongly suggest that an inadequate selection pool will result from posting alone, a Department Head may advertise the opening at the same time the position is posted. In the event an open position is posted and advertised at the same time, the decision to do so will be stated in the job posting.

External Process/ Advertising Open Positions- An open position will only be advertised after the posting period expires (unless an exception to posting requirements exists), and there are no qualified internal applicants or qualified individuals on layoff.

Employment applications from external applicants are accepted only in response to advertised vacancies.

Entry level positions with high turnover rates may be advertised externally twice each calendar year. Applications may only be accepted for the period of time specified in an advertisement. Advertisements for positions must also indicate how long the applications will remain in the active file. Applications submitted immediately preceding the advertising period will be used as the selection pool for positions which become open.

Consideration When Filling an Open Position- As openings occur, equally qualified applicants will be considered in the following order of preference:

1. Employees on layoff.
2. Present qualified employees.
3. External applicants.

Final selection of applicants for employment is made by the employing Department Head, who will comply with hiring procedures established by Human Resources.

Moving Expenses- Moving or temporary living expenses for new employees will not be reimbursed by the City.

Conditional Offer of Employment

Once a conditional offer is provided, that offer is contingent upon meeting and passing terms and conditions associated with performance of duties.

Pre-Employment Requirements for External New Hires- Once a job offer has been made, all pre-employment requirements must be completed prior to an employee starting work. While there may be additional requirements specific to a department and/or position, requirements generally include:

- Reference checks
- Proof of Eligibility to Work in the United States in compliance with the Immigration and Control Act
- A Limited Local Criminal History Check
- Drug testing
- Employment forms
- Proof of a valid Operator Driver's License or Commercial Driver's License (CDL)
- Proof Of Insurability to Drive City Owned and/or Leased Vehicles
- Post Offer Essential Function Screening (refer to **POST OFFER/TRANSFER POLICY on page 12**)

Failure to demonstrate or provide proper documentation may result in the job offer being rescinded.

New Employee Orientation - Human Resources conducts a general orientation for all new employees. During this orientation, an employee completes required forms and is provided with information related to the employee's

employment. Depending upon whether the employee's position is regular full-time, regular part-time, temporary full-time, or temporary part-time, the following may be included in the general orientation:

1. Completing of federal and state tax withholding forms and completing eligibility documentation for work in the United States.
2. Enrolling the employee in the Public Employees Retirement Fund (PERF) and identifying beneficiaries.
3. Explaining the City's health and insurance benefit plans and options that an employee, depending on his/her status, may be eligible for.
4. Providing written information and access to direct deposit and payroll deduction.
5. Providing the employee with a copy of the Employee Handbook (or access to), including written acknowledgment of receipt, and a general overview of the document.
6. Explaining and providing the employee with the City of Portage Drug and Alcohol Testing Program, and obtaining written acknowledgment of receipt, as well as the program's consent forms and obtaining the employee's written agreement to comply with policies.

Departmental Orientation for Internal and External New Hires- After an external new hire has completed the general orientation provided by Human Resources, that employee will participate in an orientation provided by his or her department. An employee who moves to a new department within the city will also participate in an orientation provided by the department to which he or she is moving, which will better acquaint the employee with his/her new department, position, and safety requirements specific to them.

POST OFFER/TRANSFER POLICY

The purpose of this policy is to ensure that the prospective employee possesses the physical capabilities necessary to safely perform the essential functions of the job. This policy is designed to strengthen the selections process and to reduce the risk of work-related injuries. Offer of employment is contingent upon meeting and passing terms and conditions described in conditional offer of employment.

It is the policy of the City of Portage to offer employment for jobs subject to this policy contingent upon the prospective employee's successful completion of an Essential Function Screening. When applicable, the screening must be completed post job offer, and before the prospective employee begins work.

Job classifications for which the City of Portage maintains documented physical requirements and approved by the human resources office shall be subject post offer/pre-employment physical screening policy post offer. All prospective employees in designated job classifications, which may include part-time and temporary hires, are subject to this policy, with the exception of student work-study employees. Existing employees seeking a transfer into a subject job classification with a higher level of physical demand than their current job are subject to the policy.

Definition of Prospective Employee- An individual to whom a contingent job offer has been made is considered a prospective employee.

Documenting Physical Requirements- The physical requirements of the essential functions of a job are determined using information gathered from a Job Site Analysis by a certified professional. All employees are required to submit to fitness for duty medical or psychological evaluations before returning from military leave or illness or injury under FMLA or to meet terms and conditions associated with the performance of duties.

1. Supervisors are responsible for documenting the physical requirements of the job, with outside consulting from a certified professional, as needed.
2. Department heads must approve the final documentation for the physical job requirements and will submit the documentation to the human resources office.
3. The human resources office is responsible for providing forms, maintaining documentation, and providing policy assistance.

4. Job classifications without properly executed physical requirements documentation on file in the human resources office will not be subject to essential function screenings.
5. When the physical requirements for a specific job classification change, the supervisor must contact the human resources office and update the documentation on file.

Position Vacancy Announcements- Announcements for vacant positions in job classifications subject to this policy must contain information about the physical requirements of the essential functions for the job and a statement that employment is contingent on the successful completion of a post offer essential function screening.

Job Offers- Offers of employment for jobs in classifications subject to this policy must clearly state that employment is contingent upon successful completion of an Essential Function Screening.

Screening- The screening vendor consistently administers the essential function screening to all prospective employees for a job classification at the level necessary for performing the essential job functions. Since employment has not yet commenced in performance of the screening is not considered work time.

Screening Results:

1. The human resources office maintains test results in a confidential medical file, separate from the individual's application file and personnel file (if hired).
2. The human resources department is responsible for conveying the screening results to the prospective employee and the intended supervisor.
3. Prospective employees who wish to request reasonable accommodation for a disability may contact Human Resources. Requests for accommodation will be considered before further action is taken.
4. If the prospective employee does not demonstrate an ability to safely perform the essential functions of the job, the offer of employment will be re-assessed and possibly rescinded. This will be assessed on a case-by-case basis.
5. Only after the prospective employee passes the essential function screening, or reasonable accommodation for a qualified individual is agreed upon, may he or she begin work.

Scheduling the Test- All prospective employees in a job classification requiring physical screening must successfully complete the post offer essential function screening **before** work begins. The human resources office will provide information about the process and instruct the prospective employee to contact the testing vendor to schedule an appointment for the test.

Reapplying for the Same Job Classification- An individual who fails the essential function screening for a job classification and was not hired must wait 6 months before reapplying for the same position or another position with similar or higher physical requirements, unless extenuating circumstances, temporary in nature, are shown to have contributed to the failure.

Contact the human resource department with any questions regarding this policy.

NEPOTISM

In accordance with Portage Municipal Code Article VI Secs. 2-191 through 2-196.

Within this policy, relative means any of the following: spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece or nephew, aunt or uncle, daughter-in-law or son-in-law.

Individuals who are relatives may not be employed by the City in a position that results in one relative being in the direct line of supervision of the other relative. Regarding an individual who is employed by the City on the date the individual's relative begins serving a term of an elected office of the City may remain employed by the City and maintain the individual's position or rank, even if the individual's employment would violate the prohibition against a relative being in the direct line of supervision of the other relative.

Clerk-Treasurer and City Department Head must certify compliance with the nepotism policy. Violations are subject to penalties.

PROBATIONARY PERIOD

New employees and employees in new positions serve a Probationary Period of 90 calendar days for non-bargaining employees. This is a time of on-the-job training and a time for the employee and the supervisor to mutually evaluate an the employee's skills to determine whether or not there is a good match between the skills needed to do the job and the employee's possession of those skills. Employees serving a Probationary Period are encouraged to ask questions to clarify their responsibilities and expectations.

A supervisor with hiring and firing authority may discharge an employee prior to the end of the Probationary Period without cause or if, in the supervisor's opinion, the employee appears to be unable or unwilling to perform the duties of the position satisfactorily, or if the behavior of the employee does not merit continued employment. This includes any position to which a current City employee is promoted, demoted, or laterally moved.

If the supervisor determines that extending the Probationary Period will increase the employee's chances of improving performance, the period may be extended for no longer than an additional 90 calendar days. Before the end of the Probationary Period the supervisor, with consultation of the Human Resource Director, will conduct a performance evaluation with the employee, and decide whether to retain or discharge the employee. Employees will not be considered for a promotion or lateral transfer before they have successfully completed their current Probationary Period.

NOTE: For bargaining employees, please refer to your current CBA for policy regarding the Probationary Period.

COMPENSATION

The City is committed to the principle of equal pay for equal work, without regard to gender, age, race, color, national origin, religion, disability, or any other legally protected class. All salaries are set by the ordinance of the City Council.

DEFINITIONS OF EMPLOYMENT STATUS

The City uses a variety of classifications to describe the status of its employees to define the terms and conditions of employment. These terms can be used by themselves, in conjunction with each other, or even interchangeably. The terms clarify as to whether an employee is entitled to overtime or benefits.

Full-Time: An Employee who has completed his/her orientation period and who works on average at least thirty-five (35) hours or more per week.

Full-Time Probationary: A newly hired employee or an employee assigned (either through promotion or demotion) to a new job classification who is within the 90-day probationary period, including extensions.

During this period, the newly hired employee will have the opportunity to get to know the City and the City will have the opportunity to get to know the employee. The period allows an employee to become familiar with the opportunities and responsibilities of being an employee of the City of Portage. This period also allows both the employee and the City to determine whether continued employment will be to the advantage of both parties. At the end of this probationary period, the employee will become eligible for regular employee status. The employee's department head will meet with the employee to discuss his/her evaluation and status for permanent employment.

In certain circumstances, it may be in the employee and City's best interest to extend the probationary period for an additional thirty days.

A full-time employee may be exempt or non-exempt:

Exempt- A full-time "exempt" employee is a salaried employee who is exempt from the overtime and/or compensatory time requirements of the Fair Labor Standards Act. An exempt employee has certain decision-making responsibilities and meets other criteria of the federal act.

Non-Exempt- A full-time employee who is "non-exempt" is entitled to overtime and/or compensatory time under the Fair Labor Standards Act for all hours worked in excess of forty (40) hours in a workweek, at a rate of 1.5 times the hours worked.

Part-Time: An Employee who has completed his/her probationary period and who works on average twenty-nine (29) hours or less per week. Part-time employees, although valuable members of the City's workforce, are not eligible for all the benefits (such as health insurance or pension benefits) afforded to full-time employees.

Generally, part-time employees do not work a schedule that exceeds forty (40) hours a week. In the event a part-time employee does work more than forty hours in a single week, the employee will be paid at a rate of 1.5 times the number of hours worked (over and above forty hours). Part-time employees regularly working 30 or more hours per week on average over the course of 9 months must be offered health insurance benefits under the Affordable Care Act.

Temporary Or Seasonal: An Employee who is hired for a specific period of time, with a known duration of less than eight (8) months or an employee who is assigned to a part-time job with a known limited duration of less than ten (10) full months is not eligible for benefits. Often these employees are also referred to as seasonal or temporary employees. A temporary employee may work a full or part-time schedule depending upon the assignment. If the employee works more than forty hours a week, the employee will be paid at a rate of 1.5 times the number of hours worked (over and above forty hours). Seasonal employees working for (120) days in a calendar year shall not be rehired without a minimum (6) month separation period between temporary employment.

Classification Regarding Exempt Employees

As noted above, certain positions such as department heads are considered exempt under the Fair Labor Standards Act (FLSA). The position must meet certain standards and conditions and be given authority and responsibility that makes the position exempt under the FLSA.

Employees who have specific questions regarding their exempt or non-exempt status should review the Fair Labor Standards Act or contact the City Attorney or U.S. Department of Labor Wage and Hour Division.

Any change in employment status must be in writing.

PAY PERIODS, PAYDAYS, PAYCHECKS, AND PAYROLL DEDUCTIONS,

Pay Periods- Employees of the City of Portage are paid on a biweekly basis, with paydays occurring every other Friday. If a scheduled payday falls on a recognized holiday, employees will receive their pay on the preceding business day. A schedule of pay dates can be obtained from Payroll. Employees are responsible for clocking in and out each workday in compliance with IC 5-11-9-4.

Pay Permissions- No other person is allowed to "pick-up" an employee's paycheck without the employee's permission which must be provided in advance to Payroll. Paychecks are not issued in advance of payday without approval from Payroll.

Payroll Deductions- There are two types of payroll deductions, those mandated by the government and those that employees choose to make.

Mandated Payroll Deductions- Certain deductions are made from employees' paychecks, as mandated by the state and/or federal government, or court. These deductions include items such as...

- Federal Income Taxes (as indicated by an employee on the W-4 federal income tax withholding form)
- State Income Taxes (as indicated by an employee on the state income tax withholding form)
- Social Security (FICA) and Medicare (MCARE)
- Deductions associated with a take-home City vehicle
- Court-ordered child support and garnishments

Voluntary Payroll Deductions- Employees may choose to have any or all the following that apply to them deducted from their paychecks:

- Pre-tax deferred compensation deductions (a tax-sheltered annuity program through PERF and Nationwide)
- United Way contributions
- Deductions for credit union membership (deductions can only be made, if an employee is a member of the City's authorized credit union)
- Approved Supplemental Providers

Employees may elect to have voluntary deductions taken from their pay, only if they authorize deductions in writing. For a complete list of vendors, please check with Human Resources or the Clerk Treasurer's Office.

Direct Deposit of Paychecks- Employees must elect to have their paychecks directly deposited. Participating institutions include those approved by the Clerk-Treasurer.

Paycheck Errors, Lost Paycheck, or Stolen Paychecks- Employees who discover a mistake in the paycheck, lose their paycheck, or have it stolen must notify Payroll immediately. In the case of a mistake, the error will be remedied as quickly as possible.

In the case of loss or theft, Payroll will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the City is not responsible for the loss or theft of a check if it cannot stop payment on the check.

WORK HOURS, BREAKS, AND MEAL PERIODS

Work Hours and Work Schedule- The workweek begins on Sunday at 12:00 a.m. (midnight) and ends the following Saturday at 11:59 p.m.

Work hours for employees are determined by Department Heads. At the time of hire, the Department Head will inform an employee of his or her daily schedule, including meal periods and breaks. Should a schedule change be necessary, the Department Head will inform the employees affected by any change. Adjustments in employees' work hours and schedules may be made to meet fluctuating City and/or departmental demands and priorities or to accommodate an employee's personal needs providing that the temporary change does not impact the quality and amount of work provided.

Breaks- The City provides breaks or rest periods to its employees. The City is not required to provide breaks under FLSA. Non-exempt employees who work at least seven hours in one shift will receive a break of 15 minutes, at approximately the middle of every three and one-half hours of work not interrupted by a meal period. Supervisors are responsible for scheduling the time for non-exempt employees' breaks. All breaks should be arranged so that they do not disrupt City business or service to the public and should consider the workload and the nature of the job or jobs being performed. When necessary, the frequency and time of breaks may be changed. Time spent on breaks is compensated for as working time. Employees are expected to be punctual in starting and ending their breaks and are subject to disciplinary action for extending breaks beyond the 15 minutes allowed.

Employees who choose to remain at work during breaks are not entitled to arrive later than the scheduled starting time, or leave before the normal quitting time, or extend a meal period, and will not receive extra pay for the time worked.

Meal Periods- Employees scheduled to work at least seven hours in one shift are entitled to a meal period. Some employees' meal period is a paid part of their scheduled shift while for others the lunch period is unpaid. Periodically, a supervisor may ask an employee to schedule his/her lunch so as to not disrupt City business or service to the public. Paid, meal periods are 20 minutes in duration. Unpaid meal periods may be one-half hour or one hour long in duration, depending upon the department where an employee works.

Non-exempt employees whose lunch period is unpaid may not work their lunch period without prior authorization from their Department Head. Non-exempt employees who are required to work all or any part of an unpaid meal period will be paid for the time worked.

Employees are expected to be punctual in starting and ending paid or unpaid meal periods and are subject to disciplinary action for extending meal periods beyond the time allowed.

NOTE: For bargaining employees, please refer to your current CBA for any policy regarding work hours, breaks, and meal periods.

WORKING ADDITIONAL TIME AND OVERTIME

Non-Exempt and Exempt Positions- The Fair Labor Standards Act (FLSA) establishes overtime pay provisions for employees of employers who are required to comply with the Act. The terms "exempt" and "non-exempt" employees, as used in the FLSA, have reference to the overtime pay provisions of the Act.

Non-exempt employees are those entitled to overtime pay under the FLSA, and include all employees not covered by a specific exemption. Non-exempt employees include clerical, labor, trades, crafts, technicians, maintenance, and other service workers. All hourly employees are non-exempt and, therefore, are entitled to overtime pay. Additionally, there are some employees in positions that are salaried or non-exempt, and those employees are entitled to overtime pay.

Exempt employees are those exempt from (not covered by) the overtime pay provisions of the FLSA. Exempt employees are employees whose positions are supervisory, administrative, or professional in nature, and whose salaries meet certain minimums established in the regulations to qualify for exemption. Exempt employees are not entitled to overtime pay.

All position descriptions indicate whether a position is exempt or non-exempt. Questions regarding the status of a particular position should be directed to an employee's department head or Human Resources.

Multiple Positions non-exempt employees working in more than 1 (one) city position must combine all hours worked to determine overtime obligations under FLSA.

Definition of Additional Time and Overtime-

Additional time: is time worked in excess of a non-exempt employee's regularly scheduled hours, but which does not exceed 40 hours of work in a workweek.

Overtime: is defined as time worked over 40 hours in a workweek by a non-exempt employee.

Prior Approval to Work Additional Time and Overtime- Before employees can work in excess of their regularly scheduled hours, the Department Head must authorize those hours. Failure to receive prior approval for any additional time or overtime may result in disciplinary action.

Rate of Pay For Additional Time and Overtime Worked- Non-exempt employees regularly scheduled to work less than 40 hours per week who work more than their regularly scheduled hours, but not more than 40 hours in a week, will receive pay for the additional time at the rate of one hour's pay for each hour worked.

The overtime pay rate does not begin until non-exempt employees work more than 40 hours in a work week.

The City pays overtime at the rate of one and one-half times an employee's regular rate of pay. Therefore, a non-exempt employee is paid at the rate of one and one-half hours of pay for each overtime hour worked.

Pay for additional time and overtime is calculated in quarter-hour increments.

Pay for additional time worked and overtime worked is included in the paycheck for the pay period in which the time is worked.

Time Not Counted in Calculating Pay for Additional Time and Overtime- The following time does not count in calculating pay for additional time or overtime worked:

- Unpaid meal periods
- Time lost due to tardiness, whether excused or unexcused
- PTO, whether scheduled or unscheduled, excused or unexcused
- Bereavement time off
- Time off for the treatment of work-related injuries and illnesses
- All leaves of absence
- Disabilities, including the elimination period
- A City-declared or personal emergency
- Time off for voting which has been approved in advance

Time Counted in Calculating Pay for Additional Time and Overtime-

- Paid meal periods and breaks
- Paid Holidays observed by the City

LONGEVITY (in accordance with Salary Ord.)

All non-elected employees and appointed officials of the City of Portage shall receive additional compensation based on “base” wages, paid bi-weekly, as set out below for the length of continuous employment with the City of Portage.

Years of Service	Rate
After 3 years	1.75% of base wage
After 8 years	2.25% of base wage
After 13 years	3.00% of base wage
After 18 years	3.50% of base wage
After 24 years	4.00% of base wage

POSITION DESCRIPTIONS

The City maintains an up-to-date position description for each position held by an employee of the City of Portage. Position descriptions serve several purposes including, but not limited to the following:

- Informing job applicants about the work they will be doing, if they are hired.
- Establishing a basis from which an employee’s work performance can be evaluated.
- Providing information essential to demonstrate compliance with specific federal and state laws and regulations.
- Providing a tool for Department Heads to use in aiding them in their review of departmental structure, division of labor, workforce demands, etc.

The HR Department, with the direction of the Mayor or designee will generally develop and maintain job descriptions.

Position descriptions are reviewed annually and revised as necessary, or when the responsibilities of a position change for any reason.

PROMOTIONS, DEMOTIONS, LATERAL JOB TRANSFERS, AND CHANGES IN JOB RESPONSIBILITIES

Promotions- A promotion is defined as a move in which the employee achieves a higher level of specialization, responsibility or enhanced duties. A promotion may or may not result in additional compensation.

Demotions- A demotion is when an employee's responsibilities are reduced and may or may not result in a reduction in compensation. A demotion may occur due to:

1. An employee's inadequate job performance,
2. An employee voluntarily seeks a demotion; or
3. The City makes a change that results in an employee being demoted, such as, but not limited to, when there is a change in job content or departmental structure. In this case the demotion is not related to an employee's job performance.

When a demotion is the result of inadequate performance or voluntarily requested, an employee's salary/wage will be affected; when the change is a result of a change in job content or structure, an employee's salary/wage remains the same.

Lateral Transfers- A lateral transfer is defined as a move from one position to another position which meets one of the following criteria:

- A move from one position to another position within the same job category and the same applicable point range; or
- A move to a position in a different job category with a salary/wage range that has a maximum which is not more than \$2,000 higher or lower than the position the employee is leaving (refer to **POST OFFER/TRANSFER POLICY on page 12**).

Lateral transfers may occur as the result of an employee's request or a departmental need. Lateral transfers do not result in salary/wage changes.

Changes in Job Responsibilities- A change in job responsibilities is defined as a permanent and considerable change in the position's essential and/or marginal job functions made by a Department Head. A change in job responsibilities should not be confused with a promotion, demotion, or lateral transfer since it is the position that changes, not the incumbent moving into a new or different position. Rules associated with a change in job responsibilities may apply, however, to an individual in an "interim" and, later, a "permanent" position, resulting from a departmental restructuring or reorganization. An employee's salary/wage may increase or decrease when a change in job responsibilities occurs depending on the overall change that occurs.

PERFORMANCE EVALUATIONS AND PERFORMANCE IMPROVEMENT PLANS (PIP)

The purpose of a performance evaluation is to ensure a regular and routine exchange of job performance information between an employee and an employee's supervisor. The key goals of a performance evaluation are:

- To define an employee's performance,
- To identify an employee's skills and abilities,
- To recognize good work,
- Identify opportunities for improvement and to develop a Performance Improvement Plan (PIP), if necessary
- To outline what is expected for the next performance review period

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations, establish performance standards, and inform each employee of evaluation criteria.

Employee performance is formally evaluated by supervisors at least once every year on the anniversary of the employee's date of appointment or hire. New employees and employees in new positions will receive a performance evaluation monthly, during their Probationary Period and prior to the end of their Probationary Period. Informal evaluations are provided frequently to ensure employees know how they are doing on the job.

Evaluation Interview - When the supervisor has completed an evaluation, a private discussion of it should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty

positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

Performance evaluations are maintained in an employee's personnel file. An employee may submit a written response to his or her evaluation, which becomes part of an employee's personnel file.

Performance Improvement Plan (PIP) -If at any time, it appears that an employee's work performance is "unacceptable" or "partially competent," the supervisor and employee may develop a Performance Improvement Plan to help an employee meet performance standards.

Each PIP is tailored to the needs of the employee, but will include all of the following:

- The goals or objectives the employee must achieve.
- Resources, if there are any, that will be provided by the City to assist the employee to achieve identified goals or objectives.
- The time frame within which the employee must achieve identified goals or objectives.
- An indication of how frequently the employee's progress will be reviewed; and
- The consequences of the employee not achieving the identified goals or objectives or of not maintaining the goals or objectives following successful completion of the PIP.

OFFICIAL PERSONNEL RECORDS AND INFORMATION

Employee personnel files are the property of the City and are maintained in the Human Resources Office. Notes, letters, the employee's official evaluations, and other matters that require documentation, shall be provided to the human resources director for placement in the file. To assure that personnel files are maintained in accordance with state and federal regulation, it will be the decision of the human resources director as to whether a document is eligible for inclusion in a personnel file.

The City will take every possible step to safeguard the confidentiality of an employee's personnel file. It is available for review/access by others only under the following circumstances:

- Ordered by a court;
- Requested by a department head or supervisor for review for a transfer, promotion, disciplinary or other personnel action;
- Required by state or federal law;
- Needed to be reviewed to answer a complaint of discrimination filed by the employee with the Indiana Civil Rights Commission, the E.E.O.C. or for compliance with any state or federal regulatory agency.
- The release of partial information, such as the release of final disciplinary action, is specifically covered by state statute.

As required by federal law medical records, worker compensation files, and requests for Family and Medical Leave, shall not be co-mingled with the employee's regular personnel file. Instead a separate file will be maintained for any issue relating to a medical condition. An employee may request a copy of their personnel file, and Human Resources will provide the employee with a copy within 7 business days. Employees should alert the Human Resources Director to perceived discrepancies and work to resolve the matter. Failing to report any changes in personal status or information may affect your eligibility for the City's benefit plans.

REFERENCES/EMPLOYMENT VERIFICATION

Requests for references should be referred to the Human Resources Director. The City of Portage does not release detailed information regarding past performance; rather, it provides only basic information regarding employment

such as dates worked and confirmation of position and pay. In those cases where an employee has been discharged due to an objectionable action, such inquiries will be referred to the City Attorney.

CHANGES IN EMPLOYEE INFORMATION

When employees are hired, they provide information needed for payroll, insurance, and pension purposes, to name a few however, some of this information periodically, changes and must be reported **immediately** to the Human Resource Department. Such changes include:

Personal Information-

- Emergency Contact Information
- Home Address or Telephone Number
- Marital Status (marriage, divorce, legal separation)
- Beneficiary (for group term life insurance and/or pension plan (PERF))
- Investment Directions (for pension plan (PERF) and/or tax-deferred annuity programs)
- Changes in Education
- Birth or Adoption of Child or Placement in Home of Foster Child
- Child's twenty sixth (26) birthday (for employees with dependent children on the City's health and dental insurance plan).
- Spouse's Child or Children Become Dependents (for employees who want dependent children enrolled in the City's health and dental insurance plan)
- CDL records

Changes to Report to Payroll-

- Federal or State Tax Withholding
- Deferred Compensation Provider Deductions
- Supplemental Insurance Deductions
- Direct Deposit
- Credit Union Deductions

Any unreported changes in personal status or information may impact eligibility under the City's benefit plans.

LAYOFFS AND REDUCTIONS IN STAFF

When a layoff is expected, the City will attempt to communicate information about the impending layoff as soon as possible. Management reserves the right to alter the layoff procedure when necessary.

An employee selected for layoff will be given as much notice as is required by law, or as much as is reasonable under the circumstances, and will be informed of the reason for the layoff, the estimated length of the layoff, and any rights they have to appeal their selection for layoff to the Board of Works and Safety.

Non-exempt employees within each affected department typically will be selected for layoff in the following order:

- Temporary and part-time employees will be laid off first.
- New employees covered under the Probationary Period will be laid off next.
- Full-time employees will be the last to be laid off, based on their proven ability to perform the work available and their length of service.

Exempt employees within each affected department typically will be selected for layoff based on evaluation of the following criteria:

- Demonstrated current and past performance.
- Promotion potential and transferability of skills to other positions within the department and City.
- Length of service with the City.

Employees will be recalled according to business need, and their ability to perform the job. An employee's length of service is measured from the original date of hire with the City, as long as there has not been a break in service. If a layoff extends beyond 30 calendar days, employment will be terminated. Employees who are terminated because of a layoff will be maintained on a recall list for one year or until management determines the layoff is permanent, whichever occurs first. If a determination is made that a layoff is permanent, the laid-off employees will be notified in writing via certified mail, return receipt requested. Because removal from the recall list terminates all job rights the employee may have, employees should report to Human Resources, if they change their home address or if they become unavailable for recall.

Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with Human Resources, and a return receipt will be requested. Unless an employee responds to the recall notice within seven days, following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights within the City. An employee may use all available accrued PTO until it is exhausted in order to be paid and remain on the payroll during a layoff. PTO will not, however, continue to accrue while an employee is not working. Credit for retirement benefits and service pay will stop accruing when an employee has exhausted all accrued PTO. Health and dental insurance benefits, group term life insurance, accidental death and dismemberment coverage, and disability benefits terminate based on the terms of each plan.

NOTE: For bargaining employees, please refer to your current CBA policy regarding layoff and recall.

Reduction In Staff- When it is apparent that positions are to be permanently eliminated, an employee whose position is being eliminated may be placed into a vacant position, provided he or she is qualified for that position. If there are no positions for which an employee is qualified or if an employee chooses to resign rather than accept a position where there is a salary/wage reduction, his or her employment will terminate. Employees whose positions are permanently eliminated will receive pay for all accrued PTO on the next regular paycheck; claims for expense reimbursement will be paid on the next scheduled date. Employees will be offered the opportunity to continue group health and dental insurance through COBRA.

Whenever possible, employees will be notified in writing at least 14 calendar days prior to the effective date of a permanent reduction in staff.

TERMINATION/ SEPARATION OF EMPLOYMENT

Retirement- When the term "retirement" is used by the City it is referring to retirement as defined by the Public Employees' Retirement Fund (PERF). For information, an employee should read the Public Employees' Retirement Fund Member Handbook. This handbook is available on the INPRS website.

An eligible employee who has decided to retire should notify his or her Department Head at least 30 days prior to his or her retirement date.

Contracting with the City of Portage- In accordance with IC 3-5-9: An employee of the City of Portage must resign if elected office or become a member of the City's fiscal body. Full-time elected officials, are allowed sick and personal leave to be frozen and available for use if the Elected Official returns to full-time employment.

Voluntary Termination/Resignation- Exempt employees are requested to give no less than 20 working days written notice before the effective date of their resignation, non-exempt employees are requested to give no less than 10 (ten) working days written notice. Working days indicate the days the employee is on the job and does not include PTO. Failure to give proper advanced notice prior to resignation and/or failure to work the notice period may make the employee ineligible for future re-employment.

Claims for expense reimbursement are paid on the next scheduled date. Employees who resign are notified in writing of their rights to continue health and dental insurance coverage under COBRA. When an employee leaves voluntarily, payment of PTO may be made on additional scheduled payroll dates or through one lump sum as determined by the employee. Insufficient or no notice may cause a delay in the payout of any unused PTO.

For employees who are resigning, monies accumulated in the employee's pension plan may be refundable. Forms required to request a refund are available from Human Resources. Furthermore, insufficient or no notice may cause a delay in processing an employee's final paycheck.

Department Heads retain the right to determine whether or not an employee must fulfill their resignation notice request. If a Department Head determines that an employee is not required to work the notice period, the employee will be paid for the applicable minimum notice period as though he or she had worked the entire period.

Discharge/Involuntary Termination- Termination of an employee for unsatisfactory job performance is usually a last resort after other management techniques, such as a Performance Improvement Plan, have not been successful. When it is apparent that an employee is going to be discharged, every effort is made by Department Heads to conduct the termination in an orderly and businesslike manner in a private setting. Before any employee is discharged, Department Heads must consult with Human Resources so that any legal issues pertaining to the proposed action may be reviewed in advance.

The discharged employee will receive compensation for all outstanding pay owed to him/her. In the event of discharge due to gross misconduct or negligence, the City will not compensate the discharged employee for accrued PTO. (or Vacation, Personal, and Sick time).

Death of an Employee- The Department Head of a deceased employee should contact the Clerk-Treasurer in order to secure the final wages and payment for accrued PTO, if any, due to the deceased employee. Human Resources should also be notified by the Department Head so that other required documentation can be completed. Claims of a surviving beneficiary for any death benefits provided under any insurance contracts in force on the life of the employee must be accompanied by a death certificate.

NOTE: An employee's termination date may not be extended to gain additional paid or unpaid time off. The employee's terminations date shall always be the last day he/she physically worked in the office or on the job with the exception of employee's on FMLA.

EXIT CHECKLIST AND EXIT INTERVIEW

Exit Checklist- An employee who retires, resigns, is discharged, laid off, or whose position is permanently eliminated must return all property owned by the City. Employees are responsible for reimbursing the City for any property not returned.

Exit Interview- Exit interviews can provide valuable information regarding positive and negative aspects of employment with the City of Portage. This information is used to improve City services. Department Heads may schedule an exit interview with Human Resources for employees who resign or are discharged from employment with the City.

REHIRING TERMINATED EMPLOYEES

Former employees who resign from the City in good standing after providing the requested notice and returning or reimbursing the City for all items, equipment, and/or materials owned by the City, are eligible for re-employment. Former employees interested in re-employment must complete and submit an application form when a job opening is advertised. Former employees will proceed through the regular hiring process with other external applicants as described in the section on hiring. All rehired individuals must serve a new Probationary Period, unless that employee is rehired within six (6) months of termination from employment in which there will be no interruption in most benefits. However, service time, will **not** continue uninterrupted, and employees rehired within six months of their resignation will be treated as a new hire.

VOLUNTEERS

The City of Portage may utilize the services of volunteers and all individuals who perform a service for the City of Portage without promise, expectation, or receipt of compensation for services rendered. Volunteers may include interns, providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

The City of Portage shall endeavor to recruit and appoint only those volunteers who meet the high ethical, moral, and professional standards set forth by this City.

Whenever a rule, regulation, or guideline in this Policy Manual refers to City (City of Portage) employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

EXPENSE REIMBURSEMENT

Whenever possible, expenses incurred by an employee to conduct City business or to participate in training at the direction of the City, must be approved in advance by the Department Head. The Department Head shall also give approval for conferences and/or meetings to be attended by any employee of the City. The Clerk-Treasurer will ensure that funds are available for expense reimbursement. Personal expenses are not reimbursable.

Submitting Requests for Reimbursement- Pending available funds for reimbursement of expenses approved in advance by the Department Head, must include appropriate documentation of the expenses and must be submitted to the Clerk-Treasurer's office. Expense reimbursement claims are approved and issued at Board of Works meetings. The deadline for submitting requests for expense reimbursement is five working days prior to the date checks are issued.

Using City-Owned or Employee-Owned Vehicle for City Business- With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the City for toll fees, fuel expenses, and other incurred vehicular expenses in the course of official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for City business. Employees are reimbursed at a rate approved by the State Board of Accounts.

VEHICLE SAFETY

Safety Restraints - All employees shall always wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by the City, or in any privately owned vehicle when conducting City business. The employee driving such a vehicle shall ensure that all other occupants, including non-employees of the City, are properly restrained.

Mobile Device Use – In accordance with Indiana state law (IC 9-21-8-59) and to ensure the safety of all employees and the public, the use of handheld mobile devices while operating a City vehicle or any vehicle for City business is strictly prohibited.

- **Emergency Exception:** Employees may use a handheld device only in the event of an emergency, such as calling 911 to report an accident or hazardous situation

Driver Eligibility – All employees who operate a City -owned or leased vehicle must hold a valid driver's license. It is the responsibility of all employees who operate City owned or leased vehicles to ensure that their driver's license is up-to-date and valid. The City reserves the right to perform random BMV checks throughout the year.

Drivers must have a clean driving record with no major violations within the past three years.

Insurability – All employees who operate a City-owned or leased vehicle must be eligible for required auto insurance through the City's auto insurance provider.

Responsible Operation and Maintenance – Employees must operate all City-owned or leased vehicles in a safe and responsible manner. Employees must obey all traffic laws and practice good defensive driving. Employees must also maintain cleanliness in all City-owned and leased vehicles.

Any mechanical issues or damage must be reported immediately to the department head.

Accident Reporting - In the event of an accident, drivers must notify their department head and the appropriate law enforcement agency immediately. An accident report must be completed and submitted to the department head within 24 hours of the incident. In addition, all driving incidents, including traffic tickets, or warnings, must be reported to the department head immediately.

TAKE HOME VEHICLE POLICY

Purpose This policy establishes guidelines for the use of take-home vehicles issued by the City of Portage to ensure responsible and appropriate use while supporting the City's operational needs.

Eligibility-Take-home vehicles may be assigned to City of Portage employees whose job responsibilities require after-hours availability, emergency response, or on-call duties. Eligibility will be determined by the Department Head and approved by the Mayor or their designee.

Driver's License Requirements- Employees assigned a take-home vehicle must maintain a valid driver's license at all times. If an employee's driver's license is lost, suspended, or revoked for any reason, they are required to notify their immediate supervisor and/or department head within 24 hours. Failure to do so may result in disciplinary action, including the revocation of take-home vehicle privileges. The City of Portage reserves the right to obtain random Bureau of Motor Vehicles (BMV) checks to verify the status of employees' driver's licenses and driving records. Any issues identified during these checks will be reviewed and may impact the employee's eligibility to operate a City vehicle. The City retains the right to perform these checks randomly, throughout the year

Authorized Use- Vehicles assigned as take-home vehicles are to be used primarily for official City of Portage business. Limited personal use, referred to as de minimis use, is permitted as long as it is incidental.

Prohibited Use- Take-home vehicles must not be used for personal errands or activities beyond de minimis use. They are also prohibited from being used for commercial purposes, transporting unauthorized passengers, or engaging in any illegal activities. These activities may violate both policy and coverage. Smoking is strictly prohibited in all City of Portage vehicles.

Maintenance and Care- Employees are responsible for keeping their assigned City of Portage vehicle clean and in good working order. Any damage, mechanical issues, or maintenance needs must be reported to the designated fleet manager immediately.

On-Call Procedure- Employees with take-home vehicles who are on-call must respond promptly to emergency or after-hours calls. On-call employees must ensure their vehicle is fueled and equipped with the necessary tools or equipment to perform their duties effectively. Employees are expected to maintain readiness and avoid activities that could impair their ability to respond promptly to the needs of the City of Portage

Compliance- Employees are required to comply with all municipal, state, and federal traffic laws while operating a City of Portage vehicle. Misuse of a take-home vehicle may result in disciplinary action, including revocation of vehicle privileges or termination of employment.

Section Four: Employer Expectations & Employee Responsibilities

ATTENDANCE AND PUNCTUALITY

In order to preserve and maintain effective operations, employees of the City should be present and ready to work by their assigned starting time. Tardiness can be cause for appropriate disciplinary action. A supervisor should exercise discretion to not discipline for tardiness if there is a justifiable emergency and no pattern of chronic tardiness on the part of the employee.

Employees are not permitted to clock in and/or begin work any earlier than seven minutes before their normal starting time or to clock out and/or work any later than seven minutes after their normal quitting time without the prior approval of their supervisor.

Employees must notify their supervisor as far in advance as possible whenever they are unable to report to work, know they will be late, or must leave early. If the supervisor is unavailable when an employee is reporting off, the employee should notify the supervisor designated by the Department Head as the "back-up" contact when reporting off. If an unscheduled absence continues beyond one day, an employee is responsible for reporting off each day.

Asking another employee, friend, or relative to provide notice for a tardy or unscheduled absence is acceptable only under emergency conditions. An employee who is absent from work for three consecutive workdays when the time off is not excused and the employee fails to give proper notice will be considered to have voluntarily resigned as of the employee's last day worked unless under State or Federal law such voluntary resignation is prohibited.

An employee who utilizes a time clock, but who fails to punch in will receive a documented verbal reprimand.

Non-exempt employees who report for work, in a condition considered not fit for work, whether because of illness or any other reason, will not be allowed to work.

SAFETY, SECURITY AND HEALTH

It is as beneficial to the employee as it is to the City of Portage that employees work in an environment that is healthy, safe, and secure. In order to ensure that a safe environment exists, the City complies with all applicable federal, state, and local health and safety regulations.

As a public employer the City of portage has responsibility and authority to manage and direct its workforce on behalf of the public and to conduct operations and activities of the City.

Weapons- With the exception of authorized law enforcement personnel, City employees are prohibited from having any weapons i.e. gun, knife, or club... in their possession during working hours or while conducting any City business. Failure to comply with this policy will result in discharge.

Violence-Free Workplace- It is the policy of the City to ensure the safety of all employees by maintaining a workplace free of violence. Workplace violence can occur in many forms including: any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation, or personal contact, that produces fear for personal safety, causes bodily harm or damage to property.

Employees are asked to take appropriate measures to keep the workplace harmonious by offering respect to co-workers, supervisors, and the general public with respect. Employees should not, under any circumstance, react to a threat of violence, verbal assault, or rude behavior. Rather, employees should immediately remove themselves from the situation and report the threat to their supervisor or Department Head.

Violating this policy makes an employee subject to discipline, up to and including discharge.

Right of Inspections and Inquiry- When the City deems it necessary to ensure the safety of City property; to provide a secure workplace; to prevent the possession, use, or sale of illegal drugs; or possession of alcohol in the workplace, the City of Portage reserves the right to:

- Search areas and inspect employees' possessions, such as packages, purses, wallets, briefcases, and lunch boxes, brought into the workplace.
- Question employees.

In addition, the City of Portage may inspect the contents of lockers, storage areas, file cabinets, desks, offices, and workstations at any time and may remove all City property and other items that are in violation of City rules and policies of the City of Portage. All searches may be conducted at the City's discretion and without notice. Employees are expected to cooperate with searches and inspections. Employees who fail to cooperate are subject to disciplinary action including discharge.

Furthermore, employees are subject to disciplinary action appropriate to policy violations uncovered during a search/inspection.

Damage, Loss, or Theft of City Property, Equipment, and Supplies- All employees are expected to exercise reasonable care to protect City property, equipment, and supplies from damage, loss, and/or theft. Employees are responsible for the proper care and return of all City property, equipment, and supplies used to perform work and/or assigned to their possession. An employee who has reason to believe that City property, equipment, and/or supplies are in danger of being damaged, lost, or stolen is expected to immediately report this to his/her Department Head.

Damage, Loss, or Theft of Employee Personal Property- Employees are expected to exercise reasonable care for their own protection and for that of the personal items they bring to work. The City is not responsible for the loss, damage, or theft of personal belongings. Employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.

Safety- Employees should strive to make the workplace a safe environment for themselves and those around them. Safety-related training is provided to employees on both an intra-departmental and inter-departmental basis, depending upon the safety topic. Employees are responsible for complying with all safety procedures and for using the safety equipment provided by the City, (as required), and are responsible for reporting all safety violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public to their Department Head.

Employees are encouraged to submit safety suggestions to their Department Head or Safety Officer concerning safety matters. Violations of the City-wide and/or departmental safety policies and/or procedures provided by the City of Portage, Department Head, or Safety Officer will result in disciplinary action, up to and including discharge.

Personal Protective Equipment – Personal Protective Equipment (PPE) protects employees from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

Supervisors are responsible for identifying and working to make PPE available to all employees for whom it is deemed necessary. Employees should approach their supervisors if they identify a need for additional PPE or have suggestions regarding the use of PPE.

Employees must be trained on how and when to properly use their PPE.

Unless otherwise noted, employees are responsible for maintaining and appropriately storing their PPE once issued.

Failure to use PPE properly will result in disciplinary action.

Personal Protective Equipment & Workers' Compensation -Failure to wear the required PPE may not only result in disciplinary action but may also impact workers' compensation eligibility.

Bloodborne Pathogens:

- Blood and other bodily fluids can carry pathogens, which are capable of causing diseases in others. This includes HIV, which leads to AIDS and hepatitis.
- Because we cannot tell by looking at a person if he or she is infected with a pathogenic disease, we must take precautions following an illness or injury when bodily fluids are released.
- In the event of a person losing bodily fluids, stay away from the area and warn others to do the

- same. You can still stay close to the ill/injured person to support him/her, just be sure to stay out of contact any bodily fluids.
- In the event that you find spilled bodily fluids, a syringe or other medically contaminated materials, do not attempt clean up by yourself unless you are authorized to do so. Call your supervisor immediately for instructions or call in authorized personnel for back up.

DRUG-FREE WORKPLACE AND DRUG AND ALCOHOL TESTING

The City of Portage is committed to maintaining a work environment free from the effects of substance abuse.

The City has implemented this Drug and Alcohol-Free Policy for all employees, including part-time staff. This policy also applies to anyone operating City-owned vehicles or equipment, as well as those in safety-sensitive positions.

Compliance with federal and state regulations, including but not limited to registering with the clearinghouse and signing the required consent form for those required to hold a CDL as part of their employment, and compliance with the City's drug and alcohol policies is a condition of employment.

NOTE: Department Heads are primarily responsible for ensuring compliance with the ADA, as well as HIPAA, when inquiring about substances other than alcohol and illegal drugs (e.g. prescription drugs) to assure that inquiries do not elicit information about covered disabilities or otherwise violate the ADA.

The City acknowledges that alcohol is a legal substance that may be consumed legally, however, an employee shall not consume nor be under the influence of alcohol at work or while conducting City business, or while driving/operating a vehicle owned or rented by the City.

NOTE: A complete and current list of employees, who are subject to drug and alcohol testing, is described in the City of Portages Drug and Alcohol Testing Program,/Employee Information Packet, and can be obtained from the Department of Human Resources. An employee may also ask his or her Department Head which of those sections applies to his/her their position.

For any questions regarding the City's of Portage's drug and alcohol policies or testing, contact Human Resources or refer to the City of Portage Drug and Alcohol Testing Program, Employee Information Packet.

DEFINITIONS ASSOCIATED WITH DRUG AND ALCOHOL TESTING

Drugs - Drugs include illegal drugs, illegal use of controlled substances, and misuse of prescription drugs.

NOTE: The legitimate use of controlled substances in the type and amount prescribed by a licensed physician is not prohibited, but employees are directed to inquire with their physician about any adverse effects a prescribed controlled substance might have on job performance. Employees must notify their supervisor of such adverse effects.

Alcohol - Alcohol is a colorless flammable liquid that is the intoxicating agent in fermented and distilled liquor. All beverages containing alcohol or any of the various carbon compounds similar to alcohol are covered by this policy.

Substance Abuse - Substance abuse is defined as the use of illegal drugs, the illegal use of controlled substances, the misuse or abuse of prescription drugs, or the misuse or abuse of alcohol.

Workplace - Workplace is defined as including on-premises or off-premises during working hours or during break periods or meal periods (paid or unpaid) when an employee is on-duty or scheduled to return to duty, on-premises or off-premises when an on-call employee is responding to an after work hours call, at any time and place that an employee is conducting City business, and at any time while operating a City vehicle.

Medical Review Officer (MRO) - A Medical Review Officer is a licensed physician responsible for receiving laboratory results generated by an employee's drug or alcohol test who has knowledge of substance abuse disorders and has appropriate medical training and experience to interpret and evaluate an individual's positive test together with his or her medical history and any other relevant biomedical information.

Safety-Sensitive Position - A safety-sensitive position refers to a position in which the employee's performance could directly impact the safety of themselves, others, or the environment.

Substance Abuse Professional (SAP) - A Substance Abuse Professional is a licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, with knowledge of and clinical experience in the diagnosis and treatment of substance abuse related disorders.

Breath Alcohol Technician (BAT) - A Breath Alcohol Technician is an individual who is trained and proficient in the operation of an evidentiary breath testing (EBT) device, and who has successfully completed a National Highway Traffic Safety Administration (NHTSA)-approved course of instruction.

Accident - An accident is an occurrence associated with the operation of any City-owned, leased, or operated vehicle, whether or not such vehicle is in service, if:

1. An individual dies; or
2. Any individual involved in the occurrence suffers a bodily injury and immediately receives medical treatment away from the scene of the occurrence; or
3. The occurrence results in disabling damage to any vehicle involved in the occurrence, and the vehicle is transported away from the scene, by a tow truck or other vehicle; or
4. The occurrence results in property damage (exclusive of the costs of vehicular damage) that is estimated to exceed \$5,000.00.

NOTE: DOT defines an accident as including numbers one through three above. The City also includes number four in its definition of accident.

SUBSTANCE ABUSE EDUCATION AND TRAINING

During a new employee's orientation, the employee receives educational materials on the indicators, impacts, and consequences of substance abuse on personal health, safety, and work.

Educational materials shall comply with the Department of Transportation (DOT) requirements.

Supervisors are trained and certified on the physical, behavioral, and performance indicators of drug use and abuse and on the physical, behavioral, and performance indicators of alcohol use and abuse.

Supervisor training shall also comply with DOT requirements.

PROHIBITED ACTIVITIES RELATED TO DRUGS AND ALCOHOL

The following are activities prohibited for all employees of the City, including but not limited to employees in safety-sensitive positions as prescribed by DOT. An employee shall be discharged on commission of the first offense:

1. The manufacture, distribution, dispensation, possession, consumption, or use of drugs, drug paraphernalia, and alcohol in the workplace.
2. The unlawful manufacture, dispensation, possession, consumption, or use of drugs outside the workplace.
3. The use of alcohol within four hours prior to performing scheduled safety-sensitive functions.
4. Performing any job function with an alcohol concentration of greater than 0.00 as determined by an evidentiary breath test.

NOTE: On-call employees are subject to reasonable suspicion drug and/or alcohol testing if, when responding to a call, a trained supervisor reasonably concludes that objective facts may indicate prohibited drug and/or alcohol use.

5. The use of alcohol following an accident, unless the employee has submitted to a post-accident evidentiary breath test or eight (8) hours have elapsed from the time of the accident.
6. Refusing or failing to submit to an alcohol and/or a drug test as required by this Drug & Alcohol policy.
7. Refusing or failing to cooperate with the collection process during drug and/or alcohol testing.
8. Providing false information during drug and/or alcohol testing and/or attempting to contaminate a drug test.

METHODS USED TO TEST FOR ALCOHOL AND DRUGS

Alcohol testing is accomplished by means of an evidentiary breath test device administered by a BAT in compliance with DOT regulations.

There is one exception to the use of an EBT (Evidential Breath Testing) device to test for alcohol, and that is if an employee is so severely injured in an accident that an EBT device cannot be used. In such a case, with an employee's written consent (obtained at the time of hire), a test for alcohol will be performed using other means.

Drug testing is accomplished by means of a split specimen urine test that is administered in compliance with DOT regulations.

NOTE: The City requires re-testing for drugs when a urine specimen is diluted.

There is one exception to the use of a urine drug test, and that is if an employee is so severely injured in an accident that a urine drug test cannot be conducted. In such a case, with an employee's written consent (obtained at the time of hire), a test for drugs will be performed using other means.

TYPES OF DRUGS AND METABOLITES FOR WHICH EMPLOYEES ARE TESTED

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Methadone
- Oxycodone

NOTE: DOT requires that employees in CDL and safety-sensitive positions be tested for the first five drugs listed above. Also, the City may, in its sole discretion, test any employee for any of the nine (9) drugs listed above.

DRUG AND ALCOHOL TESTING PROCEDURES

The privacy and dignity of each employee being tested for drugs and/or alcohol is of paramount concern in the collection process.

Depending upon the circumstances leading to drug and/or alcohol testing, an employee may be escorted to the collection site by his or her immediate supervisor or Department Head.

To ensure the integrity of the collection process, at the testing site all employees must:

1. Present photo identification.
2. Remove coat and/or bulky outer clothing and hat. Briefcases and purses may be taken into the testing site but must be left outside the actual collection area.
3. Empty their pockets to ensure that no items are present which could be used to adulterate the specimen.

NOTE: At the testing site, an employee that may be asked if he/she is required to be tested by DOT. Employees in safety-sensitive positions should indicate that they ARE required to be tested by DOT. All other employees should indicate that they are NOT required to be tested by DOT.

The results of alcohol testing are determined immediately at the testing site.

The results of drug testing are reported to Human Resources following processing of the urine specimen. Only employees with a positive drug test are notified of the test results.

Refer to the City of Portage Drug and Alcohol Testing Program, Employee Information Packet, for complete information regarding the processing and evaluation of drug tests.

CONSEQUENCES OF EXCESSIVE ALCOHOL CONCENTRATIONS

An employee with an alcohol concentration of greater than 0.00 is removed from duty for eight hours or until the employee's next scheduled work shift, whichever is later.

An employee caught with an alcohol concentration of greater than 0.00 will not work until the employee is evaluated by an SAP and, if not discharged, passes a return-to-duty alcohol test.

The Human Resources (HR) Director will meet with an employee whose alcohol concentration is greater than 0.00.

The HR Director will schedule an evaluation or assist an employee to schedule an evaluation with an SAP, if such an evaluation is required.

If the employee chooses to be evaluated by an SAP with whom the City has a special arrangement, the City will pay for the evaluation. If the employee chooses to be evaluated by an SAP with whom the City does not have a special arrangement, the employee must pay for the evaluation.

An employee with an excessive alcohol concentration may not work until the employee is evaluated by an SAP and, if not discharged, passes a return-to-duty alcohol test.

Depending upon the circumstances, the SAP may recommend that an employee enroll in an approved alcohol treatment or educational program.

NOTE: A last-chance agreement, including treatment or educational programming for substance abuse, will be considered at the City's sole discretion.

Any and all costs and expenses associated with an employee's education or treatment are the sole and exclusive responsibility of the employee, except if the employee has benefits available through his or her insurance plan or if the employee decides to receive treatment or education from providers with which the City has a special arrangement.

Depending upon the recommendation of the SAP, an employee may be able to work while completing his or her treatment or educational program, when and if the employee passes a return-to-duty alcohol test, paid for by the employee.

All reports, including but not limited to the return-to-duty alcohol test, evaluation and recommendation of the SAP, verification of completion of treatment or education, and the results of follow-up testing are submitted directly and solely to Human Resources.

An eligible employee who has accrued and unused sick and/or vacation time, may use such benefit accruals in order to receive compensation during the period of time away from work resulting from and directly connected to a positive alcohol test. If an employee does not have any accrued and unused sick and/or vacation time available or if an employee is not eligible for sick and/or vacation time accrual, then the time away from work will remain unpaid.

An eligible employee may also use Major Illness (MI) benefits for an extended absence resulting from and directly connected to a positive alcohol test and its consequences, if the employee has been evaluated by an SAP and the absence is for evaluation and/or treatment of substance abuse.

All work time missed, whether paid or unpaid, resulting from and directly connected to a positive alcohol test is excused, unless provided otherwise under this policy or the personnel policy of the City.

PROCESSING DRUG TESTS

Drug testing shall be processed by a DOT-approved laboratory with a proven history of accuracy and reliability.

Refer to the City of Portage Drug and Alcohol Testing Program, Employee Information Packet for complete information regarding the processing of drug tests.

EVALUATION OF DRUG TEST RESULTS

- The MRO shall receive all drug test results from the DOT-approved laboratory and shall provide the following services:
- Conduct an administrative review of the control and chain of custody to ensure its accuracy.
- Review and interpret positive test results.
- Notify and discuss positive test results with employees.
- Explain to employees with verified positive test results that they may request a test of the split specimen.
- Provide employees with verified positive test results the names of other certified laboratories where the split specimen may be sent; and,
- Report each verified positive test result to Human Resources.
- Refer to the City of Portage Drug and Alcohol Testing Program, Employee Information Packet for complete information regarding the evaluation of drug tests.

CONFIRMATION DRUG TESTING

An employee with a verified positive drug test may request a further confirmation test from a second separate certified laboratory.

The MRO will supply the employee with names of other certified laboratories where the split specimen may be sent.

The cost of this test is solely the responsibility of the employee.

An employee awaiting the results of a confirmation drug test is not permitted to perform work duties until the results are received.

An eligible employee who is awaiting the results of a confirmation drug test may use accrued and unused sick time and/or vacation time for time away from work, but that employee may not use Major Illness (MI), which may only be used by an employee with a verified positive drug test who has been evaluated by a SAP and is absent from work time for evaluation and/or treatment of substance abuse.

If an employee does not have any accrued and unused sick time, vacation time, or Major Illness available or is not eligible to accrue any of these types of paid time off benefits, then time missed while awaiting the result of a confirmation drug test shall be unpaid.

If the confirmation test is negative, the City shall reimburse the employee for the cost of the test.

Additionally, if the confirmation test is negative, any sick time, vacation time, or Major Illness (MI) used by an employee to be paid for work time missed while awaiting the result of a confirmation test, will be restored to the employee's paid time off benefit to correspond to the type of benefit category used.

Furthermore, if the confirmation test is negative, an employee will be reimbursed for any unpaid work time missed while awaiting the result of a confirmation test.

ACTIONS THE CITY TAKES WHILE WAITING FOR THE RESULTS OF REASONABLE SUSPICION OR POST-ACCIDENT DRUG TESTING

The City does not allow an employee to work in any capacity while awaiting the results of a reasonable suspicion or post-accident drug test.

In such an event, an employee who has accrued and unused sick and/or vacation time available, may use sick and/or vacation time in order to be paid for work time missed. However, that employee may not use Major Illness (MI). Major Illness (MI) may only be used by an employee with a verified positive drug test who has been evaluated by an SAP and misses work time for evaluation and/or treatment of substance abuse.

If an employee does not have any accrued and unused sick and/or vacation time available or is not eligible to accrue sick and/or vacation time, time missed is unpaid.

If a reasonable suspicion or post-accident drug test is negative, any sick and/or vacation time used by an employee while awaiting the results of the drug test, will be restored to the employee's sick and/or vacation time as corresponds to its use.

Furthermore, if a reasonable suspicion or post-accident drug test is negative, an employee will be reimbursed for any unpaid work time missed while awaiting the results of the drug test.

CONSEQUENCES OF A VERIFIED POSITIVE DRUG TEST

The City has implemented a three-strike policy regarding drug and alcohol violations:

1. First Occurrence: The City will cover the cost of the evaluation, testing, or treatment required.
2. Second Occurrence: The employee will be responsible for covering all associated costs for evaluation, testing, or treatment. Time away from work for evaluation, testing, or treatment will be unpaid.
3. Third Occurrence: The employee's employment will be terminated.

The Human Resources (HR) Director shall meet with an employee for whom the MRO reports a verified positive drug test.

The HR Director will schedule or assist an employee in scheduling an evaluation by an SAP.

If the employee chooses to be evaluated by an SAP with whom the City has a special arrangement, the City will pay for the evaluation. If the employee chooses to be evaluated by an SAP with whom the City does not have a special arrangement, the employee must pay for the evaluation.

An employee with a verified positive drug test may not work until the employee is evaluated by an SAP and, if not discharged, passes a return-to-duty drug test.

NOTE: An employee who chooses to have a further confirmation test for a second separate certified laboratory, may choose to wait to be evaluated by a SAP until the results of the confirmation test are known.

Depending upon the circumstances, the SAP may recommend that an employee enroll in an approved drug treatment or educational program.

NOTE: A last-chance agreement including treatment or educational programming for substance abuse will be considered at the City's sole discretion.

Any and all costs and expenses associated with an employee's education or treatment are the sole and exclusive responsibility of the employee, except if the employee has benefits available through his or her insurance plan or if the employee decides to receive treatment or education from providers with whom the City has a special arrangement.

Depending upon the recommendation of the SAP, an employee may be able to work while completing his or her treatment or educational program, when and if the employee passes a return-to-duty drug test, paid for by the employee.

All reports, including but not limited to the return-to-duty drug test, evaluation and recommendation of the SAP, verification of completion of treatment or education, and the results of follow-up testing are submitted directly and solely to Human Resources.

An eligible employee who has accrued sick and/or vacation time available, may use that paid time off benefit during that period of work time missed resulting from and directly connected to a verified positive drug test. If an employee

does not have any accrued sick and/or vacation time available or is not eligible to accrue sick and/or vacation time, time missed from work shall be unpaid.

An eligible employee may also use Major Illness (MI) for an extended absence resulting from and directly connected to a verified positive drug test, if the employee has been evaluated by an SAP and the absence is for evaluation and/or treatment of substance abuse.

All work time missed, whether paid or unpaid, resulting from and directly connected to a verified positive drug test is excused.

PRE-EMPLOYMENT DRUG TEST

A verified positive drug pre-employment drug test will disqualify the prospective employee from working for the City for a minimum of 60 days. Further, where a pre-employment verified positive drug test occurs, a negative pre-employment drug test will still be required after that time period before further consideration for employment.

ACTIONS THAT WILL RESULT IN DISCHARGE

An employee who tests positive for alcohol or drugs and who is given a “last chance,” will be discharged for any of the following actions that occur subsequent to the “last chance” agreement:

1. Failure to cooperate fully with the Human Resources Director, the SAP, and/or the employee’s Department Head;
2. Failure to successfully complete recommended treatment or educational programming.
3. Refusal or failure to take or failure to pass a return-to-duty drug or alcohol test.
4. Refusal or failure to take or failure to pass a follow-up drug or alcohol test; or
5. Any subsequent violation of the drug and alcohol policies.

AN EMPLOYEE’S SELF-REFERRAL FOR TREATMENT OF SUBSTANCE ABUSE

An employee may refer himself or herself for drug and/or alcohol testing and treatment.

While self-referrals are encouraged when an employee believes that he or she has a substance abuse problem, the employee is not relieved of the responsibility for adequate job performance or exempt from disciplinary action arising from violations of drug and alcohol policies.

A regular full-time employee may use available and unused sick and/or vacation time and, if it conforms with policies, Major Illness (MI), for work time missed to participate in substance abuse assessment(s) and treatment.

Self-referral after notification of a required drug or alcohol test does not eliminate the requirement to take the test.

DRUG AND ALCOHOL TESTING OF EMPLOYEES IN REGULAR AND TEMPORARY, FULL-TIME AND PART-TIME SAFETY-SENSITIVE POSITIONS

Human Resources maintains a current list of employees in safety-sensitive positions.

Circumstances For Which Drug And/or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test

All potential new hires for safety-sensitive positions, including full-time and part-time regular and temporary employees, are given a drug test.

Individuals, including full-time and part-time regular and temporary employees, moving into safety-sensitive positions from other positions within the City are given a drug test, only if the position from which the employee is moving did not require post-offer pre-employment drug testing.

NOTE: Post-offer pre-employment drug testing is done for illegal drugs only.

A new hire who refuses to take or fails to pass a post-offer pre-employment drug test will have the job offer rescinded.

An employee moving into a safety-sensitive position from another position with the City who is required to take a drug test, but who refuses or fails to take a the drug test will be discharged.

An employee moving into a safety-sensitive position from another position with the City who is required to take a drug test, but who fails to pass a the drug test is disqualified from moving into the safety-sensitive position. Furthermore, that employee must be evaluated by an SAP.

Post-offer pre-employment alcohol testing is not done.

The City pays for post-offer pre-employment drug testing. The City will reimburse the cost of the test for an employee returning to the FMCSA Clearing House if the test results are negative.

2. Random Testing

All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to random drug and alcohol testing.

A scientifically valid random number selection method is used to select employees in safety-sensitive positions for drug and alcohol testing.

At least 10% of the total number of employees are subject to alcohol testing each calendar year.

At least 50% of the total number of employees are subject to drug testing each calendar year.

The City pays for all random testing of its employees. However, follow-up testing resulting from a verified non-negative drug test will be at the expense of the employee.

3. Reasonable Suspicion Testing

All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that through objective facts that prohibited drug use and/or alcohol misuse or abuse may be occurring, the trained supervisor will follow the procedures to refer an employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the Reasonable Suspicion Drug and Alcohol Testing Procedures Form prior to referring an employee for any tests.

The City shall pay for drug and alcohol testing performed as a result of reasonable suspicion. However, follow-up testing resulting from a verified non-negative drug test will be at the expense of the employee who took the non-negative test.

4. Post-Accident Testing

All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident.

Post-accident alcohol testing must be performed within eight hours following an accident.

Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. However, follow-up testing resulting from a verified non-negative drug test will be at the expense of the employee.

5. Return-To-Duty Testing

Before an employee is allowed to return to duty following a positive drug or alcohol test result, that employee must first be evaluated by an SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug and/or alcohol test as the case may be positive.

A verified non-negative test result in a Return-To-Duty Test will result in termination of employment.

Employees shall pay for their return-to-duty drug and alcohol testing.

6. Follow-Up Testing

Once an employee who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

A verified non-negative test result in a Follow-Up Test will result in termination of employment.

Employees must pay for all follow-up drug and alcohol testing.

ETHICAL ISSUES The City of Portage has a commitment to its residents, taxpayers, and employees to conduct business in a professional and ethical manner and in accordance with both the City's Ethics Ordinance and IC35-44.1-1-4: The City of Portage also complies with IC35-44.1-1-3 regarding ghost employment

The following are prohibited unethical practices for City employees, both elected and unelected:

- a. Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for a non-city business or activity.
- b. The wrongful or unlawful exercise of authority on the part of any employee for malicious purposes, personal gain, willful deceit, or any other improper purpose
- c. The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the City.
- d. Acceptance of fees, gifts, or money contrary to the rules this City and/or laws of the state.
- e. Offer or acceptance of a bribe or gratuity.

CONFIDENTIALITY POLICY

All employees at one time or another may have access to personal, privileged and/or confidential information, whether in the form of information on another employee's desk or in the course of daily business activities and business conversations. That information may concern other employees, the City's operations or other organizations with whom we do business. All City of Portage employees are obligated to ensure that this information remains confidential and is not disclosed. This is true regardless of whether you are actively employed, on leave, or your employment with the City of Portage ends for any reason.

It is the policy of the City of Portage that public employees shall not disclose information classified as confidential by state or federal law or by court order. Disclosure of such information to anyone could result in employee discipline, up to and including immediate dismissal.

The City of Portage has a procedure in place, consistent with the Indiana Access to Public Records Law and in particular Indiana Code §5-14-3-4 defining confidential records both categorically exempt from disclosure and exempt at the discretion of the City and Indiana Code §5-14-3-10 regarding penalties for doing so. Any decision with regard to any type of disclosure of confidential information is to be made solely by the public official in charge of the department and there is no need for any employee to make a decision regarding disclosure without consulting his superior.

If employment with the City of Portage terminates for any reason, employees must promptly return to their Department Head any and all documents and other materials in their possession related to the business of the City of Portage.

MANDATORY REPORTING OF CONVICTION FOR ANY DRUG STATUTE VIOLATION

Any employee convicted of a drug statute violation arising out of conduct occurring in the workplace must notify his or her Department Head of such conviction within five (5) calendar days of the conviction as required in the Drug-Free Workplace Act of 1988.

The Clerk-Treasurer for the City of Portage shall make all certifications required of the City as a precondition for the City to receive grants from a federal agency. Certification of the City's compliance with the Drug-Free Work Place Act is required for all grants including cooperative agreements, received from any federal agency. The City must certify that it will provide a drug-free work place, or in the case of arrangements for work to be performed under the grant through independent contractors, these independent contracts must certify to the agency that the independent contractor's conduct of grant activity will be drug-free. Making a required certification has been a precondition of receiving a grant from a federal agency since March 18, 1989. Every recipient of a federal grant, except a state or state agency, is required to make this certification for each grant.

Certification by the City to a federal granting agency will be made pursuant to the following employment standards:

1. This section represents the City's Drug-Free Work Place Policy and is distributed to each employee of the City of Portage as part of this handbook.
2. A copy of the City's Drug-Free Work Place Policy shall be given to each independent contractor engaged by the City to perform work under a federal grant.
3. Each employee and independent contractor performing work under a federal grant shall execute a Condition of Employment under Federal Grant statement in such form as is approved by the Board of Public Works and Safety.
4. In every instance where the city receives notice that an employee or independent contractor engaged under a federal grant has been convicted of a criminal drug statute violation occurring in the work place, the City must notify the granting agency in writing within ten (10) calendar days of receiving notice of the conviction. Notice of the conviction is either written notice of the conviction or information otherwise received.
5. Within thirty (30) calendar days of receiving notice of an employee's or independent contractor's conviction for criminal drug statute violation occurring in the work place, or as otherwise receiving actual notice of such conviction, the City with respect to any employee or independent contractor so convicted shall take appropriate action to discharge the employee or independent contractor from employment.

SOCIAL MEDIA POLICY

All posting must be consistent with City policies.

Official City Social Media Sites - The mayor will authorize the creation of any City social media and designate officials and/or employees to post to the site.

Each City social media site shall utilize authorized City contact information for account set-up, monitoring, and access. The use of personal email accounts or phone numbers by any City official or employee is not allowed for the purpose of setting up, monitoring, or accessing a City social media site.

Any employee or official authorized to post on any of the City's social media sites shall not express his or her own personal views or concerns through such posts. Instead, posts on any of the City's social media sites shall only reflect the views of the City. When an authorized employee posts and interacts with the public on City social media sites, they should maintain a professional and respectful tone. They should engage in constructive dialogue, not arguments or debates. The authorized employee should respond to comments and messages promptly in a timely manner, directing specific inquiries to the appropriate departments when necessary.

Employees may not utilize official City social media sites in any matter that achieves or intends to achieve personal gain.

Employee Personal Social Media Sites – Employees may not post derogatory or defamatory content about the City of Portage, their fellow employees, or the conditions of their employment on their personal social media sites.

Employees should use good judgment and be mindful that their online behavior may reflect on the City. Employees should avoid posting content that could be perceived as discriminatory, harassing, or offensive.

Employees may not disclose confidential or sensitive information regarding City business on their personal social media sites. When discussing City-related matters on personal accounts, employees should make it clear that their views are their own and do not represent the City. Employees should respect privacy and obtain permission before posting pictures or information about colleagues or city residents.

Any violations of this policy may result in disciplinary action up to and including termination.

EMPLOYEE POLITICAL ACTIVITY

Employees should be able to perform their jobs without being pressured to support specific political candidates and that employees' performance and advancement is judged without regard to political activity. To that end, the City prohibits political activities by employees during working time. Employees may not use municipal vehicles for any

political activities. City owned equipment shall not be used to generate, copy, or reproduce campaign materials/ city phones may not be used for campaign purposes.

Political activities include, but are not limited to, soliciting contributions or anything of value for a political candidate or cause; distributing literature, badges, buttons, signs, or stickers promoting or opposing any political candidate or cause; and, organizing, planning, or in any other way participating in the administration of any political campaign.

Working time includes the working time of both the employee conducting political activities and the employee to whom such activities are directed, and includes breaks, lunches, and other duty-free periods of time. Employees who violate this policy are subject to disciplinary action, up to and including discharge. Employees should direct questions concerning this policy to their Department Head or Human Resources.

SOLICITATION AND DISTRIBUTION

Because solicitation and distribution activities may interfere with normal operations, reduce employee efficiency, inconvenience employees, annoy customers, and pose a threat to security, the City prohibits these activities on its premises by non-employees and only permits solicitation and distribution by employees under certain approved conditions where the City may authorize fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but participation is entirely voluntary.

USE OF COMMUNICATION EQUIPMENT

The City maintains a variety of communications systems, including: e-mail, bulletin boards, telephones, and radio systems. Since these systems are provided for official use only, the City may access and monitor employee communications, as it considers appropriate, without notice to the employee or consent of the employee.

Employees who are responsible for communications should respond as soon as possible to received faxes, instant messages, emails, telephone calls, voicemails, and other methods of communication.

Employees should not use City communications equipment and services for personal purposes except in emergencies or when extenuating circumstances warrant it. When personal use is unavoidable, any associated user charges, must be on a collect basis or charged directly to the employees' personal credit card or account. Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any City computer system. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through City computers, electronic devices, or networks.

Communications related to City business, including emails, texts, and social media messages—may be subject to disclosure under Indiana's Access to Public Records Act (APRA), even if sent or received on personal devices.

Employees who do not have direct access to a City telephone should make provisions to have emergency or other necessary incoming calls routed to their Department Head, or in the Department Head's absence, to their department's secretary or administrative assistant. Although every effort will be made to deliver urgent personal messages to employees, the City cannot and does not accept responsibility for the prompt or accurate relay of personal messages.

Bulletin boards are used throughout City facilities to post information, which needs to be accessible to all employees and/or the general public. Employees may not post or remove information from a bulletin board without authorization from their Department Head.

Improper use of City communications equipment and services will result in disciplinary action, up to and including discharge. Improper use includes any misuse, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive written, recorded, electronically, or telephonically transmitted messages. Employees are expected to report any improper use of communications equipment and services to their Department Heads.

Cellular Phones- The use of cell phones has been approved by the City for Department Heads and those employees whom the Department Heads have designated within their departments. The City recognizes that departments and their employees have different communication needs that they require throughout the year depending on the variables of their workload. The employee is expected to remain within the limits of their package and to be responsible for charges.

Computer Security- Almost all City business and administrative functions involve the use of computer or telecommunication technologies. Information is processed and stored in vast amounts on minicomputer and microcomputer systems. It is the responsibility of every City employee and contract worker to safeguard the information and the physical assets of these systems. Computer security procedures are intended to reduce or eliminate threats to computer systems and electronic information. Many of these threats do not result from malicious intent; rather they stem from basic human error. Care and awareness are the two most significant safeguards. All employees and contract staff must know what is and is not allowed in the access to and the use of computer systems and equipment.

Employees shall ensure City computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

Software - Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any City computer. Employees shall not install personal copies of any software on any City computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on City premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

E-Mail and Internet- E-Mail and Internet are intended to be used for City business purposes. In the event that personal use occurs, that usage must not interfere with business activities, must not involve solicitation, must not be associated with any "for personal profit" outside business activity and must not potentially embarrass the City of Portage Government, its taxpayers or its employees. Because e-mail is being generated for City business, the user should realize that their e-mail files are not private. City of Portage Department Heads and the IT Department will control access to the Internet via the City network. A Department Head reserves the right to block and/or monitor Internet access to any sites deemed offensive, undesirable or having no relevance to the business.

Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, and so forth, will be dealt with according to the harassment policy. These emails are prohibited at the City of Portage.

Internet use, on City time, is authorized to conduct City business. Internet use brings the possibility of breaches to the security of confidential City information. Internet use also creates the possibility of contamination to our system via viruses or spyware. Spyware allows unauthorized people, outside the City, potential access to City passwords and other confidential information. We ask staff to limit Internet use. Additionally, under no circumstances may City computers or other electronic equipment be used to obtain, view, or reach any pornographic, or otherwise immoral, unethical, or non-business-related Internet sites. Doing so can lead to disciplinary action up to and including termination of employment.

CUSTOMER SERVICE

The City places a high value on providing quality services. Employees are expected to demonstrate a strong customer service orientation always treating customers in a courteous and respectful manner.

Internal and External Customer Relations- Employees are expected to be able to identify their internal and external customers. Department Heads are able to tell their employees who their internal and external customers are.

Employees with customer contact are expected to learn what their customers' needs are, and should report customer-related problems, as quickly as possible, to their supervisor. Employees are encouraged to make suggestions regarding policies, procedures, and practices that will improve service to customers.

Personal Visitors and Telephone Calls- Employees may at times come in contact with friends or family members who are conducting business with the City. Employees are expected to balance the need to provide good customer relations with the need to perform their job responsibilities. Friends and family members should be treated in the same professional manner as any other customer, while avoiding lengthy or prolonged personal conversations and visits that might distract from the employee's ability to serve other customers.

PERSONAL APPEARANCE

Employees must present a clean, professional appearance. Clothing should be appropriate to the work setting, and field employees must wear required uniforms and safety gear. Employees are asked to practice good personal hygiene and grooming along with departmental guidelines regarding appropriate dress and appearance. In some departments, the City provides uniforms or special clothing, and employees are responsible for the proper use and care of such clothing.

Non-exempt employees who report for work in improper attire may not be permitted to work. Time missed while correcting these types of deficiencies will be unpaid. Additionally, such an action may be grounds for disciplinary action.

Work Attire for Non-Uniformed Employees - Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- The following items shall not be worn during work hours or when representing the City in any official capacity unless authorized by the department head:
 - Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 - T-shirt without proper undergarments or exposed undergarments
 - Swimsuits, tank tops, tube tops, or halter tops
 - Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language.

Work Attire for Uniformed Employees - The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement, if applicable. The City may provide other employees with uniforms at the direction of the Mayor.

The Mayor or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear City -issued uniforms:

- Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat and clean unless working conditions cause them to become dirty during working time. In the event that uniforms become dirty, employees should clean them before their next shift.
- Uniforms shall be worn in compliance with any applicable City specifications.
- Uniforms are only to be worn during work hours, at official City functions or events, while in transit to or from work, or when authorized by the Mayor or the department head.
- Employees are not to purchase or drink alcoholic beverages while wearing any part of City-issued uniforms.
- Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a City-issued uniform.
- All uniforms and equipment issued to City employees shall be returned to the City upon termination or resignation.

Any required Personal Protective Equipment and safety gear must be worn by the employee. Failure to comply with these requirements may result in disciplinary action.

NOTE: For bargaining employees, please refer to your current CBA policy regarding clothing allowances.

OFFICE DECOR AND MAINTAINING WORK AREAS AND EQUIPMENT

Employees are encouraged to personalize their work areas to make them comfortable and attractive. Employees should exercise good judgment in the selection of items which will be seen by other employees, customers, and visitors. Décor which is offensive, profane, or hostile, which is sexually suggestive, which does not support a positive image of the City or its employees, or which demeans or attacks an individual or class of individuals is not permitted.

Employees are responsible for maintaining their work areas in a clean and orderly fashion. Untidy and disorganized work areas can lower productivity by making even simple tasks more difficult and may even contribute to workplace accidents.

LOSS OF LICENSE OR CERTIFICATE OR FAILURE TO MEET JOB REQUIREMENT

An employee who loses a necessary license or certificate or fails to meet a job requirement necessary to perform specific job responsibilities risks their position with the City. A Department Head may give an employee the opportunity to rectify the problem within a reasonable period of time (not to exceed 30 days), if the employee can demonstrate that there were extenuating circumstances which resulted in the loss of the necessary license or certificate, or the inability to meet the job requirement, and given an extension, the license or certificate can be restored, or the job requirement can be met. If the employee is unable to meet the requirements within the designated time period, he or she will be discharged.

If the employee must hold a Commercial Drivers License (CDL) as a condition of employment, the City will provide the physical examination through a City -approved vendor associated with the renewal of that license as often as stated by the federal and state regulation. Other expenses associated with such license are the responsibility of the employee.

WORK RULE VIOLATIONS AND DISCIPLINE TO INCLUDE ABSENCE AND TARDINESS

Like every organization, the City of Portage has certain expectations of its employees. When those expectations are not met, certain disciplinary action may be taken. The City work rules and discipline are divided into two types, with each type defined along with its associated disciplinary actions. The list of rules is illustrative and not complete; the City reserves the right to depart from these rules if it feels necessary to do so.

A Department Head may, however, at his or her discretion, skip any step in the progressive discipline system or decide not to use the progressive discipline system at all when an employee is discharged. Additionally, the prescribed schedule of progressive discipline does not necessarily apply in all instances.

Minor Offenses- are work rule violations determined to be inadvertent or of a minor nature, addressed during a rolling calendar year by a supervisor through:

1. Documented verbal reprimand on a first offense;
2. A written reprimand on a second offense;
3. Suspension of 1 day without pay on the third offense.
4. Suspension of 3 days without pay on the four offense;
5. Suspension of 5 days without pay and a last chance agreement on a fifth offense; and
6. Termination of employment on the sixth offense.

NOTE: Department Heads or other authorized designees reserve the right to determine which days would best facilitate the needs of the City in regard to suspension periods.

Some examples of Minor Offenses include, but are not limited to:

- Absences and Tardiness
- Violating the City's solicitation/distribution policy.
- Smoking in an unauthorized location.
- Littering or contributing to unsanitary conditions of City buildings/grounds.
- Excessive visiting with personal friends, relatives, and/or co-workers during work hours.
- Extending a break or meal period beyond the time allowed.
- Improper use of the City's communications services and equipment. Refer to the section on communication systems, for a list of complete communications services and equipment.
- Demonstrating a "pattern" of unscheduled unexcused absences, such as Mondays or Fridays.
- Failing to attend mandatory meetings, in-services, workshops, etc.
- Working when not authorized to do so, before the start of the work shift, after the end of the work shift, or during any other unpaid period, such as meals. This includes clocking in early and clocking out late.
- Horseplay, practical jokes, or disorderly conduct.
- Violating a City and/or departmental safety rule or practice, or neglecting job duties, or performing of job duties inefficiently or carelessly.
- Failing to follow established procedures from a supervisor after being instructed or reminded.
- Talking and/or behaving in an insolent or rude manner toward another employee, supervisor, or public.
- Posting, altering, or removing any authorized material from bulletin boards without appropriate permission.
- Circumventing the chain of command to address issues and/or complaints.
- Willfully engaging in gossip.
- Discussing an investigation which is being conducted or has been conducted or disciplinary action which is being taken or has been taken.

Absences and Tardiness- If an employee has not clocked in and/or is not at his or her workstation at the start of the shift and has not reported off, he/she considered tardy.

If an employee is considered tardy, he/she will have an attendance offense documented and placed in his/her personnel file

Minor Offenses Disciplinary Records- If an employee remains discipline free for twelve (12) months, disciplinary records with regard to minor infractions and records of counseling / verbal reprimands shall not be considered in future progressive discipline.

In certain circumstances, a Department Head may determine that an offense listed as Minor constitutes disciplinary proceedings reserved for Serious Offenses.

Serious Offenses- are work rule violations which involve willful and knowledgeable deviation from City and/or departmental policies or regulations, or which have an adverse impact on the image of the City and/or department. Serious Violations may typically be addressed by a supervisor through:

1. A written reprimand on the first offense.
2. Suspension of 3 days without pay on the second offense;
3. Suspension of 5 days without pay on the third offense
4. Termination of employment on a fourth offense.

NOTE: Department Heads or other authorized designees reserve the right to determine which days would best facilitate the needs of the City in regard to suspension periods.

Some examples of Serious Offenses include, but are not limited to:

- Sleeping on the job during working hours.
- Using City materials and/or equipment for personal purposes.
- Unauthorized use of City buildings/grounds.
- Failing to provide current proof of any required license, certificate, and/or failure to meet a job requirement. This includes allowing a CDL to become invalid.
- Failing to provide proof of being able to be covered by insurance (to drive City owned and/or leased vehicles) without the cost for such coverage increasing the City's insurance premiums and/or liability, as a result, for example, of an individual's driving record.
- Instigating, provoking, threatening, or engaging in physical violence against another employee or the public.
- Coercing or attempting to coerce another employee to violate a City and/or departmental policy.
- Possessing a firearm or other weapon while conducting City.
- Willfully and/or maliciously making false and/or libelous and/or slanderous statements about the City, its services, or any employee.
- Disclosing confidential information to unauthorized persons.
- Knowingly and/or willfully falsifying an employment record, time record, or any other City record. This includes, but is not limited to, insurance claim forms, claims for expense reimbursement, medical certifications, and return-to-duty forms.
- Knowingly and/or willfully falsifying logs, reports, laboratory data, or any other documentation required of an employee as a function of the position held.
- Theft of City property.
- Intentionally misusing, destroying, or damaging City property.
- Engaging in prohibited activities defined in the section on drug free workplace and drug and alcohol testing.
- Insubordination (intentionally refusing to follow a specific directive, given by a supervisor verbally or in writing, unless such directive would cause an employee to place himself/herself and/or others in an unsafe situation or prevent the employee from working in a safe manner or which is unreasonable.)
- Incarceration following a conviction of a felony.
- Conviction, whether or not the employee is incarcerated, of a felony or Class A misdemeanor in connection with work, unless prohibited by law.
- Any breach of duty in connection with work that is reasonably owed an employer by an employee.
- Acting in clear conflict with organization interests.
- Engaging in unlawful acts on City property.
- Showing up for work intoxicated or under the influence of drugs.
- Repeated Minor Offenses.

Serious Infractions Disciplinary Records

If an employee remains discipline-free for thirty-six (36) months, disciplinary records with regard to serious infractions and records of counseling (verbal) reprimands shall not be considered in future progressive discipline. Drug and Alcohol infractions shall remain as records in future progressive discipline.

In certain circumstances, a Department Head may determine that a Serious Offense must immediately constitute a suspension without pay of 3-5 days with a last chance agreement or termination of employment. If terminated for such violations, accrued time will not be paid out.

Suspension and Working Suspension - A **suspension** is without pay on any dates determined by the Department Head to be taken by an employee who is suspended. A **working suspension** is a suspension in which time is deducted from an employee's accrued PTO rather than having the employee actually be absent from work. A working suspension is only allowed, if an employee has sufficient PTO accrued to cover the suspension

Multiple Work Rule Violations - Any combination of five written reprimands and/or suspensions in any rolling calendar year will be considered a pattern of policy violation and will result in suspension without pay for a period of at least one, but not more than five working days while termination is considered. A working suspension is not allowed under this circumstance.

NO SMOKING POLICY

Employees are prohibited from smoking, use of E-cigarettes, and Vaping in any places that are owned, leased, or occupied by the City or its agencies. These include, but are not limited to, public buildings, outdoor public places, and public parks.

State law prohibits all smoking within 8 feet of the building entrances.

Smoking in City Owned Vehicles - There will be no smoking in City vehicles as laid out in City ordinance 21-08.

Section Five: Employee Expectations
(Leaves, Benefits, & Grievance Procedure)

BEREAVEMENT TIME OFF

In the event of the death of a member of the immediate family, eligible employees of the City of Portage shall be granted four workdays off with straight time pay to attend the funeral and to address other concerns. While employees shall be entitled to four (4) days of bereavement leave following the passing of an immediate family member, this leave must be utilized in no more than two (2) increments and must be taken within six (6) months of the date of the family member's passing.

Members of the immediate family include: husband, wife, father, mother, son, daughter, stepchild, brother, sister, niece, nephew, grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, sister in-law, grandchild, stepparent, or foster child living in the household.

Eligibility- Regular full-time employees are eligible for Bereavement Time Off upon hire. Part-time employees, temporary employees, and employees on any leave of absence (unless the leave is intermittent) are not eligible for Bereavement Time Off.

Employees should notify their Department Head as soon as possible in the event that an immediate family death occurs. Proof of need may be required before receiving compensation for this benefit.

Bereavement Time Off and Paid Time Off (PTO)- If an immediate family member dies during an employee's scheduled PTO, Bereavement Time Off may be exchanged for PTO. Employees may request PTO to supplement Bereavement Time Off granted for immediate family members or for time off needed to attend the funeral of persons not covered by this policy. Bereavement Time Off is not the same and is not counted as PTO. Bereavement Time Off is not counted in computing eligibility for overtime payment.

FAMILY AND MEDICAL LEAVE (FMLA LEAVE)

The Family and Medical Leave Act of 1993 provides eligible employees with the ability to take leave for the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care,
- The care for a child, spouse, or parent who has a serious health condition,
- A serious health condition that makes the employee unable to work, and
- Reasons related to a family member's service in the military, including
- Qualifying exigency leave – leave for certain reasons related to a family member's foreign deployment, and
- Military caregiver leave – leave when a family member is a current servicemember or recent veteran with a serious injury or illness.

Eligibility For FMLA Leave- A City employee, whether regular full-time or regular part-time, who has worked for the City for at least 12 months **and** for a minimum of 1,250 hours in the immediately preceding 12-months is eligible for FMLA Leave. Paid and unpaid leave is not counted when computing the 1,250 hours worked.

Eligibility is determined as of the date the FMLA Leave actually begins, not when a request for leave is made.

Duration Of FMLA Leave-The City has established a calendar year as the method for determining the 12-month period in which an eligible employee's FMLA Leave entitlement occurs.

FMLA Leave is an unpaid leave of up to 12 weeks, or 26 weeks if applicable, in any calendar year, which an eligible employee may take for any or a combination of all the reasons listed above. Employees on FMLA Leave must take

all their accrued PTO before beginning the unpaid portion of the leave. All PTO taken count toward the 12 or 26 weeks of FMLA Leave.

An employee who fails to return after the end of 12 or 26 weeks of FMLA Leave may be terminated (unless of an exception required under the ADA, the delay in return is dominium, or the FMLA Leave is the result of a work-related illness or injury). If an employee is on a Disability Leave at the time employment is terminated, disability coverage will continue (see COBRA Rights for additional details). A terminated employee may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

FMLA Leave When Spouses Are Both Employed by The City- When spouses are both employed by the City, they are both entitled to 12 work weeks of FMLA Leave for the birth or placement of a child for adoption or foster care and to care for a parent who has a serious health condition. Spouses may, however, take up to 12 weeks of FMLA Leave to care for a child or spouse with a serious health condition. Each spouse is also entitled to take the entire amount of FMLA Leave for which they are entitled in the event of a personal serious illness.

Definitions Associated with the FMLA- According to the FMLA, a family member is defined as an employee's spouse, child, or parent. The FMLA's definitions follow:

Spouse: A spouse is a husband or wife as defined or recognized in the state where the individual was married, including individuals in a common law marriage and married same-sex couples. Domestic partners are not included.

Child: A son or daughter who is biological, adopted, or a foster child, stepchild, legal ward, or a child of a person standing "in loco parentis." A child must be either under the age of 18, or, if 18 years or older, mentally or physically disabled and unable to care for himself or herself. Individuals 18 years or older will be considered incapable of self-care if they require daily active assistance or supervision with three or more "activities of daily living" (such as grooming, hygiene, dressing, and eating) or "instrumental activities of daily living" (including cooking, shopping, taking public transportation, and paying bills.)

Parent: Any person who is the parent of the employee or who stands or stood "in loco parentis" to the employee when the employee was a "child." In the case of an employee who requires FMLA Leave to care for someone who acted as the employee's parent, a biological or legal relationship is not necessary. Parents-in-law, however, are not included within the meaning of "parent."

Serious Health Condition: According to the FMLA, a serious health condition means an illness, injury impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight hospital stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care, or
2. Continuing treatment by a health care provider.

Continuing Treatment: Continuing treatment is defined as:

1. A period of incapacity of more than three consecutive calendar days involving one of the following:
 - Treatment two or more times by, or under the orders of, a health care provider, or
 - Treatment by a health care provider on at least one occasion that results in a supervised regimen of continuing treatment (excluding those limited to over-the-counter medications).
2. A period of incapacity due to pregnancy, including severe morning sickness, or time needed for prenatal visits.
3. Any period of incapacity and related periodic treatment due to a chronic health condition, such as asthma, diabetes, or epilepsy.
4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, if the employee is under the supervision of a health care provider (but not necessarily

receiving active treatment), as when the employee has Alzheimer's, a severe stroke, or is in the terminal stages of a disease.

5. Any period of absence to receive multiple treatments by, or under the orders of, 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 incapacity of more than three consecutive calendar days if left untreated, such as dialysis for kidney disease or chemotherapy for cancer.

Incapacity: Incapacity is defined under the FMLA to mean the inability to work, attend school, or perform other regular activities due to the serious health condition, treatment therefore, or recovery there from.

Health Care Provider: The FMLA defines health care provider to include doctors of medicine or osteopathy; podiatrists; dentists; optometrists; chiropractors (limited to treatment consisting of manual manipulation of the spine); nurse practitioners; nurse midwives; clinical psychologists; clinical social workers; Christian Scientist practitioners (listed with the First Church of Christ, Scientist, in Boston); and, any other health care provider from whom the employer or its health plan will accept certification substantiating a claim for benefits. With the exception of Christian Science practitioners, the health care provider must be authorized to practice by the state. In the case of a work-related illness or injury, the City designates the health care provider to whom employees must go for treatment

Intermittent And Reduced Work Schedule Leave- Leave on an intermittent basis refers to FMLA Leave taken in separate blocks of time periodically for the same serious health condition. For example, an employee may take intermittent leave for medical appointments that cannot be scheduled during non-work time or may take several days at a time over many months, as required for treatment such as chemotherapy.

When intermittent FMLA Leave is needed to care for an immediate family member or for the employee's own serious illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the City's operations.

Leave on a reduced work schedule basis refers to FMLA Leave taken by reducing an employee's usual number of hours per work week or workday for a period of time, such as switching from full-time to part-time work for several weeks.

More than one FMLA Leave may be taken when each is taken on an intermittent or reduced work schedule basis. For example, an employee may take FMLA Leave for his or her own serious health condition and to care for his or her child with a serious health condition and to care for a parent with a serious health condition, all at the same time. All time taken, however, counts toward the total 12 or 26 weeks of FMLA Leave allowed during a calendar year.

Employees cannot be required to take more time off than is medically necessary. For example, an employee who needs two hours' leave per day cannot be required to take four hours.

Employees may not, however, take time off in increments of less than one hour.

Although an employee may be required to receive the City's permission to take FMLA Leave on an intermittent or reduced work schedule basis in some situations, permission is not needed when such a leave is medically necessary.

An employee taking FMLA Leave on an intermittent or reduced workweek basis may be temporarily transferred to an available alternate position with equivalent pay and benefits, if the employee is qualified for the position and if the position better accommodates the recurring periods of leave. Employees who require FMLA Leave on an intermittent or reduced work week basis must submit a Request for Leave on an Intermittent or Reduced Work Schedule Basis Form to their Department Heads as far in advance of the need as practicable.

Employees must also comply with all other requirements related to FMLA Leave. Additionally, proof of the inability to schedule appointments for medical treatment outside of work time may be required.

Medically Necessary- According to the FMLA Act, intermittent or reduced work schedule leave is medically necessary, if an employee has a serious health condition that requires a treatment regimen which is best accommodated by this type of leave. If the need for intermittent or reduced work schedule leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment to prevent disruptions of the City's operations.

Birth, Adoption, Or Foster Care of Children- FMLA Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Conditions Not Covered Under The FMLA- Conditions not covered under the FMLA include:

1. A regimen of continuing treatment including only over-the-counter medications, bed rest, drinking plenty of fluids, or any similar activities that can be initiated without a visit to a health care provider, unless something more serious is involved. Unless complications arise, which require inpatient care or continuing treatment, the common cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental problems, and periodontal disease.
2. Food poisoning, unless it requires inpatient care or continuing treatment.
3. Allergies, unless they require inpatient care or continuing treatment.
4. Mental illness resulting from stress, unless it requires inpatient care or continuing treatment.
5. Cosmetic treatments (such as most treatments for acne or plastic surgery), unless inpatient hospital care is required, or complications develop which require inpatient care or continuing treatment.
6. Incapacitation due to drug or alcohol abuse, unless the absence is for inpatient care or continuing treatment. Furthermore, according to the FMLA, an employee may not avoid disciplinary action for violations of a drug and alcohol policy simply by invoking the FMLA.

In some cases, multiple minor ailments, when combined, may be considered a serious health condition.

Request For FMLA Leave- All requests for FMLA Leave must be made by employees to their Department Heads in writing via completion of the Leave Request and Information Form from Human Resources.

Eligible employees who want to take FMLA Leave ordinarily must submit the Leave Request and Information Form at least 30 calendar days in advance of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should submit the Leave Request and Information Form as far in advance as is practicable. The City may delay FMLA Leave to employees who do not submit the Leave Request and Information Form in advance when there is a known foreseeable need for FMLA Leave.

Medical Certifications- The health care provider must provide initial and ongoing medical certification when the FMLA Leave is for an employee's own or a family member's serious health condition. When an FMLA Leave is for the birth of a child or to care for a child upon the child's placement with the employee for adoption or foster care, medical certification is not required.

The City may delay or deny approval of FMLA Leave for lack of proper medical certifications. Human Resources will provide employees with a Medical Certification Form to present to the health care provider. Generally, an employee has 15 days to provide medical certification from the health care provider after receiving notice of the requirement to do so from the City.

Medical certification must include: the date when the condition began, its expected duration, and a brief statement of treatment.

The City may, at its sole discretion, also require periodic medical recertifications of the serious health condition of an employee, child, parent, or spouse and the employee's plan for returning to work.

The City also may require a second or third opinion, at the City's expense. When the FMLA Leave is a result of the employee's own serious health condition, a Fitness For Duty Report Form from the health care provider is required to return to work. In the event the healthcare provider charges the employee for a fit for duty form to be filled out, the City will reimburse the employee.

Notice by the City to Employees Regarding FMLA Leave-The City may not count an employee's absences as FMLA Leave, unless the City provides written notice to the employee. The City maintains the right, however, to start procedures to classify an illness as a serious health condition, if the period of incapacity is more than three consecutive calendar days, or for shorter absences related to chronic or recurring ongoing medical conditions, or for a work-related illness or injury, if applicable, even if an employee has not requested FMLA Leave.

The City also reserves the right to designate any qualifying leave as FMLA Leave regardless of whether the employee has specifically requested FMLA Leave.

Compensation and Benefits Under the FMLA Leave Policy - Leave taken under the FMLA Policy is unpaid. It is, however, the policy of the City to require employees to substitute other applicable accrued paid time for all or part of the unpaid FMLA leave.

An employee returning from FMLA Leave is entitled to any unconditional pay increases that occurred during the FMLA Leave.

Service Time and Pay- Eligible employees are not paid service pay while on unpaid leave, but employees are credited for service time while the employee is on leave. In other words, service time will continue to accrue for an eligible employee showing no break in service while the employee is on leave. The employee's regular base salary and service pay (pro-rated over the remainder of the year) will commence upon his or her return to work.

Benefits/Insurance Coverage- Although an eligible employee's contributions made to PERF shall be interrupted during an unpaid FMLA Leave, no break shall be reflected in the employee's service credit. An eligible employee will continue to accrue PTO during the 12-week or 26-week period of FMLA Leave (whether paid or unpaid) as allowed (continuously and/or intermittently and/or on a reduced work schedule). An employee shall not receive Holiday pay or time off for Holidays during FMLA Leave. If a full-time employee is on an intermittent or reduced work schedule FMLA Leave, the employee will receive Holiday pay or time off for Holidays.

An employee is not entitled to Bereavement Time Off during FMLA Leave that is continuous. When FMLA Leave is taken on an intermittent or reduced work schedule basis, an employee is eligible for Bereavement Time Off.

Group health and dental insurance coverage will continue on the same basis as coverage would have been provided had the employee been continuously employed during the leave period as long as the employee pays his or her regular portion of the premium on a timely basis.

Employees should make arrangements with payroll to pay their portion of any supplemental insurance coverage if applicable. The employee's supplemental insurance coverage may be terminated if the employee's premium payment is more than 30 days late.

Any insurance policies paid for by the City will remain in force at the City's expense on the same basis as if the employee were not on leave.

Working While on FMLA Leave- An employee who is self-employed or accepts other employment or works for any other current employer during FMLA Leave must report such work immediately to Human Resources.

An employee who is self-employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion as that which the employee performed for the City, during FMLA Leave for a personal serious health condition shall be considered to have terminated employment with the City as of the date such employment began and may be required to reimburse the City for the employer-paid portion of group health insurance premium contributions made while the employee was on leave.

Job Restoration After FMLA Leave- Every effort will be made by the City to hold an employee's position open until he or she returns to work from an approved FMLA leave. However, based upon the necessity of continuing operations during an employee's absence, the City may choose to fill any non-elected position. If the position is filled while an employee is on FMLA Leave, upon return to work, the employee will be placed in an equivalent

position, with equivalent pay, benefits, and other terms and conditions of employment. In addition, the position into which the employee is placed, will have substantially similar duties. If an employee's position is eliminated during an FMLA Leave, through layoff or restructuring, the employee will not be entitled to return to his or her former or an equivalent position.

When the FMLA Leave is a result of the employee's own serious health condition, a Fitness for Duty Report Form from the health care provider is required prior to returning to work. In the event that the healthcare provider charges the employee for this service, the City will reimburse the employee.

Under the FMLA, the City cannot require an employee to work during FMLA Leave, until or unless the employee is fully restored to perform the essential functions of his or her job. The City, as stated above, however, makes every effort to accommodate restrictions placed on an employee by the health care provider. Such accommodations may take the form of FMLA Leave on an intermittent or reduced work schedule basis.

Employees who take FMLA Leave for their own serious health condition and do not return to work immediately following release from the health care provider, shall be considered to have voluntarily terminated employment as of the date of the release. A terminated employee may elect to continue his or her group health insurance and dental coverage, if any, through COBRA. A terminated employee may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

Denial of Job Restoration- The City may deny job restoration at the end of FMLA Leave only in the following situations:

1. If the City can show that an employee would not otherwise have been employed at the time the employee requests restoration, such as when an employee's position is eliminated in a workforce reduction.
2. If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition (although the City must comply with the ADA); or,
3. If the employee is a highly compensated "key" employee whose restoration is denied to prevent "substantial and grievous economic injury" to the City's operations. Although a key employee may not qualify for restoration, the employee is still entitled to take FMLA Leave and to receive all benefits of the leave. In order to deny restoration to a key employee, however, the City must, at the time leave is requested, give the employee a detailed written notice explaining the key employee exception.

Impact on Promotions, etc. An employee who returns from FMLA Leave is equally considered along with employees who have not taken FMLA Leave for purposes of promotions, job openings, training, and all other aspects of employment.

FMLA Leave and the Americans With Disabilities Act (ADA)-The ADA may require the City to allow an employee to take additional leave beyond the FMLA's 12 or 26 weeks of leave, if the extension would constitute a reasonable accommodation. Such extensions, however, may not have an indefinite duration.

FMLA Leave and Personnel Files- All medical information obtained in connection with FMLA Leave is kept in a confidential medical file separate from an employee's general personnel file.

FMLA Leave and the Pregnancy Discrimination Act (PDA)- The PDA requires that women affected by pregnancy, childbirth, or related medical conditions be treated the same as employees who are on FMLA Leave for other temporary medical disabilities. Availability of leave extensions, accrual during leave of PTO, service time and pay, and any other accrued benefits and privileges, insurance coverage, and restoration after leave must be handled in the same manner as all other leave requests.

In certain limited circumstances, a pregnant employee who is experiencing substantial complications may be considered disabled under the ADA. In those cases, a pregnancy may not only qualify as FMLA Leave, but it may also require special accommodation under the ADA. For more information, contact Human Resources.

Employees required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or illness or injury under FMLA, or to meet terms and conditions associated with performance of duties.

PAID TIME OFF

It shall be the policy of the City of Portage to ensure that full-time salaried and hourly employees have the following Paid Time Off.

Paid Time Off (PTO) allows regular full-time employees to be paid for taking time off work. PTO may be used for many reasons such as vacations, a personal or family member's illness, personal business, etc., up to the total amount of time accrued.

Eligibility- Regular full-time employees are eligible to take PTO after completing their initial 90 Day Probationary Period. Under certain circumstances and on a case-by-case basis, a Department Head and the Human Resources Department may allow an employee who is serving a Probationary Period to take unpaid leave prior to completion of the Probationary Period.

Part-time employees, temporary employees, and employees on any leave of absence do not accrue PTO.

New Hire PTO Policy -New full-time employees that have completed their 90 day probationary period will receive an initial allotment of 9 PTO days.

For employees starting before July 1st: They will receive another full allotment of 9 days on January 1st of the following year. Their PTO will then be adjusted to a prorated amount based on their anniversary date.

For employees starting on or after July 1st: They will receive another full allotment of 9 days on their six-month anniversary. Their PTO will then be adjusted to a prorated amount based on their one-year anniversary.

Accruing Paid Time Off- Paid Time Off accrual is determined by hiring date and length of employment. Employees will begin to accrue Paid Time Off after the completion of 90 days of their probationary period.

PTO Accrual Rates – Full-time employees who are eligible for PTO will accrue PTO with the following schedule:

- **After 90 days of employment:** 9 days or 72 hours
- **After 1 year of service:** 14 days or 112 hours
- **After 2 years of service:** 19 days or 152 hours
- **After 4 years of service:** 24 days or 192 hours
- **After 8 years of service:** 29 days or 232 hours
- **After 13 years of service:** 34 days or 272 hours
- **After 20 years** of service: 39 days or 312 hours

PTO Usage- As with any benefit, certain guidelines exist that are designed to provide a fair and equitable application of PTO:

- PTO may be taken in 4-hour increments for up to 72 hours annually. Once an employee exhausts 72 hours of PTO in 4-hour increments, they must use PTO in 8-hour (1 workday) increments.
- Unscheduled PTO must be reported at least one hour prior to that start of his or her shift.
- A supervisor may approve or reject a request for PTO based on such considerations as organizational/departmental needs and time already approved for other staff.

- PTO must be requested by the end of an employee's shift on the workday preceding the day requested as PTO. If an employee wants off on his or her first scheduled work day of a work week then the request must be made by the end of his or her work shift on the last scheduled work day of the preceding work week in order for the time to be considered scheduled, if approved.
- PTO which has been denied may be resubmitted by the employee for another time. However, an employee whose request for PTO has been denied and who then does not report for work at the time and/or on the day(s) denied (whether or not he or she reports off) may be disciplined for attendance if the failure to report to work is not "excused," in accordance with policy.
- In order for an employee to be paid for time off, both the time record and the request for time off must reflect the amount of time to be paid.
- Employees may not take PTO in advance of its accrual.
- Approval of requests for PTO is contingent upon an employee having that PTO available at the time it is to be taken.
- PTO may be used to cover tardy incidents at the discretion of the department head.
- Requests for PTO will be approved on a "first-come, first-served" basis, even if an employee with more seniority later requests the same time off. However, if two employees request the same days off at the same time and the department can only accommodate one employee before reaching the quota established by the department regarding the number of employees who are allowed to take PTO at the same time, then approval will be based on seniority.
- Paid Time Off should not be used to satisfy all or part of the minimum required termination notice.
- Paid Time Off may not be used to extend the duration of employment prior to termination or retirement.
- If a new employee leaves employment prior to the completion of their probationary period, including extended probationary period time, they will not be paid out for any accrued PTO time.
- Employees may not work during PTO in order to receive double compensation.
- PTO is not counted in computing eligibility for overtime payment.
- When requesting Paid Time Off, regular full-time employees should not include a Holiday as a part of the request.
- Bereavement Time Off is not counted as PTO.
- If an employee is required by his or her supervisor to work during PTO, the employee will be allowed to reschedule the PTO.
- An employee who takes time off when he or she does not have PTO available to cover all the time off may be subject to discipline up to termination.

Carryover Of Unused, Accrued PTO From Year- To- Year- An employee may carry over a maximum of 30 working days to the next calendar year-- that is 240 hours for an employee who is regularly scheduled to work 40 hours per week.

Paying Out Unused Accrued PTO Upon Termination of Employment- The maximum liability the City will assume when an employee terminates or becomes otherwise ineligible to accrue PTO is 30 working days—that is 240 hours for an employee who is regularly scheduled to work 40 hours per week. In the event of discharge due to gross misconduct or negligence, the City will not compensate the discharged employee for unused accrued PTO.

MAJOR ILLNESS LEAVE PAY (MI)

- a. Major Illness is a serious illness or injury which precludes an employee from performing the duties of his/her position and can be defined but not limited to surgery, hospitalization, heart attack, cancer or birth of a child.
- b. Every full-time salaried and hourly employee shall earn major illness, injury or maternity sick leave (as further defined below), with full pay, at the rate of one day per month of continuous employment service. A month of continuous employment service for purposes of earning such leave shall constitute a month in which the employee works a minimum of fifteen (15) days. Workdays shall include holidays, PTO, and funeral leave but shall exclude days off from work due to workers' compensation leave, unpaid leaves of absence, major illness, injury, and maternity leave. This earned leave may accumulate up to 90 days. A day, for the purpose of such leave, shall consist of one workday.
- c. Accumulated leave is to be utilized for maternity of the employee or major illness or injury of the

employee or a dependent of the employee. By way of illustration and not limitation, major illness/injury shall not include cold, strep throat, headaches, sinus infections, pinkeye, allergies, stomach aches, toothaches, muscle strains, muscle sprains, and similar conditions or injuries. While FMLA and Major Illness Leave run concurrently, eligibility for one does not automatically confer eligibility for the other.

- d. In order to qualify for major illness pay, the employee must comply with the following conditions:
 - 1) A physician must certify that the employee is suffering from an MI qualifying condition OR that a spouse or dependent of the employee is suffering from an MI qualifying condition which requires the employee to care for the dependent.
 - 2) A physician must recertify every 30 days that the employee or the employee's spouse or dependent continues to suffer from the MI qualifying condition if the employee takes consecutive Major Illness Leave for more than 30 days.
 - 3) Accumulated maternity leave may be utilized during pregnancy or immediately following pregnancy.
 - 4) You must be off work a minimum of three (3) days to qualify for Major Illness Leave pay. MI may be used in less than three (3) day increments solely for the care of a terminally ill dependent or the employees' own terminal illness.
- e. Employees shall not be entitled to major illness leave if they are receiving worker's compensation payments.
- f. Part-time and temporary employees will not be entitled to accumulated major illness leave.

Donated Major Illness All bargaining unit and non-bargaining unit employees may donate major illness leave under this section to other full-time employees. Employees may donate a maximum of five (5) major illness days per year. To be eligible to receive and use a donation of major illness time, the receiving employee must have exhausted all of his/her accumulated major illness leave, PTO and any other available paid time off. An employee may receive up to a maximum of fifteen (15) major illness days per year.

Appeal Process for Major Illness Denial- If a claim under the Major Illness Policy is denied, the employee has the right to appeal the decision through the following process:

- 1.) **Written Appeal Request:**

The employee must submit a written appeal within five (5) days of receiving the denial to Human Resources. The appeal should include any additional supporting medical documentation that the employee wishes to have considered. If there is no additional supporting documentation, then the employee may request a third-party physician review as outlined below.
- 2.) **Third-Party Physician Review:**

As part of the appeal process, Human Resources will provide the contact information for the independent third-party physician selected by the City. It is the employee's responsibility to cover the cost of this review.
- 3.) **Reimbursement and Time Adjustment:**

If the third-party physician determines that the condition meets the eligibility criteria under Major Illness, the City will:

 - o Reimburse the employee for the cost of the third-party physician review.
 - o Adjust the employee's time off to reflect Major Illness status retroactively.
- 4.) **Submission Deadline:**

All required appeal documentation, including the third-party physician's assessment, must be submitted within fourteen (14) days following the employee's time off.

5.) Final Review and Determination:

The Human Resources Department will conduct the final review of the appeal and issue a determination within five (5) business days. The employee will receive written notification of the outcome.

COMPENSATORY TIME

Non-exempt non-union employees—Compensatory time off -

- a. When a non-exempt non-union employee works more than 40 hours in a workweek, the department head, at his or her discretion, may substitute compensatory time off for overtime pay. In order to substitute compensatory time off for overtime pay, however, the non-exempt non-union employee must have agreed to receive compensatory time off in lieu of overtime compensation as evidenced by completion of a compensatory time agreement. This agreement shall exist prior to the non-exempt non-union employees' performance of the overtime work.
- b. Where compensatory time off is substituted for overtime pay, the non-exempt non-union employee shall be entitled to compensatory time off at the rate of 1½ hours of compensatory time off for hours worked in excess of 40 in a work week.
- c. Where a non-exempt non-union employee earns compensatory time off, the employee shall be allowed to accrue up to 40 hours of compensatory time. Once a non-exempt non-union employee has accrued 40 hours of compensatory time off, the employee shall not accrue any additional compensatory time off until the non-exempt non-union employee's compensatory time off balance is reduced below 40 hours.
- d. When a non-exempt non-union employee has accrued 40 hours of compensatory time off, the employee shall be paid overtime for any hours worked in excess of 40 hours in a work week, until such accrued balance is reduced below 40 hours.
- e. Non-exempt non-union employees must submit requests to use earned compensatory time off to their department head. Department heads shall allow non-exempt non-union employees to use accrued compensatory time off within a reasonable period of time after the employee has made such a request, subject to the department head's discretion as to the needs of the department and in a manner that will not unduly disrupt the operations of the department.
- f. The Mayor, in his/her discretion, may elect to pay out accrued but unused compensatory time off at any point during the calendar year, but in all cases employee accrued but unused compensatory time off balances shall be paid out in full by the end of the calendar year or upon separation from employment. For policy regarding compensatory time for exempt employees, see the Municipal Code.

Requesting Use of Compensatory Time - Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt City operations per US Code>29 USC § 207(o). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR §553.25).

HOLIDAYS

A Holiday is a day observed by the City and is the equivalent of one fifth of the number of hours in an employee's regularly scheduled workweek. For example, if an employee works a compressed work week of 40 hours in four workdays, a Holiday is eight hours, not ten hours. If a regular full-time employee, working a compressed workweek

of 40 hours in four workdays is scheduled off on a Holiday, that employee must use two hours of paid time off (PTO) to be paid for his or her regularly scheduled ten-hour day or the employee must work two hours on the Holiday. The following holidays are observed by the City of Portage:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

The Mayor shall have the right to grant additional days, such as election days, if she/he deems it proper to do so.

Eligibility- All regular full-time employees on the active payroll are eligible for holiday pay. Part-time employees and temporary employees are not eligible for Holiday pay.

An employee must work his or her last "scheduled" day before and next "scheduled" day after a Holiday in order to be eligible for Holiday pay for a Holiday not worked. An exception may be made to this requirement if...

1. An employee is legitimately ill on the last "scheduled" day before or next "scheduled" day after a Holiday. Medical certification demonstrating that the employee was under the care of a physician is required.
2. An employee uses preapproved PTO and/or compensatory time on the last scheduled day before and/or after a holiday.

An employee who is scheduled to work on a Holiday and reports off for any reason is not entitled to Holiday pay.

When a Holiday falls on a Saturday, the Holiday will be observed, on the preceding Friday, by employees who are scheduled to work Monday through Friday. When a Holiday falls on a Sunday, the City will consider the Monday immediately following as the day of observance for employees scheduled to work Monday through Friday, unless otherwise ordered by the Mayor. When a Holiday falls on a Saturday or Sunday and that is a scheduled workday for an employee, that day will be treated as the holiday.

The Mayor may decide to close City Hall on additional days. When that happens, Department Heads can allow their regular full-time employees to work on that day, or they can approve PTO for that day. Other employees may take the day as unpaid as approved by their Department Head. Holidays observed by the City are not counted in computing eligibility for overtime payment as well as additional days the Mayor decides to close City Hall are not in computing eligibility for overtime payment.

When requesting Paid Time Off, regular full-time employees should not include a Holiday as a part of the request. An employee who is on disability leave is not entitled to holiday pay, unless the leave is taken on an intermittent basis.

Pay For Holidays Observed by The City – Holidays will be paid as follows:

Regular full-time employees will receive time off with pay for the Holidays not worked. If a regular full-time employee is required to work on a Holiday, the employee will receive one of the following:

Straight time Holiday pay of one fifth of the employee's workweek and straight time for the hours worked on the Holiday. If working a Holiday creates an overtime situation, the employee will receive two hours of pay for each overtime hour worked, or straight time for the hours worked on the Holiday and an additional day of PTO. The Department Head has the flexibility to allow the employee to use their additional PTO day within a reasonable time frame and not be required to use it the week that the closure occurred.

Part-time and temporary employees will be paid straight or overtime for working on a Holiday, as determined by the number of hours worked during the workweek in which a Holiday falls.

MILITARY LEAVE

The City of Portage will comply with all relevant requirements of the most current amendments to the Uniformed Services Employment and Reemployment Rights Act (USERRA) regarding City employees who are members of a “uniformed service” or who perform or have an obligation to perform service in a “uniformed service.” See also Military Leave provisions under the FMLA.

1. A covered employee shall be allowed to opt to receive compensation at his or her current rate of pay for all unused leave days available on his or her last day of active employment with the City before reporting for active duty.
2. Following the paid leave, a covered employee shall receive a regular scheduled paycheck from the City in an amount equal to the difference between his or her current gross City wage and his or her gross military wage (including all entitlements) for active duty. It is the employee’s responsibility to inform the Human Resources and the Clerk Treasurer’s office if the gross military wage is less than the employee’s gross City wage. In no event shall the total of gross military pay for active duty and gross City wages (including any amount paid under 1 above) exceed in any calendar year the total gross wages that would have been earned by the covered employee in his or her City position had he or she not been called to active duty. Reconciliation of the amounts owed to or by the City shall occur as needed following the employee’s return to active City employment.
3. A covered employee shall receive that annual increase he or she would have received had he or she not been called to active duty.
4. Leave days will not accrue during the time an employee is on active duty.
5. Time on the job and seniority will accrue during such time that the covered employee is on active duty.

Eligibility- The terms of employment policies embodied within this section apply to all regular full-time employees of the City of Portage and sworn officers called to military tour of duty in the Armed Forces of the United States of America, the commissioned corps of the Public Health Service, military duty in the “uniformed services” as defined in the Uniformed Services Employment and Reemployment Rights Acts of 1994 (USERRA) 38 U.S. Code 4301, or the Indiana National Guard for service related to the deployment of troops upon official Order of the President of the United States or the Governor of the State of Indiana, hereinafter referred to as “active duty”. To clarify, this would not be the entitlement of those listed in a “reserve” status.

Each covered employee shall be considered as remaining in the employ of the City of Portage, Indiana, in an inactive status while on active duty related to an ordered deployment of troops. Each covered employee shall continue in such inactive status until such time as he or she is released from active duty in good standing, or the date of receiving written confirmation of said covered employee being deceased and where applicable, the date on which he or she resumes active employment with the City of Portage.

Notice of Military Leave- An employee who is absent from employment for a period of service in the uniformed services must give advance written or verbal notice to his or her Department Head in order to be entitled to some benefits provided by the USERRA. The City requests that employees submit a Leave Request and Information Form to their Department Head as far in advance of a Military Leave as possible. No notice is required if it would be unreasonable or impossible for the employee to provide notice or if the giving of notice is precluded by military necessity.

Insurance Benefits During Military Leave

Group Health and Dental Insurance- If an employee is absent from work due to Military Leave for less than 31 days, they will continue to be covered under the City’s health and dental insurance plan.

If an employee is absent for 31 or more days, the employee may choose to continue coverage under the City’s health and dental insurance plan for up to 24 months or for the entire period of military service (whichever is shorter). If the employee chooses to terminate coverage under the City’s plan, the employee’s coverage under the City’s health and dental insurance plan will be immediately reinstated without any waiting periods or exclusions.

Dependents of covered employees with the City's group insurance coverage at the time the covered employee reports to active duty, may remain covered if the employee chooses to continue City plan coverage while the employee is activated to active duty, subject to the provisions set forth above.

Group Term Life Insurance - Any life insurance provided to the covered employee by the City will continue under the rules of the policy while the covered employee is on Military Leave.

Pension Benefits During Military Leave- The City will continue to make required contributions to INPRS/PERF while the employee is on Military Leave.

Paid Time Off Benefits During Military Leave- Paid Time Off will not continue to accrue during a Military Leave. An employee who will be taking a Military Leave shall be allowed to be paid for all accrued PTO at the time the Military Leave begins.

Notice of Intention to Return to Work- The USERRA requires that any veteran who receives a certificate showing satisfactory completion in the uniformed services must be restored to his or her previous employment.

Upon completion of Military Leave, the returning veteran must notify the City that he or she intends to return to employment. The length of time that the veteran has to contact the City regarding his or her employment depends on the length of the period of service, as defined under the USERRA.

Reemployment- A covered employee must return to active employment with the City of Portage within thirty (30) days after such time as he or she is released from active duty in good standing or from hospitalization continuing after discharge. Upon return to employment, the employee, if still qualified to perform the duties of the position he or she held immediately prior to being called to active duty, shall be restored to such position or to a position of the like seniority, status and pay. If any covered employee is not qualified to perform the duties of the position he or she held immediately prior to being called to active duty, by reason of disability sustained during such service, but is qualified to perform the duties of any other person in the employ of the City, he or she shall be offered employment, and if such covered employee so requests, shall be employed in such other position the duties of which the covered employee is qualified to perform as will provide him or her like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances in his or her case.

The "Escalator Principle"- In many cases, the position the veteran would have held had his or her employment not been interrupted by the period of military service will be the same as the position he or she held when the period of service began. When there would have been a change, however, the "escalator principle" requires that the veteran receive any change in position or benefits to which he or she would have been entitled had he or she remained continuously employed. For example, the returning employee will be granted seniority for the period of his or her Military Leave. Similarly, the veteran will receive all other "perquisites of seniority," such as increases in Paid Time Off and service pay accrual rates.

Exceptions to Reemployment- The USERRA specifies certain limited circumstances under which the City is relieved of its obligation to reemploy veterans returning from military service. The City will comply with all employment requirements.

Discrimination- The City will not discriminate or retaliate against any employee who is or applies to be a member of a uniformed service, or who performs or has an obligation to perform service in a uniformed service. Employees will not be discharged for taking Military Leave. The City may, however, discipline up to and including discharge an employee for reasons unrelated to the Military Leave, such as poor performance or violation of the City's policies.

PERSONAL LEAVE OF ABSENCE

A **Personal Leave** is an unpaid leave that does not fall into any other category of leaves granted by the City and must be taken on a continuous basis.

Regular full-time employees, not serving a Probationary Period, who have been employed on a full-time basis for at least one year are eligible to be considered for a Personal Leave.

An employee may be granted a leave of absence for up to 60 days, without pay, if approved by the department head and the Board of Works. To be eligible for a leave of absence, all other time off must be exhausted. The employee will be required to return to work at the expiration of the leave of absence or be terminated.

A Personal Leave will be approved based on the following criteria:

- The reason for the leave
- The anticipated start and end dates of the leave
- The employee's history of work performance, attendance, and punctuality
- Staffing requirements
- Current and anticipated workload
- Availability of cross-trained employees
- State and federal leave laws

The granting and duration of each Personal Leave and the compensation received by the employee, if any, during the Personal Leave will be determined by the Department Head in conjunction with applicable federal and state laws.

Requesting a Personal Leave- An employee may request a Personal Leave by completing a Leave Request and Information Form and submitting it to his or her Department Head as far in advance of the start date as possible, but not less than 30 calendar days in advance, unless such notice is not possible. If exact starting and ending dates of the leave are not known, the employee must provide an explanation and, to the best of the employee's ability, estimate the amount of time off required.

Before an employee may be granted a leave of absence under this section, the employee must use all of his/her available:

1. All available PTO.
2. All available major illness, injury, maternity-leave days if the unpaid leave is related to a maternity or major illness or injury of the employee or dependent of the employee.

Reporting the Status of Personal Leave- Employees on a Personal Leave are required to check in periodically as specified in writing by the Department Head to indicate how the leave is progressing and any anticipated status changes.

Pay & Benefits- Personal Leave is unpaid. The City will not pay any benefits during the period of Personal Leave. During a Personal Leave, PTO will stop accruing at the end of the last pay period the employee worked before beginning the Personal Leave and will begin accruing again on the first day the employee returns to work. Service time is recorded without a break in service during the leave.

Although an employee's contributions made to the Public Employees Retirement Fund (PERF) will be interrupted during a Personal Leave, no break shall be reflected in the employee's service credit. An employee is not entitled to Holiday pay or Bereavement Time Off during a Personal Leave.

Working While on a Personal Leave- Employees who accept employment during a Personal Leave, and where such employment was not a part of leave approved by the Department Head will be considered to have terminated employment with the City as of the date the Personal Leave became effective. Such employees may be required to reimburse the City for any employer-paid portion of group health insurance premium contributions made while the employee was on Personal Leave.

Job Restoration After a Personal Leave- During a Personal Leave, every effort will be made by the City of Portage to hold an employee's position open until he or she returns to work. However, based upon the necessity of continuing operations during an employee's absence, the City may choose to fill any non-elected position. If the position is filled while an employee is on Personal Leave, upon return to work, the employee will be placed in an equivalent position, with equivalent pay and benefits, for which the employee is qualified. If an employee's position

is eliminated during a Personal Leave, through, for example, layoff or restructuring, the employee will not be entitled to return to his or her former or an equivalent position.

Employees who do not return to work immediately following the end of a Personal Leave, as it was approved, shall be considered to have voluntarily terminated employment as of the date of the end of the leave. A terminated employee may elect to continue his or her group health insurance and dental coverage, if any, through COBRA and may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

An employee who returns from Personal Leave is **equally** considered along with employees who have not taken Personal Leave for purposes of promotions, job openings, training, and all other aspects of employment.

TIME OFF FOR JURY AND COURT DUTY

All employees are entitled to unlimited time off to serve as jurors or as witnesses in judicial proceedings when duly summoned or subpoenaed to appear. An employee who has been called to serve on a jury or is subpoenaed to appear as a witness should provide his/her Department Head with as much advance notice as possible.

After receiving your check for jury duty, you must then turn the check over to the clerk-treasurer's office.

If an employee is on-call as a juror, or his/her services as a juror are not required to be in court for the day, the employee is expected to come to work. If an employee is subpoenaed to serve as a witness in a court proceeding related to his or her employment, the same arrangements described above shall apply.

Time off for court appearances as a party to any civil litigation shall not be considered jury duty or witness service and you will not be considered eligible for jury service pay. You must arrange for time off without pay or use PTO for any such appearances.

TIME OFF TO VOTE IN AN ELECTION

All employees are encouraged to exercise their right to vote. An employee may take unpaid time off to vote in an election, if approval is requested in writing in advance. Time taken by an employee may not exceed two consecutive hours of the employee's shift during hours when the polls are open. Regular full-time non-exempt employees may use Scheduled PTO to vote in an election, if a request is made in advance.

TIME OFF FOR A PERSONAL EMERGENCY

The City of Portage recognizes that in certain situations, an employee may be late or absent from work due to a condition or event over which an employee has no control.

The reasons for a tardy or absence will be reviewed by a Department Head at an employee's request. The Department Head will, based on the information presented and verification of the condition, determine whether or not an event qualifies as excused, and may be asked to provide verification such as copies of towing bills, estimates or receipts of repairs, and/or police reports.

If a Department Head determines that an event or condition qualifies as a personal emergency, an employee may use PTO in order to be paid for time off. If an employee does not have accrued PTO, time off will be unpaid. Depending upon the day of the work week on which a personal emergency occurs, a Department Head may allow an employee to "make up" some or all time off because of the personal disaster. **All** "make up" time, however, must be made up during the same workweek in which the personal disaster occurred **and** cannot create an overtime situation. A decision to allow an employee to "make up" time off because of a personal emergency will be based on the needs of the department and an employee's job responsibilities.

TIME OFF FOR TRAINING

The City of Portage believes that training is necessary to provide employees with the tools needed to maintain adequate job performance. If an employee is required to attend a workshop, seminar, conference or other training session, the employee may be paid his/her regular rate of pay. All necessary and approved expenses associated with such training may be paid for in advance or reimbursed to the employee by the City.

The training must be directly related to the potential for learning and improvement regarding the employee's ability to perform the tasks within his/her job description.

WORKER COMPENSATION/ DISABILITY LEAVE

The City will address work-related conditions and will comply with applicable state workers' compensation requirements.

The insurance benefits described in this manual are expressly subject to the terms, conditions, and eligibility requirements set forth in the formal plan documents governing the City's compensation and benefit plans.

Reporting a Work-Related Injury or Illness- Any illness or injury related to an employee's work assignment must be reported to the Department Head so that a Medical Treatment Authorization Form can be completed and sent with the employee prior to evaluation and treatment, if possible. Employees must use authorized providers approved by the City to evaluate and treat work-related illnesses or injuries that occur while an employee is working in or near the City of Portage. If an employee goes to any other health care provider, other than those approved, for treatment for a work-related injury or illness, such treatment may not be covered by the Workers' Compensation Insurance carrier or the City's group health insurance plan. Work-related illnesses or injuries that occur when an employee is away from the City of Portage while conducting City of Portage business or participating in a training program, should be treated by a provider in that area and submitted to the City's Workers' Compensation Insurance carrier.

Work-related illnesses or injuries should never be submitted under the City's group health insurance. Failure to promptly report a work-related injury or illness may result in ineligibility for benefits.

If a work-related injury or illness requires that periodic medical treatment be provided, appointments for such treatment will as much as possible be made within the employees' regularly scheduled work time.

Duration of Workers' Compensation Disability- An employee may be terminated if he/she is not able to return to work before the end of 12 months from date of the work-related injury or the onset of the work-related illness.

An eligible terminated employee may elect to continue group health and dental insurance through COBRA and may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

Compensation and Benefits Resulting from a Work-Related Injury/Illness- Lost time benefits due to a work-related injury or illness begin on the eighth calendar day following an employee's absence because of a work-related injury or illness. If an employee wishes to be paid for work missed during the first seven calendar days, he or she must use accrued PTO. If the absence from work extends longer than 21 calendar days, the initial seven-day waiting period will be retroactively paid by the Workers' Compensation Insurance Carrier.

The amount of the compensation an employee receives from the City's Workers' Compensation Insurance Carrier is fixed by state law and is determined by an employee's average wages over the preceding 52 weeks of employment.

The City will not issue paychecks to an employee in exchange for an employee's Workers' Compensation Disability checks.

An employee may not supplement Workers' Compensation paychecks with accrued PTO, since Workers' Compensation paychecks are not taxed. An employee returning from an absence resulting from a Workers' Compensation Disability Leave is entitled to any unconditional pay increases that occurred during his or her absence. An eligible employee will continue to accrue PTO for the first 12 work weeks of a Workers' Compensation Disability Leave.

If an employee is absent from work because of a work-related injury or illness on an intermittent basis or reduced work schedule basis and the employee is not eligible for lost time benefits, PTO will continue to accrue as usual, as long as the employee has not exhausted all accrued PTO. If the employee exhausts all paid benefits and remains

absent for a work-related injury or illness on an intermittent basis or reduced work schedule basis, he or she will cease accruing PTO. PTO will resume accruing when the employee is released by the health care provider as fully fit to perform the essential function of the job on a regular basis without the need for intermittent absences or a reduced work schedule.

No Settlement Without Prior Approval - No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the Mayor or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Mayor or the authorized designee. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the City's right of subrogation, while ensuring that the employee's right to receive compensation is not affected

Longevity and Pay- Employees are paid longevity while receiving lost time benefits, showing no break in service while the employee is on a Workers' Compensation Disability Leave. The employee will be paid their regular salary and longevity (pro-rated over the remainder of the year) while on leave.

Insurance Coverage- Group health and dental insurance coverage will continue on the same basis as coverage would have been provided had the employee been continuously employed during the period of a Workers' Compensation Disability Leave. Please see the Health Plan summary document for details.

Working While on Workers' Compensation Disability Leave- An employee who is self-employed or accepts other employment or works for any other current employer during a Workers' Compensation Disability Leave must report such work immediately to Human Resources. An employee who is self-employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion as that which the employee performed for the City, during the employee's Workers' Compensation Disability Leave of absence shall be considered to have terminated his or her employment with the City as of the date such employment began.

Prior to returning to work from a Workers' Compensation Disability Leave an employee must submit a Fitness For Duty Report Form from the health care provider to his or her Department Head.

While the City does not guarantee "light duty", if the health care provider indicates that an employee may perform his or her job with restrictions, the City will make every effort to allow the employee to perform meaningful and necessary work the City needs done. Arrangements for "light duty" work must be made in writing and approved by the Department Head in advance of an employee's return.

If an employee who is on a Workers' Compensation Disability Leave that is also FMLA Leave, refuses to return to work (before the end of the FMLA Leave period of 12 weeks) until he or she is fully restored to perform all the essential duties of his or job, even though the City is willing and able to accommodate restrictions placed upon the employee by the health care provider, then the employee's lost time benefits from the City's Workers' Compensation Carrier will cease. The FMLA Leave will continue, however, until available FMLA Leave is exhausted. If the employee has available PTO, the employee may use that time to be paid for work time missed.

An employee who is on Workers' Compensation Disability Leave and does not return to work immediately following release from the health care provider may be considered to have voluntarily terminated employment as of the date of the release. A terminated employee may elect to continue his or her group health insurance coverage, if any, through COBRA. A terminated employee may be considered for future positions which become available, for which, in the City's opinion, he or she is qualified.

RESTRICTED DUTY POLICY

The purpose of this policy is to establish guidelines for temporary limited term restricted duty assignments and to outline the process and administration of the City's restricted duty program.

It is the policy of the City of Portage to allow employees, when possible, the opportunity to work in a limited term restricted duty assignment, where the employee is unable to perform full and regular duty due to an injury, illness or pregnancy. Employees must have written authorization by a physician to be eligible for restricted duty assignment. The availability of limited term restricted duty assignments is exclusively determined by the City and is not intended to constitute a long-term permanent assignment.

All restricted duty assignments are temporary and must be within the employee's documented medical restrictions. Every effort will be made to place employees in positions within their own departments, but if necessary, employees will be placed wherever an appropriate assignment is available. Restricted duty may be at a different location, with different hours and different duties than performed in the employee's pre-injury/illness position.

There is no guarantee of restricted duty work. The City of Portage may not be able to place all employees with work restrictions on restricted duty assignments. The amount and type of restricted duty work may vary from time to time based on the changing needs of the organization, budget, work restrictions, availability of work and skill level of the employee. Provisions of restricted duty work are at the discretion of the City of Portage as it determines what is in its best interest at the time. Nothing in this policy shall alter, amend or add to the benefits provided to employees through a collective bargaining agreement or other contractual agreement.

Definitions

Restricted Duty- A temporary duty assignment, less arduous than the employee's regular job assignments.

Work-Related Injury/Illness- Any injury/illness that occurs in the course of and arises out of employment.

Non-Work-Related Injury/Illness- Any injury/illness that does not occur in the course of or arise out of employment.

Limited Term Assignment- A non-permanent assignment of short duration, in which the nature and conditions of such assignment do not permit attainment of permanent status for that assignment.

Procedures

Employee- Employees who are not on worker's compensation and are requesting limited term restricted duty shall submit to their immediate supervisor a completed "Request for Limited Term Restricted Duty" form and an "Employee Work Restrictions" form completed by the treating physician. The supervisor will sign the acknowledgement and forward to the Human Resources Director.

Human Resources shall:

1. Review the request
2. Determine if there is a restricted duty work assignment that meets the employee's skills and medical restrictions. When necessary, the employee shall use accrued sick leave or may be placed on medical leave of absence until a request is approved.
3. Contact the employee's supervisor or department designee about the availability of restricted duty assignment that meets the employee's medical restrictions within the employee's department. If no work is available within the employee's department, Human Resources will search the restricted duty project list for other suitable assignment outside the employee's department.
4. Contact the employee's department head or designee about the availability of a suitable assignment outside the employee's department and obtain approval from the department head designee of assignments of other City employees to their department.
5. Notify the employee of approval or denial of the request.
6. If approved, notify the department administration and restricted duty assignment supervisor that an employee is being assigned.

Eligibility

Work-related injury/illness- An employee who has suffered a work-related injury/illness may be eligible for limited term restricted duty subject to availability of work, skill level and documented medical restrictions.

An employee with a work-related injury/illness who is offered and refuses a limited term restricted duty assignment may forfeit wage benefits under the Worker's Compensation Act.

While on limited term restricted duty for a work-related injury or illness, employees will continue to receive their regular rate of pay. If an employee is only eligible for part-time work in a restricted duty capacity, the remaining time lost will be paid according to applicable contractual agreements, policy and/or the Worker's Compensation Act.

Non-work-related injury/illness and pregnancy- An employee who has suffered a non-work-related injury/illness or is pregnant may be eligible for limited term restricted duty subject to availability of work, skill level, and documented medical restrictions.

The maximum time that an employee with a non-work-related injury/illness shall be allowed to work on limited term restricted duty is three (3) months (cumulative) in a twelve (12) month period measured from the date that the limited term restricted duty assignment is approved.

The maximum time that an employee who is pregnant shall be allowed to work on limited term restricted duty is three (3) months for each pregnancy measured from the date that the limited term restricted duty assignment is approved.

An employee who has concluded his/her maximum allowable time on restricted duty assignment and who is not able to return to full duty, will be placed on medical leave of absence in accordance with contract provisions and/or City policy, and in accordance with the Family Medical Leave Act (FMLA).

Responsibilities

Employee's Responsibilities- All employees are expected to follow their physician's recommendations, medical restrictions and limitations, at all times, both on and off the job. Any employee, whether on or off duty, who disregards his/her restrictions or engages in conduct inconsistent with those restrictions may be subject to discipline, up to and including discharge.

Under no circumstances shall an employee perform work that is outside of the physician's work restrictions.

Employees are expected to cooperate fully with the City and return to work on either full duty or restricted duty as quickly as possible. Additionally, employees with a work-related injury or illness are expected to cooperate fully with the City's third-party administrator.

Employees will be required to comply with all other rules and regulations while working on restricted duty assignment.

Employees are responsible for furnishing a written updated "Employee Work Restrictions Form" of their medical condition to Human Resources after each physician's visit or at thirty (30) day intervals from their last physician's visit.

Employees will be expected to submit completed "Employee Work Restrictions" form or an equivalent physician's certification form prior to return to full duty. Employees may be subject to a fit for duty evaluation prior to returning to unrestricted duty.

Employees are expected to work diligently and efficiently to the best of their ability or assignment may be terminated.

Supervisor's Responsibilities- Supervisors shall be responsible for monitoring that employees do not perform work outside of the treating physician's restrictions. This includes monitoring the authorized number of hours the employee is released to work on restricted duty.

Supervisors are required to maintain strict confidentiality regarding the employee's injury, illness, pregnancy and/or limitations.

Supervisors of the department/division that has the restricted duty assignment shall be responsible for the supervision of the employee assigned to perform the assignment.

Supervisors are responsible for contacting Human Resources regarding any problems with performance and/or limitations involving the employee on restricted duty.

Department Heads are responsible for submitting the appropriate paperwork to Human Resources regarding request for restricted duty assignments.

Human Resources Responsibilities- The Human Resources Department shall be responsible for overseeing the restricted duty program including coordination and priority of restricted duty projects and coordination of department contact list.

Human Resources shall monitor the length of time an employee is working on restricted duty assignment to ensure compliance with the maximum allowable time for non-work-related and pregnancy restricted duty assignment.

Human Resources shall ensure that the restricted duty assignments are within the employees' work restrictions.

Human Resources shall be responsible for securing approval from the department director or designee before placing an employee on assignment within their department and before placing one of their employees on an assignment in another department.

Department Responsibilities- Each department designee shall be responsible for timely response to Human Resources in updating the restricted duty project list and shall keep Human Resources informed on the status of restricted duty projects.

Each department coordinator shall be responsible for coordinating an employee's assignment to restricted duty within their respective departments. This shall include working with the supervisor of the restricted duty assignment and forwarding a copy of the Department Notification of Restricted Duty Assignment form to the supervisor.

Department Head or Designee Responsibilities- Department heads shall be responsible for approving all restricted duty requests for their employees. Department heads shall be responsible for approving assignments of other City employees to their department.

Priority of Assignment

Requests for limited-term restricted duty assignments will be prioritized based on the following:

1. Work-related injury/illness
2. Pregnancy
3. Non-work-related injury/illness

Employees already working a limited-term restricted duty assignment may be displaced from an assignment to accommodate a subsequent work-related request for a limited-term restricted duty assignment. The Human Resources Department shall be notified of the assignment of limited term restricted duty.

An employee working a restricted duty assignment will stay on restricted duty, provided there is restricted duty work available until one of the following:

1. The restricted duty assignment is completed.
2. The employee is released to full duty by the treating physician.
3. The physician determines that the employee is permanently disabled from performing their job.
4. The employee has reached the maximum time allowed for restricted duty assignment.

Return to Work

Prior to return to work, the employee may be required to undergo a fit for duty examination with a provider chosen by the City or may be required to sign an authorization allowing the City physician to speak with the employee’s treating physician. This decision will be at the sole discretion of the employee’s department head and Human Resources.

The employee must have his/her physician complete the “Employee Work Restriction” form or equivalent form indicating that the employee is able to return to work without restrictions. This form must be submitted to the employee’s supervisor prior to returning to work. The supervisor will forward a copy to Human Resources.

EMERGENCY CLOSINGS DECLARED BY THE BOARD OF WORKS

Under certain circumstances, it may be necessary for the Board of Works to close one or more City facilities due to natural hazards or catastrophes or health pandemic. Employees will be notified of such closures via telephone, if possible. In the case of severe weather, employees should listen to local radio stations for information regarding closings and when the City will be open for business. Employees should also contact their Department Head to confirm whether their department is open.

Compensation During Facility Closures:

1. **Excused Absence and Paid Time Off:**
 - When a facility is closed, employees are excused from work and will be paid for the time off as if it were a Paid Holiday.
2. **Working During a Closure:**
 - If employees are required to work during a closure, they will be compensated for their time.
 - This compensation will be provided as follows:
 - **Straight Time Pay:** Employees will receive straight time pay for hours worked during the closure.
 - **Overtime Pay:** If working during the closure creates an overtime situation, employees will receive one and one-half hours of pay for each overtime hour worked.

- **Additional PTO Option:** Alternatively, employees may choose to receive straight time pay for the hours worked during the closure and an additional day of Paid Time Off (PTO). The Department Head has the flexibility to allow the employees to use their additional PTO day within a reasonable time frame and is not required to use it in the week that the closure occurred.

BENEFITS

DEFERRED COMPENSATION PROGRAM AND PENSION PLAN

The benefits described in this handbook are expressly subject to the terms, conditions, and eligibility requirements set forth in the formal plan documents governing the City's compensation and benefit plans.

No deductions will be made until an employee formally enrolls in a plan and gives the City authorization to make deductions

Deferred Compensation Program- Any employee may elect at any time to defer a portion of his or her income from current taxation through the Nationwide Services Corporation's annuity program. The maximum percentage of income an employee may elect to defer is fixed by law. For more information regarding the tax-sheltered annuity program, contact Human Resources.

Pension Plan- Employees who work at least 1,000 hours in a calendar year participate in the City's pension plan through the Indiana Public Retirement System (INPRS) / Public Employees Retirement Fund (PERF).

Employees in positions covered by PERF are required to make an employee contribution to PERF of 3% of their gross earnings.

Complete information regarding INPRS / PERF can be found online under PERF Member Resources or obtained from Human Resources. Please note that PERF is a state funded and operated program.

INSURANCE BENEFITS

The City provides a variety of benefits including a group health benefit plan, COBRA, supplemental health insurance, and group term life insurance. These insurance benefits are expressly subject to the terms, conditions, and eligibility requirements set forth in the formal plan documents governing the City's compensation and benefit plans. The City does not guarantee the continuation of current insurance benefits or any insurance benefits to employees on a permanent basis.

For more information refer to the City of Portage Employee Benefit Plan, the group term life insurance policy, or contact Human Resources.

Group Health and Dental Coverage Upon and Following Termination of Employment- Insurance coverage ends based on the terms of the health care plan. Employees (including their spouses and dependents) whose employment is terminated, but who are not retirees, or who are not discharged for gross misconduct, and who want to continue health and dental insurance coverage, may choose to continue coverage through COBRA. Those individuals will make their COBRA payments as directed by the health care provider. The last day of work is not to include unused PTO as worked hours.

RETIREE REIMBURSEMENT

Retired employees, who have reached age 55 and completed at least 20 years of continuous service, may choose to continue group health and dental insurance for themselves.

Employees who retire from the City of Portage shall be entitled to reimbursement for a portion of the cost of a health insurance plan approved by the City, including but not limited to;

- a.) The "Health Insurance Marketplace"
- b.) A plan through the retired employees' employment

For all retired employees as defined in subsection A of this section, the City of Portage shall reimburse 50% of the net cost of the insurance. The net cost shall mean the cost of the insurance less the subsidy amount which the retired employee is eligible to receive.

When the retired employee is Medicare eligible; the reimbursement provided shall cease immediately.

The reimbursement shall only be for the portion of the costs of the retired employee. The reimbursement shall not include any costs associated with a spouse and/or qualified dependent(s).

NOTE: For bargaining employees, please refer to your current CBA for retirement benefits.

COBRA

Employees, their spouses, or dependents who are enrolled in the City's group health and dental insurance at the time of the employee's termination from employment (other than for gross misconduct or as the result of retirement) or because of another qualifying event may, unless otherwise provided by law, elect to continue participating in the group health and dental insurance plan through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

In addition to termination of employment (except for gross misconduct), qualifying events include:

- Death
- Divorce
- Separation (marriage)

When there is a qualifying event, the City's Health Care Provider notifies employees, their spouses, and dependents regarding all aspects concerning continuation of group health and dental insurance coverage through COBRA. COBRA payments are paid as directed by health care provider.

For more information, please refer to the City of Portage Employee Benefit Plan or contact the City's designated insurance carrier listed within the plan.

SUPPLEMENTAL INSURANCE

Regular full-time employees may choose to purchase individual supplemental health insurance. Premium payments for city approved vendors may be deducted from an employee's paycheck. For more information contact Human Resources.

GROUP TERM LIFE INSURANCE

All regular full-time employees are eligible to be covered by the City's group term life insurance in the amount of \$15,000.

Voluntary life insurance coverage begins on the 91st day of employment following the employees hire date.

If an employee is covered under the City's health insurance, there is no cost to the employee for the group term life insurance.

Group term life insurance and accidental death and dismemberment coverage terminate on the last day of employment. For more information, please refer to the group term life insurance policy or contact the City's insurance carrier.

EMPLOYEE ASSISTANCE PROGRAM

Sometimes an issue arises with an employee, their spouse, child or family member and professional counseling and assistance are needed. Such assistance is not usually covered by regular medical insurance; instead, it is covered by an employee assistance program (EAP). The city offers EAP services to all full-time employees.

Should an employee feel that he/she or other family member needs assistance; the employee should contact the EAP directly. Treatment, counseling or assistance is provided with the utmost confidentiality.

In some situations, an employee may develop a dependency that interferes with or negatively impacts his/her ability to perform their job duties. An employee may also need counseling due to certain behaviors that place the employee or others at risk in the workplace. In these situations, the employee may be required, after being referred by Human Resources to complete a mandatory evaluation or treatment program. Failure to attend such mandatory evaluation/treatment may result in disciplinary action. All treatment will be kept confidential between the employee and Human Resources. For more information regarding the EAP please contact your Human Resources Department.

HIPPA (Health Insurance Portability and Accountability Act)

The City of Portage complies with the Health Insurance Portability and Accountability Act in regards to the disclosure of protected personal information.

GRIEVANCE PROCEDURE

DISPUTE RESOLUTION AND THE GRIEVANCE PROCEDURE

Whenever possible, employees are expected to resolve problems informally and directly with co-workers and supervisors against whom they have a complaint. When such informal dispute resolution is not possible or has been tried and does not work, employees are encouraged to take advantage of the grievance procedure the City has put in place to formally address employee complaints.

The City will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

In order for an employee to file a grievance, the following conditions must be met:

1. A grievance must always be filed against management within the employee's chain of command; and
2. The grievable behavior, or action, or lack of action must be against the employee himself or herself and cannot be based on a former or subsequent behavior, or action, or lack of action, by a supervisor or Department Head against another employee; and
3. Written notice must be given no later than 15 business days following the date of the behavior, or action, or lack of action from which the grievance arose.

Grievance Procedure- The grievance procedure is a three-step process. The grievance may, however, be resolved at any step or ended at any step by the employee filing the grievance. The grievance procedure proceeds until the employee filing the grievance is satisfied with a response to a step, or until the employee fails to file a timely notice to proceed to the next step, or until the employee exhausts all steps of the procedure. A decision becomes binding on all parties when an employee receives a response and does not file timely notice to proceed to the next step or when a decision is made in the final step and the grievance procedure is, therefore, completed.

The Grievance Form-The Grievance Form may be used by an employee to provide notice of his or her intent to initiate the grievance procedure. An employee may obtain a Grievance Form from his or her Department Head or from Human Resources.

STEP ONE-

The manager to whom the step one grievance notice should be directed is the supervisor whose behavior, or action, or lack of action is at issue. If the behavior, or action, or lack of action at issue is that of the Department Head, then step one of the grievance procedures should be directed to the Department Head, even if the immediate supervisor of the employee filing the grievance is not the Department Head.

How to Initiate Step One of the Grievance Procedure- To initiate step one of the grievance procedure, an employee must do both of the following:

1. Complete the Grievance Form, or put the grievance in writing, including:
 - The name(s) of the employee(s) involved;
 - The date of the alleged violation or event giving rise to the claim;
 - The facts of the case—along with any supporting documentation for which the employee filing the grievance would like to be considered and the name(s) of any key witnesses;
 - The remedy sought;
 - Specific sections of this PPM (or relevant CBAs) alleged to have been violated; and
 - The date of presentation of the written grievance.
2. Give notice to the step one supervisor, no later than the 15th business day after the grievance initially arose, of the employee's intent to initiate step one of the grievance proceeding by hand delivering or mailing, via U.S. certified or registered mail, return receipt requested.

Responsibilities Of Relevant Management Personnel After Receipt Of The Step One Grievance- Within five business days after receipt of the notice, relevant management personnel (such as a Department Head or an authorized supervisor) will meet face-to-face with the employee filing the grievance and any key witnesses named by the employee filing the grievance, together or separately, as deemed appropriate, to discuss the grievance. If elected by an employee, a union representative may attend this meeting.

Immediately after any and all required face-to-face meetings, relevant management personnel will provide a written response to the employee filing the grievance. Relevant management personnel **MUST** submit an official response in writing to the initial grievance within 10 business days after receipt of the initial grievance. This response must be delivered to the employee and the Union, if necessary.

If the employee filing the grievance accepts the response of relevant management personnel, the grievance procedure ends, and no further action related to the grievance procedure is necessary on the part of the employee filing the grievance.

STEP TWO-

Should the grievance remain unresolved after the completion of Step One, the grievance progresses to Step 2.

How to Proceed to Step Two of the Grievance Procedure-To proceed to Step Two of the grievance procedure, an employee and/or the Union representative, if necessary, must give written notice to the Human Resources Department of the employee's intent to proceed to Step Two of the grievance procedure. Written notice to the Human Resources Department by the employee/Union representative must be given no later than the end of the tenth (10th) business day after the Step One response is provided, or, in the event that a Step One response was not provided, no later than the end of the tenth (10th) business day after the response should have been provided. Written notice to the Human Resources Department may be made by hand delivering or mailing, via U.S. certified or registered mail, return receipt requested.

Within ten (10) business days after receiving written notice that the employee filing the grievance is proceeding to Step Two, the Human Resources Department must conduct any and all required face-to-face meetings and provide a written response to the employee filing the grievance, with a copy going to the initial relevant management personnel.

If the employee filing the grievance accepts the response of the Human Resources Department, the grievance procedure ends, and no further action related to the grievance procedure is necessary on the part of the employee filing the grievance.

STEP THREE (BOARD OF WORKS) -

Should the grievance remain unresolved after the completion of Step Two, the grievance proceeds to Step Three.

How to Proceed to Step Three of the Grievance Procedure- To proceed to Step Three of the grievance procedure, an employee and/or the Union representative, if necessary, must give written notice to the Board of Works of the employee's intent to proceed to Step Three of the grievance procedure, no later than the end of the tenth (10th) business day after the Step Two response is provided, or, in the event that a step two response was not provided, no later than the end of the tenth (10th) business day after the response should have been provided. Written notice to the Board of Works may be made by hand delivering or mailing, via U.S. certified or registered mail, return receipt requested.

The Board of Works should be provided with relevant documentation of the grievance, including:

- A copy of the Grievance Form written for Step One;
- A copy of the Step One response, or a note indicating that there was no Step One response, and;
- A copy of the Step Two response, or a note indicating that there was no Step Two response.

NOTE: Because a grievance notice is considered effective on the date the notice is received, employees are strongly encouraged to hand deliver the grievance notice. This will ensure that the

deadline for giving notice is met, since failure to meet the deadline will result in the employee irrevocably waiving his or her right to proceed with the grievance procedure.

Responsibilities of the Board of Works and Safety After Receipt of the Step Three Grievance- The role of the Board of Works and Safety is to provide an independent and impartial review of the grievance and make a final decision.

The Board of Works and Safety will schedule a hearing on the grievance to be held within twenty (20) business days after receipt of the Step Three notices. The employee filing the grievance; a Union representative, if necessary; and any key witnesses will participate in the hearing. Relevant management personnel, the Department Head, and a representative from the Human Resources Department may participate in the hearing, as well.

Witnesses and Documents to be Presented at the Hearing- Prior to the grievance hearing, the Board of Works will, in writing, ask the employee filing the grievance and relevant management personnel to specify, in writing, witnesses they want to be heard and documents they want to submit at the hearing. The Board of Works will generally comply with all reasonable requests. However, the Board of Works may refuse to call any witness, hear any testimony, or consider any document that, in the opinion of the Board of Works, will not substantially assist them in making a determination.

The Board of Works will determine who, if anyone, in addition to the employee filing the grievance, relevant management personnel, and all named key witnesses, should be asked to present information relevant to the grievance. The Board of Works will require these persons to participate in the hearing.

Board of Works Grievance Hearing Response-The Board of Works will, within thirty (30) business days after the receipt of the Step Three grievance, issue a written response to the employee filing the grievance and the relevant management personnel with copies to the Department Heads and the Human Resources Department. If a hearing is held, the Board of Works may issue a written response to Step Three grievance within thirty (30) business days after the hearing.

The response of the Board of Works constitutes the final determination of the City.

Filing Documents and Other Materials Associated with a Grievance- All documentation and other materials related to any grievance are retained in the home department of the employee filing a grievance.

Consequences of an Employee's Failure to Follow the Grievance Procedure-Failure of an employee to initiate Step One of the grievance procedure within the stated time will be deemed an irrevocable waiver of the right to file a grievance, at any later time, with respect to the specific incident that gave rise to that grievance.

Failure of an employee to proceed to Step Two of the grievance procedure within the stated time will be deemed an acceptance of the Step One response and an irrevocable waiver of the right to proceed to Step Two at any later time.

Failure of an employee to proceed to Step Three of the grievance procedure within the stated time will be deemed an acceptance of the Step Two decision and an irrevocable waiver of the right to proceed to Step Three at any later time.

NOTE: For bargaining employees, please refer to your current CBA for additional policy regarding Grievance Procedures.

Acknowledgment of Receipt

City of Portage Employee Handbook

I acknowledge that I have received a copy of (or access to) the City of Portage Policy Manual. I understand that it is my responsibility to read, understand, and comply with the policies and procedures outlined within this manual.

I also understand that this manual is intended as a guide to the City's policies and does not constitute an employment contract. The City of Portage reserves the right to modify, amend, or terminate any policies at its discretion.

If I have any questions regarding the contents of this manual, I understand that I should seek clarification from my supervisor or the Human Resources Department.

By signing below, I confirm that I have received, reviewed, and understand the policies contained in this manual.

Date: _____

Employee Printed
Name: _____

Employee
Signature: _____

Supervisor/Department Head
Signature: _____
