

PERSONNEL POLICY MANUAL  
TOWN OF ST. JOHN

ADOPTED AS ORDINANCE #1032 THIS 31th DAY OF DECEMBER, 1996

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**PERSONNEL POLICY MANUAL  
TOWN OF ST. JOHN, INDIANA**

**SECTION I - LAST REVISION (DATE)  
IN GENERAL**

**1.1 Purpose**

This publication is intended for use by supervisory Town of St. John employees and town employees. It is not intended to form an agreement of any kind between the Town of St. John and its employees. Instead, it describes for supervisory Town of St. John employees the policies and procedures they are expected to implement and town employees the policies and procedures they are expected to follow. The Town of St. John recognizes that each set of circumstances is different. The policies stated in this manual are intended to guide Town of St. John supervisors in implementing the Town's policies. Their applications of the Personal Policy Manual in individual cases should depend on the circumstances and on the considerations of fairness and common sense.

**1.2 Legislative Findings**

(a) The Town Council of St. John, Indiana, hereby finds that there is a need to be more effective and efficient in addressing and utilizing the talents, skills, and knowledge of its employees and potential employees to meet the challenges which face our Town.

(b) The Town Council, therefore, hereby establishes the following Personnel Policy Manual for the Town of St. John, Indiana.

(c) The Town Council authorizes the Town to establish a separate Town of St. John Employee Handbook which will summarize in everyday English the major items in this Personnel Policy Manual and which will be provided to all Town of St. John employees free of charge. The Town of St. John Employee Handbook and the Personnel Policy Manual will both be updated on a regular and consistent basis by the Town. The Town Council further authorizes job descriptions to be prepared for all Town employee positions. Copies of the same shall be kept on file in the Clerk-Treasurer's office and be open for public inspection during regular business hours.

(d) The St. John Town Council believes that the following policies and procedures are in the best interests of the Town of St. John, Indiana.



### 1.3 Application of Personnel Policies and Procedures

The following Personnel Policies and Procedures shall apply to all employees of the Town of St. John, excluding elected officials, sworn members of the Town Police Department and the Volunteer Fire Department, and individuals employed under Contractual Agreements, except that the elected Clerk-Treasurer and sworn members of the Town Police Department shall be permitted to participate in the Pay Regulations set forth hereafter in SECTION V.

### 1.4 Authority to Develop Forms and Related Documents

The Employee recognizes that appropriate forms and related documents consistent with this Personnel Policy Manual would effectuate the overall purposes set forth herein. Therefore, the Town Attorney shall be charged with the responsibility of seeing that all said forms and documents are proper before their implementation.

**SECTION II - LAST REVISION (DATE)**  
**DEFINITIONS USED IN THE PERSONNEL POLICY MANUAL**

**2.1 Definitions**

As used in this Personnel Policy Manual, unless the context plainly requires another meaning, the following terms shall have the meanings as indicated:

- (a) ADA means the federal law known as the Americans with Disabilities Act passed by Congress in 1990 (*42 U.S. Code §12101 et seq*).
- (b) Anniversary Date means the date of hire, unless otherwise specified.
- (c) Appointing Authority is the Town Council or Clerk-Treasurer responsible for appointing person(s) to budgeted positions as provided by law.<sup>1</sup>
- (d) At Will means an arrangement whereby either party is free to terminate the employment relationship at any time for whatever reason.
- (e) Contractual Employee means a person hired by the Town of St. John with terms and conditions of employment set forth in a written contract.
- (f) Council means the Town Council of St. John, Indiana.
- (g) Drug Screening Tests means tests given to Employees pursuant to the Town's Drug Screening Policy.
- (h) Employee or Town Employee means a person hired by the Town of St. John to perform duties for the Town and who shall be governed by the policies and procedures set forth in this manual.

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<sup>1</sup> *Indiana Code Section 36-5-3-2*, provides that the Town Council shall fix reasonable compensation for Town Officers and employees; and *Indiana Code Section 36-5-6-7*, provides that the Clerk-Treasurer shall appoint the number of deputies and employees needed for effective operation of the office.

(i) Employee Handbook or Town of St. John Employee Handbook means a separate handbook of concise explanations of the town's personnel policies and procedures applicable to a Town of St. John employee. The Employee Handbook will be given to each employee.

(j) Employer means the Town of St. John, Indiana, acting through its Town Council and/or Clerk-Treasurer. All employees shall be responsible to the Town Council as their "employer" except those employees working for the Clerk-Treasurer and those acting through their proper statutorily authorized entity for purposes of this Personnel Policy Manual.

(k) Family Leave means leave granted by the Federal law titled Family and Medical Leave Act of 1993 (*29 U.S. Code §2601 et seq.*)

(l) Immediate Supervisor or Supervisor means the administrative or management person in charge of a Town employee.

(m) Intermittent Appointment means an appointment to a position which requires performance on an irregular or "as needed" basis.

(n) Manual or Personnel Policy Manual means the policies and procedures officially enacted by the Town Council of the Town of St. John by proper Ordinance to govern the conduct of the Town's employees.

(o) Monetary Fringe Benefits mean those items paid pursuant to proper Ordinance passed by the Town Council which may include, but are not limited to, sick days, vacation days with pay, and holidays.

(p) Pay Period means a time period, standardized for payroll purposes, used to compute monetary compensation due an employee.

(q) Personnel Policies mean the policies and procedures of the employer which govern or affect its relationship with its employees.

(r) Pre-Employment Drug-Screening Tests mean drug tests given to applicants according to the Town's Pre-Employment Drug-Screening Policy.

(s) Probationary Employee means an employee serving an introductory period of Ninety (90) days following his or her initial appointment.

(t) Re-employment means the appointment of an individual who has previously been a regular full-time or regular part-time employee.

(u) Regular Full-Time Employee means a person who is scheduled to work on the average of Forty (40) hours per week or more during the calendar year and has satisfactorily completed the probationary period. Regular full-time employees are eligible for all monetary fringe benefits but may be paid less than the maximum amount set by proper Ordinance of the Town Council for that particular position.

(v) Regular Part-Time Employee<sup>2</sup> means a person who is scheduled to work on the average of up to Twenty (20) hours per week but less than One Thousand Four (1,040) hours per year, and has satisfactorily completed the probationary period. Regular part-time employees are not eligible for monetary fringe benefits except as specifically provided herein or as provided at time of employment.

(w) Reinstatement means the return of an employee to the previous state of his or her employment by reason of an order of his or her supervisor, or of a proper court order.

(x) Seasonal Employee means a person hired for specific projects or who would work less than Twenty-Six (26) weeks in any seasonal employment with the Town in any calendar year.

(y) Starting Salary means the rate of pay, as defined by the Town Council, and established according to the applicable Salary Ordinance within a salary or hourly rate range for any classification, at which a new employee is to be hired including entry level through experienced levels.

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<sup>2</sup> Work over 1,000 hours per year normally qualifies the person as a full-time employee entitled to certain ERISA-covered benefit programs.

(z) Supervisor(Immediate) or Department Supervisor means the person in charge of a particular department or agency of the Town who is officially charged with management or supervisory authority by the Town.

(aa) Temporary Employee or Temporary Help means a person who is employed for a specific period (such as the summer), or for a specific purpose (such as to replace a sick employee). A temporary employee is not eligible for monetary fringe benefits.

(bb) Transfer means the change of an employee from One (1) position to another position, said transfer taking place between Two (2) different Departments.

(cc) Temporary Transfer means the change of any employee from One (1) job position to another position, of any nature, for a period of time, not exceeding Thirty(30) days.

(dd) Year means calendar year unless clearly indicated otherwise.

## 2.2 Usage

(a) As used in these Policies, the term "shall" is always mandatory, and the term "may" is always permissive.

(b) As used in these policies the *masculine* shall always include the *feminine*, the *feminine* shall always include the *masculine*, the *singular* shall always include the *plural*, and the *plural* shall always include the *singular*.

**SECTION III - LAST REVISION (DATE)**  
**AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITIES**<sup>3</sup>

**3.1 Affirmative Action Plan Incorporated by Reference**

The Town of St. John, Indiana, believes that employment and promotional opportunities should be open and available to all persons without regard to race, color, age, gender, religion, national origin, disability or handicap except where specified by law or by bona fide occupational requirements. The Town of St. John shall charge each supervisor and elected Official with the responsibility for assuring equal and fair treatment to all employees and potential employees.<sup>3</sup>

**3.2 Policy Statement on Sexual Harassment**<sup>4</sup>

(a) The Town of St. John is opposed to and prohibits, unequivocally, sexual harassment of any employee by a co-worker, supervisor, or an elected Official. The purpose of this policy is not to regulate personal morality, but is to assure that no employee is harassed by unwelcome sexual advances, requests for sexual favors, promises of or threats of promotion or demotion, or other unwelcome verbal or physical conduct of a sexual nature.

(b) Violations of this policy shall not be permitted and shall result in disciplinary action up to and including termination.

(c) Any employee experiencing an alleged violation of this policy who would prefer to discuss the circumstances away from his/her particular work area shall meet with his/her Immediate Supervisor, Department Supervisor, Town Council President, or any Town Council Member.

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<sup>3</sup> Title VII of the Civil Rights Act of 1964 as amended sets forth the governing federal law in this area.

<sup>4</sup> *Indiana Code § 22-9-4-1 et seq.* address the "Sexual Harassment Task Force."

### 3.3 Americans With Disabilities Act Policy

(a) The Town of St. John shall not discriminate against qualified individuals with disabilities (disabilities as defined by the Americans with Disabilities Act). The Town will provide reasonable accommodation as required by law to otherwise qualified applicants or associates with disabilities in all employment practices, including job application procedures, hiring, advancement, job assignments, leaves of absence, transfers, layoffs, demotions, discipline, discharge, compensation, monetary fringe benefits, and job training. Employment opportunities will not be denied to an otherwise qualified applicant or associate because of the need to make reasonable accommodation to the physical or mental impairment(s) of such individual.

(b) Although this policy is largely in terms of accommodations that may allow an applicant or employee with a disability to perform the essential functions of the positions desired or held, the policy is also applicable to accommodations involving the job application process and to accommodations that would enable an employee with a disability to enjoy equal benefits and privileges of employment.

(c) This policy is not exclusive of other employment-related inquiries that the Town in its discretion may make as permitted or required by local, state or federal law and in conformance with the Americans With Disabilities Act.

(d) This policy does not create an express or implied contract of employment. Applicants with conditional job offers or employees are subject to withdrawal of offers or termination at any time for any reason, except as otherwise prohibited by law.

### 3.4 Public Policy Not to Discriminate

The Town of St. John, Indiana, hereby agrees not to discriminate against any individual, and further agrees to comply with the Civil Rights Act of 1991. (*42 U.S. Code § 1981 et seq.*)

**SECTION IV - LAST REVISION (DATE)**  
**THE TOWN OF ST. JOHN EMPLOYEE POSITIONS**

**4.1 Position Revision**

Whenever the creation, abolition, subdivision, or consolidation of an employee position appears necessary due to the creation of a new position, a change in organization, or a change in functions or duties of an individual position, the elected official or department manager, or other person designated by the Town Council, shall prepare job specifications and classify the position(s) affected. Affected departments shall be notified of the proposed revision. Any revisions shall be subject to the approval of the Employer.

**4.2 Position Allocation**

When a new employee position is contemplated, the supervisor shall request establishment of the position before it may be filled and, except as otherwise provided by these rules, no person shall be appointed to or employed in a position until the position has been reviewed and approved by the Employer.

**4.3 Position Reallocation**

When the duties of an employee position or positions are changed substantially, the supervisor shall request review of the position or positions involved. Upon completing the review, the Employer may order that the position or positions be revised or approve said position(s) as requested.

**4.4 Annual Review**

The Town Council shall annually review the employee positions and make such changes as they deem necessary during the annual budget review, or at such time as deemed appropriate or necessary.



**SECTION V - LAST REVISION (DATE)**  
**PAY REGULATIONS**

**5.1 Entry Level and Maximum Wage Rates**

- (a) The Town Council, by Ordinance, shall establish salary and hourly wages for each employee position.
- (b) The salary or hourly rate of any employee shall not exceed the maximum established for his or her particular position as set forth in the annual Salary Ordinance.

**5.2 Salary or Hourly Rate Increases**

- (a) Salary or hourly rate increases granted to employees with the amount of increase being determined by the Town Council.

**5.3 Change in Status**

- (a) Each change in status and each salary or hourly rate increase shall be submitted on the prescribed form for the approval by the Employer.
- (b) Such changes may be made as of the requested effective date only if they are received for filing in the Office of the Clerk-Treasurer and approved by the Town Council.

#### 5.4 Salary and Hourly Rates

Any salary, hourly, longevity or meeting rate paid to an employee pursuant to the annual Salary Ordinance shall represent the total remuneration for the employee, not including reimbursements for official travel.

#### 5.5 Partial Payment

Whenever an Employee works for a period less than the regularly established number of hours a day, days a week, or days a month, the amount paid shall be governed by the rate then in effect and shall be proportionate to the time actually worked except for salaried employees.

#### 5.6 Outside Employment Restrictions

- (a) Town Employees are prohibited from outside employment with an individual or organization that directly transacts business with the Town for which payment is received from the Town of St. John.
- (b) Any outside employment must be reported to the Employee's Supervisor or to the Employer for approval. If such employment is found to substantially interfere with the employee's Town job by the Employer, he or she shall be asked to resign from One (1) place of employment.
- (c) Employees shall have Ten (10) working days to resign from an outside job that the Town determines interferes with the employee's Town duties. Failure to do so within this time period shall result in dismissal from Town Employment.
- (d) Regular full-time employees are expected to do a full day's work every day that they are scheduled to work for the Town. Therefore, outside employment or other outside activities are of concern to the Town should they affect Town job performance adversely. The conflict that can arise may be one of time and interest.
- (e) In the event that an employee accepts a part-time job or engages in outside employment or activities that directly conflict with working hours, or if, because of outside work or activities, the employee cannot get the proper rest to the point that the employee's efficiency on the job is impaired, the employee's job performance stands to suffer.
- (f) The Town shall not tolerate serious conflicts of interest between on-the-job

performance and outside employment or activities, and the same shall be addressed under the progressive discipline policies set forth herein.

- (g) The Town shall in no respect whatsoever be responsible for or grant sick leave or disability leave in the case of injury or illness which an employee sustains or contracts while employed in outside employment at the same time as being employed by the Town, nor shall the Town be responsible for any occupational illness resulting from such outside employment. Such Town Employees who work outside jobs and sustain injury or contract illness on their outside jobs shall have no right of recourse against the Town of St. John, Indiana, or any of its employees or Town officials.

#### 5.7 Investment Interest<sup>5</sup>

(a) Town employees are prohibited from financial benefit through their investment in, interest with or financial dealings with individuals or organizations that have contracts with or otherwise do business with the Town of St. John. Employees shall be required to divest themselves of such investment or interests or be dismissed from Town employment unless the Employer determines that a proper disclosure under applicable State law filed by the Town employee will correct the situation.

(b) If disclosure is deemed inappropriate, the employee shall have Ten (10) working days to divest himself or herself of financial interest in companies or corporations that do business for profit with the Town. Failure to do so shall result in dismissal from Town employment.

#### 5.8 Gifts and Gratuities

(a) Town employees shall not accept gifts, gratuities, or other favors from individuals, companies or corporations that might benefit from or expect to benefit from the employee's indebtedness. Any such transactions or offers of transactions are to be reported to a Supervisor, Department Supervisor, and to the Employer.

- (b) Employees who fail to report receipt of gifts, gratuities and/or other favors from individuals, companies or corporations that might benefit from employee

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<sup>5</sup> *Indiana Code §35-44-1-3*, addresses "Conflict of Interest."

indebtedness shall be subject to the progressive discipline policies set forth herein.

#### 5.9 On the Job Political Activity

(a) Town employees are prohibited from using their Town work stations, their positions, and/or time during working hours to assist in political campaigns or otherwise engage in political activity.

(b) No employee of the Town shall, in any manner, influence or attempt to influence the ballot choice of any voter while the employee is on duty, while performing his or her duties, or while in a Town uniform; nor shall any Town employee represent that he or she is acting upon the authority of the Town in such matters.

#### 5.10 Submission of Payrolls and Time Reports

(a) Each department shall send to the Clerk-Treasurer's Office an attendance record for all employees, which record shall be subject to audit at any time. Time clock records may be utilized for such purposes.

(b) The Department Supervisor shall be responsible for providing approved attendance records for each department at the end of each pay period to the Clerk-Treasurer's office. The attendance records shall be on prescribed form and forwarded in the time period specified to allow timely preparation for the payroll.

(c) All procedures utilized shall be consistent with the rules and regulations of the State Board of Accounts.

#### 5.11 Wage Deductions

A deduction from wages to be earned by the employee shall only be made if the same meets the legal requirements set forth in *Indiana Code § 22-2-6-1 et seq.* as amended from time to time.

## 5.12 Pension Benefits

(a) Eligible employees of the Town of St. John who qualify shall be covered by the pension plans of the State's Public Employees Retirement Fund and the Federal Government's Social Security Administration.

## 5.13 Worker's Compensation

(a) Eligible employees of the Town shall be entitled to Worker's Compensation benefits as set forth in *Indiana Code § 22-3-22, et seq.*, as amended from time to time.

(b) An accident occurring during working hours shall be reported to the employee's Supervisor or Department Supervisor immediately. The Supervisor or Department Supervisor shall:

1. notify the Clerk-Treasurer's Office,
2. notify the head of the Department or Office in which the employee works,
3. complete an accident form, signed by the employee, and
4. deliver said accident form to the Town's insurance carrier no later than Forty-Eight (48) hours after the accident has occurred.

(c) Any employee eligible for Worker's Compensation benefits shall receive, in addition to said benefits, supplemental pay for a period of time not to exceed One (1) year, so that the total payments from Worker's Compensation and supplemental pay equal the employee's regular earnings in effect at the time of the work-related injury or illness.

(d) Any employee receiving workman's compensation during disability due to work-related accident or illness shall be responsible for the employee's share of the dependent insurance coverage payments on the Town's comprehensive medical and dental coverage. (SEE Appendix Form for additional details)

#### 5.14 Mileage Allowances

- (a) When it becomes necessary to use a vehicle on official business, Town-owned or Town-leased vehicles may be provided. If no such vehicles are available, employees may use their own vehicles under properly authorized conditions established by the Town.
- (b) Employees shall be reimbursed for use of their personal vehicles at a rate of \$.30 per mile in compliance with all regulations set forth by the State Board of Accounts.
- (c) All costs incurred on any authorized trip shall be documented prior to any reimbursement requested of the Town.
- (d) The reimbursement shall represent the Town's entire payment for use of the vehicle.
- (e) Traffic fines shall not be rebated.
- (f) Mileage allowances paid should normally cover the shortest distance from point of departure to destination and return, unless specific circumstances require otherwise.

#### 5.15 Group Insurance

- (a) In General - The Town may provide group insurance benefits described in the Town of St. John medical plan documents subject to qualification period. Qualified employees will be issued plan documents and supplied amendments as they become effective.
- (b) Eligibility - Only regular full-time employees as defined in SECTION 2.1 herein, are eligible to subscribe to the Town's hospitalization and/or major medical insurance plans, subject to that employee's qualification.
- (c) Enrollment - Enrollment in the Town's insurance plans shall be open to all eligible employees, and may be open to their qualified or eligible dependents.

(d) Medical Insurance - The medical plan for eligible Town employees shall pay benefits in accordance with the plan document in force at the time the claim is made. The premium contribution shall be determined by the Town Council from time to time.

(e) Life Insurance - The Town may pay the premiums for group life insurance for eligible employees in amounts established from time to time.

**SECTION VI - LAST REVISION (DATE)**  
**EMPLOYMENT PROCEDURES**

**6.1 Application For Employment Form**

- (a) All persons seeking employment with the Town of St. John must complete, sign, and date an Application for Employment Form. Standard application forms are made available through the Town Council and Clerk-Treasurer's Office.
- (b) The application forms shall request information necessary for objective decision making. Only questions specifically related to occupational standards shall be included.
- (c) Any job applicant who falsifies information on the application form shall be denied employment or dismissed when such falsification is made known.
- (d) Application forms are confidential records. Only Town employees who have an active part in the employment process should have access to completed application forms.<sup>6</sup>
- (e) Each time an applicant is interviewed the Supervisor or Department Supervisor shall initial, date, and note general comments on the application form. The Supervisor or Department Supervisor shall additionally record the details on any job offer on the application form.
- (f) The application form of the person employed shall become part of his or her personnel file.
- (g) All other completed application forms are to be retained on file for a period of Twelve (12) months from the date signed before being purged from the Town's files. Unsolicited resumes are to be retained on file for Twelve (12) months from the date received before being purged from the Town's files. These unsolicited resumes shall be maintained in the Clerk-Treasurer's Office.

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<sup>6</sup> *Indiana Code §5-14-3-1*, addresses the "Indiana Public Records Request" statement.



## 6.2 Position Qualifications

- (a) The overall purpose of this particular section is to eliminate artificial barriers to employment for prospective job applicants.
- (b) Job qualifications necessary to perform the work involved in each open or vacant position shall be established before the vacancy can be filled. The specific educational background, work related skills, or required qualifications must have a direct bearing on the performance of work required.
- (c) A specific job description outlining duties and responsibilities must be posted in the Municipal Building for all job vacancies.

## 6.3 Job Opening Procedures

- (a) The following procedure may be observed by Supervisory personnel when a job opening occurs:
  1. Post the job opening in the Municipal Building and in the most accessible place within the department for a person to view it for a time period to be determined by the Department Supervisor.
  2. Check personnel records for former employees who have been laid off by the Town within the previous Twelve (12) month period who may have the requisite job qualifications to perform the work involved.
  3. Contact the Clerk-Treasurer to check the applications on file and contact any previous applicants with possible job qualifications.
  4. Place a job order (if applicable) with the local Indiana State Employment Security Section Office and advertise the opening in newspapers within the immediate area.
  5. Advertise (if applicable) the vacancy in appropriate news media outside the immediate area.
- (b) Observance of the above procedures shall ensure that all qualified personnel have access to the information and provide first notice to present personnel who are interested in applying for the promotion or transfer.

#### 6.4 Written Testing

- (a) Testing is an instrument that may be employed in the employment process for certain positions. Only tests that are accurate, reliable, and valid shall be used in such circumstances. All tests shall be specifically related to the requirements of the particular position being filled, and shall be fair and reasonable measures of ability. All tests shall be administered in good faith and evaluated impartially.
- (b) The Town Council, with the assistance of the Town Attorney, shall determine testing programs. The Town Council shall have the authority to review, approve, or reject any tests prescribed for administration to potential employees.
- (c) It shall be the responsibility of the Supervisor and Department Supervisor to determine which tests shall be used to determine an applicant's eligibility for a particular position.
- (d) Tests will be graded as per established norms.

#### 6.5 Pre-Employment Interviews

- (a) The Pre-Employment interview shall be another method used to gather information and screen applicants for employment. Initial interviewing may be done by the Supervisor or Department Supervisor receiving the application, although any final interview is reserved for the duly designated representative of the Employer ultimately making the employment decision.
- (b) The questions asked in any interview shall be uniform, consistent, non-discriminatory in nature, and asked only to collect legitimate, job-related information. Questions asked of One (1) job applicant should be asked of all subsequent applicants. Interviews are to be systematic, fair, planned, and conducted orderly.

## 6.6 Pre-Employment Drug Screening

All applicants for employment may be required to take a pre-employment drug test as further addressed in SECTION VIII. The initial screening test shall be done at the Town's expense. All drug-related policies shall be consistent with the Drug-Free Workplace Act of 1988 (*41 U.S. Code §701, et seq*).

## 6.7 Physical Examinations

(a) Post-Offer Physical Examination. All applicants for employment with the Water Department, the Streets and Sanitation Department, the Public Works Department, and the Parks and Recreation Department, other than applicants for secretarial and office positions, shall be required to undergo a post-offer physical examination. Such examination shall be done at the Town's expense. If a condition is diagnosed then and the medical opinion of the examining physician would prevent the applicant from performing the job in the manner for which he or she is being considered, then the offer of employment shall be withdrawn.

(b) Fitness for Duty Physical Examination. Town Employees may be required to undergo a physical examination after being employed by the Town to ensure his or her fitness for duty. Such physical examinations shall be done at Town expense and at the request of the employee's Supervisor or Department Supervisor, which must also have Town Council approval at an Executive Session. See also SECTION 10.5 of this Personnel Policy Manual which addresses "Post-Hire Physical Examinations."

## 6.8 Selection and Appointment

(a) Employees shall be selected from applicants on the basis of ability to perform work required, potential for advancement, proven responsibility, dependability, and physical fitness (if applicable). Federal Affirmative Action guidelines shall be followed in the selection process and all decisions shall be based on job related information. Special preference shall be given to St. John residents.

- (b) All applicants approved for employment shall appear at the Clerk-Treasurer's office to complete all necessary forms prior to his or her first scheduled day of work.

#### 6.9 Documentation

Each step involved in the employment process shall be thoroughly documented and recorded. These records shall be kept on file for a period of not less than Twelve (12) months and shall be used to substantiate and support the employment decision in the event of inquiry. Said records shall be maintained in compliance with the American With Disabilities Act of 1990.

#### 6.10 Nepotism

- (a) The Town of St. John discourages relatives working together in the same Department and under the same Supervisor or Department Supervisor.

(b) The usual and standard practice shall be to avoid nepotism, unless peculiar qualifications make the hiring of relatives not only justifiable, but sound management.

#### 6.11 Residency

Town employees must:

- (a) Reside within Twenty (20) miles of the corporate boundaries of the Town of St. John, Indiana.
- (b) Have adequate means of transportation to and from the Town of St. John.
- (c) Maintain in the employee's residence a telephone service for communication with the Town of St. John.

## 6.12 Probationary Period

- (a) All new regular full-time employees shall serve a probationary period of Ninety (90) days, unless otherwise provided in departmental policies.
- (b) Regular part-time employees shall serve a probationary period of One Hundred Eighty (180) days.
- (c) The Employee shall be evaluated monthly during the probationary period by the Supervisor or Department Supervisor.
- (d) The purpose of this probationary period and the performance evaluation is to assist the Supervisor or Department Supervisor in assessing the demonstrated abilities and work habits of new employees. These assessments determine the desirability of retaining the new employee in the job on a regular status.
- (e) Probationary employees may be laid-off, transferred, reclassified, or terminated at any time during their probationary period without prior notice and without recourse to any Town complaint procedures. There shall be no obligation to recall or reinstate any employee laid-off or terminated during the probationary period.
- (f) At the end of the probationary period, employees shall be evaluated and either terminated, retained on a probationary basis for an additional period of time, or placed on regular employment status.
- (g) Employees shall serve a probationary period within each Town job they hold during their tenure. If the employee receives a promotion, transfer, or demotion the employee shall serve a new probationary period.

## 6.13 Supplemental Departmental or Office Policies

- (a) The Town recognizes that each Department and Office of the Town provides special services to the community and its citizens.
- (b) As a result, policies and procedures unique to the individual department or office may be warranted.

- (c) In such situations, such specific procedures shall be of uniform effect for all employees within such Department and Office, and shall be drafted in consultation with the Town Attorney, and upon adopted approval of the Town Council.
- (d) All such Supplemental Department or Office Policies shall be sent to the appropriate town offices once the same are adopted and in effect.
- (e) Such Department or Office Policies shall not directly conflict with the Policies and Procedures set forth herein.
- (f) See the Appendix for individual Departmental Policies.

**SECTION VII - LAST REVISION (DATE)**  
**ADMINISTRATIVE PROCEDURES FOR PRE-EMPLOYMENT DRUG SCREENING**

**7.1 General Philosophy**

The Town of St. John, Indiana, is committed to providing a safe environment that shall ensure the well being of all of its employees and the protection of its property; therefore this section specifically prohibits any influences which may have a detrimental effect upon the orderly, safe, and efficient operation of the Town of St. John, Indiana.

Based upon these goals, the Town of St. John, Indiana, shall require all potential employees to submit to a pre-employment drug screening test as a part of the pre-employment evaluation. The intent of the procedure is to ensure that the individuals hired by the Town of St. John, Indiana, are free of the effects of illegal drugs and/or controlled substances. This Policy applies to all categories of potential employees of the Town of St. John, Indiana.

**7.2 Definitions**

(a) Legal Drug means a drug prescribed for use by a duly licensed physician or other medical practitioner licensed to issue prescriptions or an over-the-counter drug which is authorized for general distribution and use and has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.

(b) Illegal Drug/Controlled Substance means any drug/substance which is:

1. not legally obtainable, or
2. which is legally obtainable but has not been legally obtained.

The term also includes prescribed drugs, legally obtained, but being used for other than prescribed purposes. The term refers to any substance other than alcohol, which has known mind or function/altering effects on a human being and is not a prescription or non-prescription medication and includes controlled dangerous analog or volatile substances which produce the psychological and physiological effects of a controlled dangerous substance through deliberate inhalation.

- (c) Confirmation Test means a drug test that utilizes the most current acceptable methodology to determine results and that is used, subsequent to an initial screening test, to verify the presence of an illegal drug or drug metabolite in a sample.
- (d) Prospective Employee means any employee who has made written application to the Town of St. John, Indiana, to become its employee.
- (e) Drug Screen Test means any test administered for the purpose of determining the presence or absence of an illegal drug in a person's body.
- (f) Initial Screening Test means and includes any type of drug test which is used, prior to a confirmation test, to assay a sample.
- (g) Prescription or Non-Prescription Medication means a drug prescribed for a by a duly licensed physician or other medical practitioner licensed to issue prescriptions or a drug that is authorized for general distribution and use in the treatment of human diseases, ailments, or injuries.
- (h) Sample means a human body part or product medically or chemically capable of revealing the presence of an illegal drug in the human body.

### 7.3 Application of the Procedure

- (a) All individuals submitting applications for employment with the Town of St. John, Indiana, shall be provided with a written "Notice to all Applicants" informing them of the Employers requirement of all health evaluation, including a drug/screen test.
- (b) All applicants who meet the criteria for employment shall be required to execute a "Consent and Medical Release Form."
- (c) Applicants who refuse to sign the "Consent and Medical Release Form" to take the drug/screen test shall not be offered employment with the Town of St. John, Indiana.



(d) In the event that an applicant is using a prescribed controlled substance, he or she must give the Town of St. John, Indiana, written notice of such use prior to the drug-screening/testing. The use of prescribed medications shall not impair the safe and efficient work performance of the applicant.

(e) In the event that it is necessary to make an offer of employment prior to the applicant undergoing drug screening/testing, the offer shall be made contingent upon the applicant's compliance with the drug screening program adopted by the Town of St. John, Indiana. The applicant must be specifically informed that if he or she refuses to fully cooperate with the Town of St. John drug screening policies and procedures, or fails the drug screening test, the offer of employment is automatically rescinded.

(f) Testing shall be performed by an independent laboratory properly certified by the appropriate authority and approved for use by the Town of St. John, Lake County, Indiana.

(g) The cost of urine analysis screening and evaluation shall be borne by the Town of St. John, Indiana.

(h) An appropriate chain of custody protocol shall be followed by the testing facility and the Town of St. John, Indiana to ensure accurate test results.

(i) Results of the test screen shall be maintained in a confidential manner with the original medical records remaining at the testing facility. Any copies of such test results shall be maintained by the Town of St. John, Indiana, confidentially in accordance with applicable law.

(j) Applicants who test positive for drugs shall not be employed. Subsequent employment applications are permitted after Ninety (90) days. The Town of St. John, Indiana, based on consultation from the testing facility, shall develop procedural and methodological standards for the technical aspects of the drug screen test. Such standards shall include, but are not limited to:

1. Rules and acquisition of samples,
2. Procedural guidelines to insure integrity of the chain of custody from the Town of St. John and the testing facility,
3. Volume thresholds at which a drug test result is to be deemed a positive result for the illegal drug,
4. Standards and levels for the initial screening,
5. Standards, levels, and timeliness for a confirmation test.

(k) As detailed herein, the Town of St. John, Indiana, shall give prospective employees a confirmation test opportunity to explain or challenge "positive" test results. The opportunity for re-testing shall be determined by the Town of St. John, Indiana, after consultation with the testing facility. In the event that the submission to a confirmation test is scientifically supportable by the standards established, the request shall be immediately acted upon. The prospective employee shall bear the costs of all confirmation tests.

**SECTION VIII - LAST REVISION (DATE)**  
**JOB TRAINING**

**8.1 On-The-Job-Training**

- (a) On-the-job training should prepare a new employee for performance of the individual task for which he or she is responsible. Such training should demonstrate to the employee what he or she is responsible for, how to perform job duties, the reason the task is performed, and the level of achievement he or she must attain.
- (b) Training is the primary responsibility of the Supervisor or Department Supervisor.
- (c) It shall be the goal of the Town of St. John through designated administrative and Supervisory personnel, to establish training programs of contemporary value for all employees and to implement the same on a continuing basis.
- (d) Formal training procedures shall be developed and kept on file by Supervisors or Department Supervisors with copies being maintained in the office of the Clerk-Treasurer.
- (e) Training programs shall include, but not be limited to, employees being cross-trained within their Departments, and when holding a position in One (1) Department being trained to handle activities within another department done by persons in a related position, or having the same job title.
- (f) Training records shall be maintained by the Department Supervisor.

**8.2 Job Related Training**

When an employee is required, requested or receives permission to take specific training, attend a conference, seminar, convention, or workshop, all fees shall be paid by the Town of St. John.



**SECTION IX - LAST REVISION (DATE)**  
**HOURS AND LEAVES**

**9.1 Hours of Work**

(a) Town offices and departments shall observe the hours of work designated by the Supervisor or Department Supervisor of that department. Work hours for every department shall be established and posted within the Department and for public view.

(b) Unless the Department requires shift work or Seven (7) day coverage, the normal work week for Town employees shall be Forty (40) hours, Monday through Friday. Certain offices may need to observe earlier opening hours and later closing hours in order to better serve the public. In such instances employees shall be informed as to departmental policy upon employment, or as such needs evolve. The scheduled work hours shall be strictly adhered to by Town Employees.

(c) Departmental hours may also be affected by the season, weather, shift schedules used, or requirements to be open for business beyond normal posted hours. Employees shall be advised as to changes from normal policy by their Supervisor or Department Supervisor.

**9.2 Breaks**

(a) In the event the Department has a Thirty (30) minute paid lunch hour rule, its employees shall be entitled to Two (2) Fifteen (15) minute breaks each day, One (1) during each half of the employee's shift. These breaks are to be taken at a time not disruptive to Departmental work activity. In the event a Department has a Thirty (30) minute paid lunch hour rule, such rule shall require the Employees of that Department to be available to work and assist in Department work activities at the direction of the Supervisor or Department Supervisor during that time.

(b) Rules concerning employee actions during break periods are solely at the discretion of the Supervisor or Department Supervisor.

### 9.3 Lunch

- (a) A Thirty (30) minute unpaid lunch break shall be provided during each employee's daily shift, unless the Department observes a Thirty (30) minute paid lunch rule. This lunch break should fall approximately in the middle of the shift.
- (b) Lunch breaks should be staggered whenever possible so as to not leave any Town Office unoccupied at any given time.
- (c) Supplemental Department or Office policies concerning Lunch Breaks are at the discretion of the Supervisor or Department Supervisor.

### 9.4 Paid Holidays

- (a) There are 11, eight hour paid holidays, as follows:

New Year's Day	January 1st
Presidents' Day	Movable
Good Friday	Movable
Primary Election Day	Movable
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Columbus Day	Movable
General Election Day	Movable
Thanksgiving Day	Fourth Thursday in November
Thanksgiving Friday	Day following Thanksgiving
Christmas Day	December 25th

Additionally, to receive holiday pay, employees must work the last scheduled departmental work day preceding and the first departmental scheduled work day following the holiday. Holiday pay shall be limited to the regular scheduled hours of the normal work day for the purpose of computing weekly overtime pay. Whenever it is necessary for an employee to work on a holiday, he or she shall be entitled to compensatory time off at a time approved by the department head. The Municipal Building and Clerk-Treasurer's office shall be closed on the above listed holidays.

(b) Full-time members and full-time civilian employees of the town Police Department are required to work on the holidays designated above, when scheduled, to conduct police business and affairs for the welfare and safety of the residents of the town. All full-time members and full-time civilian employees are hereby granted personal days for each of the holidays designated above. The personal days shall be taken at a rate of, no more than, one per month. In no event shall there be compensation given in lieu of the personal day. Each personal day shall be taken only when permitted by the Chief of Police. In the event the personal day is not taken and exercised during the calendar year as required herein, the right to the personal day by the full-time member or full-time civilian employee shall lapse. ('82 Code, § 3-103) (Am. Ord. 329, passed 2-10-82; Am. Ord. 363, passed 6-8-83; Am. Ord. 532, passed 7-10-91)

(d) Part-time, seasonal, and temporary help shall not be entitled to holiday pay.

(e) No holiday pay shall be paid if the employee is off the day preceding or the day following the scheduled legal holiday unless the employee is off due to pre-approved scheduled time off.

(f) When the holiday falls on Sunday, the following Monday shall be considered the holiday. When the holiday falls on Saturday, the preceding Friday shall be considered the holiday.

(g) If an employee is on vacation, he or she shall be paid for the holiday and have his or her vacation extended One (1) day.

#### 9.5 Records Required of Time Worked for Non-Exempt and Hourly Employees

- (a) Every non-exempt salaried and hourly employee shall be required to turn in a time card or sheet at the end of each pay period to his or her Supervisor or Department Supervisor. The Supervisor or Department Supervisor must attest to the accuracy of all time card/time sheets and transmit an attendance record showing said hours, to the Clerk-Treasurer's Office on an appropriate form no later than 11:00 a.m., Monday following the conclusion of the pay period.
- (b) The Supervisor or Department Supervisor must keep accurate records of the time worked, sick days, vacations, and all other benefits for Employees in his or her Department.
- (c) Employees shall not work more than their regular scheduled hours on any work day without the knowledge and approval of their Department Supervisor. Exempt salaried employees (administrative) shall not be subject to this provision. Employees other than the supervisor shall not record time for another employee. Offenders may be subject to dismissal

#### 9.6 Record Keeping of Time Worked for Exempt (Administrative) Employees

- (a) Administrative employees shall be required to turn in to the Clerk-Treasurer's Office at the end of each pay period to report time worked and time away from the job which includes:
  - 1) Vacation days
  - 2) Sick days
  - 3) School time, seminars, meetings, etc. (if an entire day is involved)
  - 4) Bonus days
  - 5) Holidays

Define Supervisor, exempt from accumulated compensation time



## 9.7 Overtime

(a) Overtime shall be defined as time worked beyond the established and prescribed usual work week of Forty (40) hours, which has been approved by the employee's Department Supervisor or Immediate Supervisor.

(b) All hours actually worked in excess of Forty (40) hours in any work week shall be credited for time and one-half (1 and 1/2). Hours worked shall include vacation, school, bonus days, holidays, compensatory days, and personal days. Employees shall only be paid overtime when it is authorized by the Department Supervisor. (See also, the Fair Labor Standards Act of 1938, 29 U.S. Code §201 et seq.)

(c) Employees shall be required to work overtime if requested to do so by their Immediate Supervisor or Department Supervisor. Failure or refusal to work overtime if requested may result in disciplinary action.

(d) Any deviation of an employee's normal work schedule must be approved by his or her Immediate Supervisor or Department Supervisor with notification being given to the Clerk-Treasurer with the required time records.

## 9.8 Deferred Compensation Savings Program <sup>7</sup>

(a) The Town Council has adopted a Deferred Compensation Program and established the Town of St. John Deferred Compensation Plan for the voluntary participation of all eligible Town Employees and Elected Officials.

(b) The Program is intended for long-range financial planning and is at no cost to the Town. Employee contributions are made through periodic payroll deductions approved and directed by the eligible employee.

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<sup>7</sup> *Indiana Code Section 5-10-1.1-1 et seq.* permits all eligible employees of the Town to defer a portion of their compensation under a plan established by the Town.

9.9 Death of an Employee

(a) Upon the death of an active employee all outstanding earned wages and accumulated vacation pay shall be forwarded to the administrator of the employee's estate or family.

9.10 Longevity Pay for Regular Full-Time Employees

(a) All Regular Full-time Employees of the Town, including sworn Officers of the Town Police Department, shall be entitled to longevity pay.

(b) The Clerk-Treasurer shall be entitled to longevity pay.

(c) The following longevity pay schedule shall apply to all Regular Full-time Town Employees:

1. Longevity will be included in the first payroll of December.

2. The following longevity pay schedule shall apply to all Regular Full-Time Town Employees. The amount paid will be based on completed years of continuous service as follows:

Year 2 = \$100.	Year 14 = \$800.
Year 3 = \$150.	Year 15 = \$900.
Year 4 = \$200.	Year 16 = \$950.
Year 5 = \$300.	Year 17 = \$1000.
Year 6 = \$350.	Year 18 = \$1050.
Year 7 = \$400.	Year 19 = \$1100.
Year 8 = \$450.	Year 20 = \$1200.
Year 9 = \$500.	Year 21 = \$1250.
Year 10 = \$600.	Year 22 = \$1300.
Year 11 = \$650.	Year 23 = \$1350.
Year 12 = \$700.	Year 24 = \$1400.
Year 13 = \$750.	Year 25 & over = \$1500.

For the purposes of proration at termination any part of a month worked shall be credited as a full month worked.

9.11 Compensatory Time-Off

(a) Subject to the provisions of the Fair Labor Standards Act, as amended from time to time, the following procedures shall be observed by all Departments:

- 1) Credit for overtime for salaried employees shall be taken as compensatory time. Credit for overtime for hourly employees may be taken as overtime pay at the applicable rate or as compensatory time off at the rate of time off at the discretion of the Department Head.
- 2) The scheduling and approval of compensatory time-off shall be at the discretion of the Immediate Supervisor or Department Supervisor. Employee preference shall be given consideration if that time-off would not adversely affect departmental work activity.

(b) All reports required by the State Board of Accounts shall be completed by the Town as they relate to this Policy.

9.12 Vacation Leave

(a) Regular full-time employees accrue paid vacation leave based on continuous service as follows:

<u>Length of Continuous Service</u>	<u>Number of Vacation Days</u>
Less than one year	None
One (1) year of service	80 hours
Five (5) years of service	120 hours
Ten (10) years of service	144 hours
Fifteen (15) years of service	160 hours
Twenty years (20) of service	200 hours

with the exception of the Chief of Police and Director of Public Works who shall be entitled to 120 hours vacation after Three (3) years, 160 hours after Ten (10) years, and 200 hours after Fifteen (15) years.

(b) Vacation leave shall be paid based on the Employee's salary or wage as set forth in the annual Salary Ordinance.

(c) Vacation schedules shall be developed on a uniform basis from January 1st through December 31st at the discretion of the Department Head and shall not be accumulated from year to year.

- d) In the event a legal Town holiday is established in the annual Salary Ordinance occurring during an employee's vacation leave, the day shall not be counted as part of the vacation leave but shall instead be One (1) additional day added to said leave.
- (e) In the event that multiple employee requests are received within a department for the same vacation leave period, the Immediate Supervisor or Department Supervisor shall schedule said vacation leave according to seniority.
- (f) Vacation leave requests must be submitted by Employees to their Immediate Supervisor or Department Supervisor on or before March 1st of each year.
- (g) In the event an Employee requests vacation leave for the last Two (2) weeks of the calendar year and for the next year's vacation the first Two (2) weeks of the next calendar year, the request must be made by October 1st.
- (h) Length of continuous service calculations are based on all uninterrupted regular full-time employment with the Town. When an Employee leaves One (1) Town Department for another Town Department without a break in service, the Employee shall take with him or her the years of service to be counted for vacation leave.
- (i) The Immediate Supervisor or Department Supervisor may deny a vacation request due to anticipated heavy work loads, or critical assignments during the requested period. The Immediate Supervisor or Department Supervisor shall be the final authority to determine the number of employees allowed to schedule a vacation simultaneously.
- (j) Vacation leave shall continue to accumulate during any period that an employee is off from work due to an occupational injury or illness.
- (k) Vacation leave shall not accumulate during a leave of absence or while an ordinary or non-occupational illness or injury related disability.
- (l) When an employee who has unused vacation leave to his credit is separated from department service, full pay for the amount of such vacation will be allowed. This section may be voided by the Employer in the case of Group III Violations as addressed in SECTION 11.6 herein.

- (m) Failure of an employee to return from a vacation at the scheduled time may be cause for disciplinary action.
- (n) Vacation time shall be taken in no less than four hour increments.
- (o) Employees must give the Town at least Two (2) weeks notice prior to resignation to be eligible for vacation payment benefits.
- (p) The Town may pay vacation payment benefits to an Employee One (1) to Three (3) days before the vacation leave period begins, but only in the event that at least Three (3) weeks advance notice is provided to the Office of the Clerk Treasurer.
- (q) An Employee wishing to take Three (3) or more consecutive vacation days must provide his or her supervisor with a minimum of Thirty (30) days notice. For vacation leave requests of fewer than Three (3) consecutive days a minimum of One (1) week's notice is required. Vacation requests not meeting these notice requirements will be subject to denial if the Supervisor or Department Supervisor decides the employee's absence will seriously hamper the operation of the municipal department.

### 9.13 Sick Leave

- (a) After satisfactorily completing the 90 day probationary period, regular full-time employees shall be entitled to earn paid sick days.
- (b) Sick days shall accumulate at the rate of one (1), eight (8) hour day for each month of service
- (c) Sick leave may accumulate up to a maximum of 240 hours.
- (d) Any Employee who is absent due to illness for Three (3) working days or longer shall be requested to provide a doctor's certificate to verify illness and to certify that the Employee is fit for duty.
- (e) Sick leave may be used only for the following reasons:
  - 1) Verified illness or injury of the Employee
  - 2) Quarantine of the Employee
  - 3) Maternity Leave
  - 4) As part of the Employee's Family or Medical Leave Period
  - 5) To avoid jeopardizing the health of other municipal Employees.

- (f) The following rules and restrictions shall be followed:
- 1) To be eligible for sick leave, an Employee must have reported for work or called in reporting the sickness or injury to his or her Department manager or Immediate Supervisor at the beginning of, or prior to his or her scheduled beginning hour of work.
  - 2) Sick leave may not be used for vacations or any other absence other than those stated herein.
  - 3) Any Employee receiving compensation for sick leave, who simultaneously receives compensation under the provisions of Worker's Compensation, shall receive only the portion of his or her sick leave compensation that together with the Worker's Compensation, equals his or her regular salary.
  - 4) The Employee shall keep his or her Supervisor informed of the progress of the illness and anticipated day of return to work.
- (g) When an Employee leaves One (1) Town Department to work for another Town Department without a break in service, the Employee shall take with him or her the months of continuous service to be counted for sick leave.
- (h) Accumulated sick leave time taken is lost and shall be regained only by regular attendance through continuous service upon the employee's return to work.
- (i) Department Supervisors or Immediate Supervisors shall keep documented records of said leave absences with copies being sent to the Clerk-Treasurer's Office and to the Town Council.
- (j) Unreported absences due to alleged illness and excessive absences due to alleged illness shall be dealt with in the disciplinary procedures.
- (k) Sick leave shall continue to accumulate during the period that an Employee is off due to occupational injury or illness.
- (l) Sick leave shall not be accumulated during a leave of absence or while on ordinary or non-occupational illness or injury related disability.

(m) No Employee shall be permitted to use any accumulated sick leave immediately prior to retirement, except for Sick Leave defined in paragraph (e) herein.

(n) The Town Council and/or Clerk-Treasurer may require that any Employee who has been absent due to sickness for 160 hours or more, be examined and certified as being fit for duty by a doctor designated by the Town before returning to employment with the Town.

(o) When an Employee has been on sick leave due to personal illness or injury, before returning to work the Employee shall present to his or her Supervisor a certificate of release from the attending physician allowing a return to work. If the release is a "conditional release" the Supervisor shall determine whether said Employee is able to perform his or her normal job requirements. If the Employee cannot perform said job requirements and the Supervisor cannot provide "light" duties, then the conditional release shall not be sufficient for the Employee to return to work.

(p) In the event an employee is terminated by the Town of St. John said employee shall not be paid for unused accumulated sick time.

#### 9.14 Funeral Leave

(a) Regular full-time Employees shall be entitled to Three (3) work days/24 hours off with pay for funerals and necessary arrangements of the affairs of the deceased for immediate family members only, which shall be defined as the employee's spouse, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, grandchild, or a family member residing in the same household.

b) Regular full-time Employees shall be entitled to 8 hours off with pay for funerals of an aunt, uncle, or cousin, and an aunt, uncle, or cousin of his or her spouse.

c) Additional paid or unpaid funeral leave, sick leave, or vacation time may be granted in light of extenuating circumstances upon a request made to the employee's Immediate Supervisor or Department Supervisor, with the approval of the Town Council.

#### 9.15 Attendance awards - Bonus Days

(a) Any regular full time employee with six (6) consecutive months of perfect attendance, including no reports of absence or tardiness, shall be given one (1) bonus day off to be taken during the following six (6) month period.

(b) Qualifying employees shall be notified by the Department Head bi-annually.

(c) Bonus days shall not accumulate.

(d) Credit toward earned bonus days are interrupted by all absences except the following: use of earned bonus days, regular vacation time, required military duty, jury duty, funeral leave, compensation time, personal days and holidays allowed.

(e) Periods of bi-annual time shall be as follows: January 1 through June 30; and July 1 through December 31.

#### 9.16 Military Leave

Military leave shall be in accordance with applicable Federal Law, as amended from time to time.

#### 9.17 Absence Without Leave

An absence of an Employee from duty, including an absence for a whole or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed an absence without leave. Any such absence shall be without pay and the Employee shall be subject to disciplinary action, which may include dismissal. Any Employee who is absent from work Three (3) consecutive days, or on Two (2) separate occasions for less than a total of Two (2) days without notifying his or her Immediate Supervisor or Department Supervisor of the reason for such absence or absences, shall be considered to have resigned from the Town service.

#### 9.18 Maternity Leave

The Town's maternity leave policy shall be the same as the sick leave policy set forth in SECTION 9.13 herein, and in addition, shall comply with all applicable Federal and Indiana State statutes and regulations, as amended from time to time. In the event of a conflict between this policy and any applicable statutes or regulations, the applicable statutes regulations shall take precedence.



## 9.19 Family and Medical Leave

(a) Employee Eligibility. Family/Medical Leave of Absence (FMLA Leave) is available to Employees who have been employed by the Town of St. John at least One (1) year prior to the date on which FMLA Leave is to commence, and who have worked at least One Thousand Two Hundred and Fifty (1,250) hours during the Twelve (12) months immediately preceding the date on which FMLA Leave is to commence.

(b) Definitions. The terms of the FMLA Leave shall have the following meanings:

- 1) Health Care Provider: a licensed physician, dentist, optometrist, podiatrist, chiropractor, osteopath, physical therapist, respiratory care practitioner, occupational therapist or psychologist.
- 2) New Child FMLA Leave: to care for the Employee's son or daughter after the birth of that son or daughter.
- 3) Family FMLA Leave: to care for the Employee's spouse, son, daughter, or parent who has a serious health condition which is defined as an injury, illness, or physical or mental condition that requires inpatient hospital care or continuing treatment by a health care provider.
- 4) Employee Medical FMLA Leave: to care for the Employee's own condition defined as a serious health condition which renders the Employee unable to perform his or her job.
- 5) Spouse means a Husband or Wife as defined by Indiana law.
- 6) Parent means a biological parent or an individual who stands or stood in loco parentis to an Employee when the Employee was a child. This term does not include parents-in-law.
- 7) Son or Daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under age Eighteen (18), or age Eighteen (18) or older and incapable of self-care because of mental or physical disability.

- (c) FMLA Leave Availability. An eligible Employee is entitled to FMLA Leave as follows:
- 1) New Child FMLA Leave - for the birth of a child or the placement with the Employee of a child for adoption or foster care:
    - i) FMLA Leave may be taken prior to the actual birth or placement as circumstances may require.
    - ii) An eligible Employee's entitlement to FMLA Leave expires twelve (12) months after the birth or placement.
    - iii) In the event that the parents of a son or daughter are both Town Employees, they shall be entitled to a combined total of Twelve (12) weeks New Child FMLA.
  - 2) Family FMLA Leave - to care for the Employee's seriously ill spouse, child, or parent. FMLA Leave is not available to care for an unmarried domestic partner.
  - 3) Employee Medical FMLA Leave - due to serious health condition that makes the Employee unable to perform his or her job functions.
- (d) Notice and Certification Requirements.
- 1) In cases of foreseeable medical FMLA Leave, Employees shall be required to provide Thirty (30) days advance FMLA Leave notice and medical certification. FMLA Leave shall be denied if these requirements are not met. A medical Certification shall also be required to support an Employee's request to return to work.
  - 2) In cases of Family FMLA Leave, the Town shall also require a certification from a health care provider that the Employee is needed to care for the family member.

- 3) The Town shall also require periodic reports from the Employee on FMLA Leave regarding the Employee's status and date of intent to return to work.

(e) Implementation of FMLA Leave Benefits.

- 1) An eligible Employee is entitled to take up to Twelve (12) weeks of unpaid FMLA Leave per 12-month period, measured backward from when the FMLA Leave is used.
- 2) An Employee who has taken FMLA is entitled to be restored to the same or an equivalent position upon his or her return to work at the end of the FMLA Leave period, except in the case of key Employees. The Town may deny restoration of a key Employee to that Employee's position if necessary to prevent substantial and grievous economic injury to the Town's operations. The Town will notify Employees of their status as key Employees if it believes there is a possibility that the Employee will not be restored at the end of the leave period, upon which notification the Employee may return to work.
- 3) Employees seeking FMLA Leave for any purpose will be first required to exhaust all available accrued sick leave and vacation leave.

Thereafter:

- i) New Child FMLA Leave - the Employee shall be eligible for the balance of the Twelve (12) weeks FMLA Leave on an unpaid basis. During the balance of the Twelve (12) weeks, the Town will pay its share and the Employee will pay the employee's share of the Employee's health insurance premiums.
- ii) Family FMLA Leave - the Employee shall be eligible for the balance of the Twelve (12) weeks FMLA Leave on an unpaid basis. During the balance of the Twelve (12) weeks, the Town will pay its share and the Employee will pay the Employee's share of the Employee's health insurance premiums.

- iii) Family Medical Leave - During the Twelve (12) weeks, the Town will pay its share and the Employee will pay the Employee's share of the Employee's health insurance premiums. Upon the exhaustion of the Twelve (12) weeks, the Employee may extend health insurance coverage under COBRA.

(f) Employment Protection/Limitations.

- 1) The use of FMLA Leave will not result in the loss of any employment benefits (except accrued sick and vacation leave, as provided herein) that accrued prior to the approved FMLA Leave.
- 2) Sick leave benefits shall not accrue during the FMLA Leave. Any vacation leave that accrues during the FMLA Leave shall, at that time, be taken as a part of the approved FMLA Leave.
- 3) Employees have no greater right to restoration or continuation of benefits than if the Employee had been continuously employed during the FMLA Leave period.
- 4) If any Employee fails to return to work after the Employee's FMLA Leave entitlement has expired, the Town may recover health insurance premiums it paid for maintaining the Employee's health insurance benefits during the period of unpaid FMLA Leave.

This policy is subject to and is to be interpreted consistent with 29 *Code of Federal Regulations* Part 825.

A request for leave of absence for sickness, disability, or for sabbatical purposes as addressed in *Indiana Code* § 36-8-6-1, et seq., as amended from time to time, shall not be affected by the terms of this policy, and past practices and procedures governing this State authorized leave shall continue in full force and effect.

(g) Effective Date: This policy shall be effective from and after adoption on December 28, 1995.

**SECTION X -LAST REVISION (DATE)**  
**RELATED BENEFITS AND PROCEDURES**

**10.1 Temporary Transfers**

- (a) Conditions may warrant reassigning an Employee to work another job for a limited period of time. During such reassignment, the Employee shall be considered to be on temporary transfer.
- (b) Temporary transfers may be to a higher, lower, or equal related job, within the same or different Department.
- (c) Regardless of the level of the new work being performed, temporary transfers shall be without a change in pay. However, with budgetary conditions permitting, an Employee on long-term temporary transfer to a higher rated job may be granted a temporary increase in pay upon approval of the Town Council.
- (d) Temporary transfer shall be defined as follows
  - 1) short term temporary - 180 calendar days or less;
  - 2) long term temporary - over 180 calendar days

**10.2 Permanent Transfers**

- (a) Whenever possible, Employees shall be given the opportunity to seek transfers or promotion to positions for which they qualify. However, transfers do not necessarily involve promotion. Salaries may be adjusted up or down depending upon the level of the new position.
- (b) Transfer to another Department or office must be recommended upon mutual agreement of the Immediate Supervisors or Department Supervisors. If a transfer is approved, the Immediate Supervisor may retain the transferring Employee a reasonable length of time in order to seek a replacement.
- (c) Transfer will not interrupt length of service nor change the Employee's anniversary date.
- (d) A transferred Employee shall serve a probationary period in the new position to determine his or her suitability.
- (e) Permanent transfers shall require the approval of the Town Council or Clerk-Treasurer.

### 10.3 Inter-Departmental Promotions

- (a) The Town encourages inter-departmental promotions to fill vacancies. An Employee who has demonstrated ability to do his or her present job well and to handle more difficult assignments may be considered for promotion.
- (b) All potential candidates shall be examined to determine the best qualified person to fill the position. Selection will be made on the basis of consideration of relative ability, knowledge, skills, and experience. This shall not restrict, however, open competition for a position by applicants outside of the Town organization.
- (c) A promoted Employee shall serve a probationary period in the new position to determine his or her suitability.

### 10.4 Loss of Acceptable Position Requirements

Any Employee who is unable to adequately perform the duties and responsibilities of his or her position because of loss of a necessary license or other requirement shall be subject to reassignment, separation through the layoff procedure, or discharge as determined by the Immediate Supervisor.

### 10.5 Notice Requirements

Any change in status of an Employee's job or position of employment with the Town, such change shall be reported to the Clerk-Treasurer's Office by the Immediate Supervisor or Department Supervisor in the form and manner required by the Town Council.

### 10.6 Post-Hire Physical Examinations

- (a) A post-hire physical examination may be required by the Town if an Employee shows any deficiency in his or her job performance.
- (b) The Town shall give notice for the Employee to be examined by a doctor or health facility designated by the Town.

(c) The designated doctor or health facility shall provide a medical opinion to the Town as to whether the Employee is fit for employment duty.

(d) In the event that the Town Council or Clerk-Treasurer determine that the Employee is not fit to work, based on said examination, appropriate action shall be taken.

(e) In the event that the Employee does not follow the prescribed medical recommendation for improved health, appropriate disciplinary action shall be taken.

(f) A post-hire examination shall be paid for by the Town. Any expenses for corrective medical treatment, however, shall be an expense of the Employee.

### 10.7 Jury Duty

(a) Regular full-time employees who are lawfully required to report for jury duty, or serve as a witness before any administrative body or agency having subpoena powers, shall be granted leaves of absence with pay by the Town from their positions during the required absence for such duty, less the amount paid by the court.

(b) Jury duty forms shall be obtained from the Clerk-Treasurer and must be completed and returned to the Clerk-Treasurer prior to the start of jury duty.

(c) Jury duty must be properly logged on time sheets or time cards by the Immediate Supervisor or Department Supervisor and jury pay vouchers must be provided by the Employee as soon as possible.

(d) Any Employee serving actively on jury shall not work his or her regularly assigned shift regardless of work schedule.

### 10.8 Contractual Agreements

(a) The Town Council and Clerk-Treasurer shall have the authority to hire on a contractual basis individuals whom the Council or Clerk-Treasurer believes would serve the best interests of the Town.

other  
(b) Such agreements shall be in writing setting forth the duties required of such individuals, terms of employment, the amount to be paid for such services, and related items.

(c) Such agreements shall be kept in the office of the Clerk-Treasurer.

(d) Such agreements may set forth procedures different from those addressed in this Personnel Policy Manual, as amended from time to time.

#### 10.9 Performance Evaluations

(a) During a probationary period of employment, the probationary Employee shall have an interim performance evaluation.

(b) Following the completion of the probationary period, every Employee may have a performance evaluation with his or her Immediate Supervisor or Department Supervisor every calendar year. The Evaluation shall be recorded on forms approved by the Town Council and Clerk-Treasurer and kept in the Employee's personnel file.

(c) The Employee shall have the right to review said evaluation and to discuss its contents with his or her Immediate Supervisor or Department Supervisor.

(c) Such written review shall be based on an overall evaluation of the quality and quantity of the Employee's work during the past appraisal period. Included in the review shall be: knowledge of the Employee's job, initiative, attendance, personal appearance, personal conduct, and general attitude toward the job and other Employees and the residents of St. John.

#### 10.10 Re-Employment

(a) Any former Employee gaining re-employment in any Department with the Town shall again complete the prescribed probationary period.

(b) No credit for former employment shall be given in computing salary, wages, vacation, sick leave, or other benefits.

(c) The provisions of sub-paragraph (b) may be waived or modified at the discretion of the Town Council.



### 10.11 Town Official I.D. Cards And/Or Badges

Employees, as deemed necessary by the Town Council, shall be issued identification cards or badges for use when performing town duties. The card or badge shall be used as identification if requested by the member of the public. Unauthorized or inappropriate use of employee identification is prohibited and shall result in disciplinary action.

### 10.12 Seniority

- (a) For the first year of employment an Employee has no seniority status. At the end of this probationary period, his or her seniority will date back to the date of hire.
- (b) Seniority shall be determined by the time an Employee spends continuously on the payroll.
- (c) Seniority is broken by:
  - 1) discharge
  - 2) resignation
  - 3) layoff
  - 4) leaves as indicated in this Policy, as amended from time to time.
  - 5) suspension
- (d) If any Employee leaves employment with the Town to enter military service, he or she will accumulate seniority during his or her time in the armed forces as defined and provided by applicable Federal Law.

### 10.13 Layoffs

Circumstances beyond the control of either the Town or its Employees could arise that make a reduction in the work force necessary. Such reductions may be necessitated by budget limitations, seasonal employment, weather conditions, or other similar occurrences. Separations of this kind shall be classified as layoffs, and it is to be understood that they occur through no fault of the affected Employee.

- (a) All the following criteria shall be considered in determining the order of

employees to be laid off: ability to perform the job, performance history, length of service with the Department, length of service with the Town in all Departments, length of service within that specific job, absenteeism, and Employee attitude.

(c) If an employee is laid off, an attempt will be made to accomodate reassignment or transfer to another position.

(d) Regular full-time Employees to be laid off shall be notified in writing and, if possible, given at least Two (2) weeks notice prior to the effective date of layoff.

#### 10.14 Town Tools and Other Equipment

in (a) When Town tools and other equipment are furnished to Employees for use their jobs, Immediate Supervisors or Department Supervisors shall see that Employees are properly instructed to their use and care.

(b) Immediate Supervisors or Department Supervisors shall further explain that, under Town policy, Employees to whom equipment is assigned shall have full responsibility for it, financial and otherwise. In the event that such equipment is damaged, destroyed, or lost, through carelessness, neglect, or misuse, or failure to follow instructions, the Employee may be expected to pay for the damage, desruction or loss.

(c) The Employee's Immediate Supervisor or Department Supervisor shall be the judge as to the extent of liability of the Employee in such circumstances.

(d) Appropriate disciplinary action may also be taken.

### 10.15 Communicable Diseases<sup>8</sup>

(a) The Town may develop policies addressing communicable diseases consistent with applicable State and Federal Law, as amended from time to time.

(b) Such policies, once approved by the Town Council, and as amended from time to time, shall be kept in the Clerk-Treasurer's Office.

### 10.16 Confined Space Entry Rescue Policy

(a) The Town may develop policies addressing confined space entry rescue consistent with applicable State and Federal Law, as amended from time to time. Such policies may address standards for the requirements for Employee training, entry permit systems, personnel protective clothing, retrieval equipment, and confined space monitoring requirements. (See: 29 Code of Federal Regulations §1910.146 published January 14, 1993, and implemented April 14, 1993.) Such Policies, once approved by the Town Council, and as amended from time to time, shall be kept in the Clerk-Treasurer's Office.

### 10.17 Occupational Exposure to Bloodborne Pathogens Policy

(a) The Town may develop policies addressing Occupational Exposure to Bloodborne Pathogens consistent with applicable State and Federal Law, as amended from time to time. Such policies shall address:

- 1) An Exposure Control Plan
- 2) Employee Training
- 3) Work practice controls
- 4) Personal Protective Equipment
- 5) Housekeeping requirements
- 6) Hepatitis B Vaccination Procedures
- 7) Post-Exposure Follow-Up Procedures
- 8) Labels and Signage Requirements

(See: 29 Code of Federal Regulations § 1910.1030 which was published on December 6, 1991 and became effective March 6, 1992.)

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<sup>8</sup> *Indiana Code* § 16-1-9.5-1 *et. seq.*, addresses "Prevention and Control of Disease.

time (b) Such policies, once approved by the Town Council, and as amended from time to time, shall be kept in the Clerk-Treasurer's Office.

#### 10.18 Employee Medical and Exposure Records Policy

(a) The Town shall address the management and retention of Employee records consistent with applicable State and Federal Law, as amended from time to time. Such policies shall be defined specifically according to *29 Code of Federal Regulations* § 1910.20 which require employers to maintain all Employee medical and exposure records for Thirty (30) years after the Employee leaves employment. Exposure records shall include: noise exposure evaluations, industrial hygiene studies, materials safety data sheets, and chemical process formulas. Employees, or their representatives, shall have the right to request copies of these records for review. The records shall be available for review by Federal and State OSHA inspectors.

(b) Such Policies, once approved by the Town Council, shall be kept in the Clerk-Treasurer's Office.

**SECTION XI- LAST REVISION (DATE)**  
**DISCIPLINARY ACTIONS AND SEPARATIONS**

**11.1 Demotion Due to Inappropriate Placement**

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

**11.2 Demotion Due to Organizational Change**

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

**11.3 Progressive Disciplinary Policy**

- (a) The Town Council and Clerk-Treasurer recognize the need for a standard and uniform policy regarding Employee discipline. Disciplinary policy must be administered uniformly and indiscriminately. The application of discipline in such a fashion shall ensure uniform enforcement of the Town Employment and Personnel Policy, as amended from time to time. The purpose of discipline is not punishment, but rather to improve Employee performance.
- (b) Disciplinary action shall be applied progressively except when the violation is the type that requires other Immediate action.
- (c) When an Employee fails to meet the Town's established standards of work or conduct, the steps of progressive discipline shall be as follows:

- 1) First Offense -- Verbal warning.
- 2) Second Offense -- Written warning.
- 3) Third Offense -- Written warning with up to Five (5) days suspension, (disciplinary lay-off) without pay.
- 4) Fourth Offense -- Immediate discharge.

Applied in this manner, the Employee shall be advised about his or her performance, how and where it needs improvement, and what the consequences shall be if no remedial action is taken.

(d) Any and all disciplinary actions, including verbal warnings, are to be recorded by the Immediate Supervisor or Department Supervisor taking the actions. Copies of said actions shall be placed in the Employee's personnel file. The Employee shall receive a copy of the written disciplinary warning or termination notice.

#### 11.4 Group I Violations

(a) Committing Group I Violations shall result in the following disciplinary action:

- 1) First offense -- Verbal warning.
- 2) Second offense -- Written warning.
- 3) Third offense -- Written warning with up to Three (3) days suspension (disciplinary lay-off) without pay.
- 4) Fourth offense -- Termination or Immediate discharge.

(b) Committing gross violations, or a combination of offenses, may be basis to accelerate disciplinary action. Disciplinary action on Group I Violations shall be considered offenses made within the preceding Twelve (12) month period.

(c) This list is not meant to be all inclusive. Disciplinary actions for offenses not listed shall be handled on a case by case basis by supervisory personnel.

(d) Group I Violations

- 1) Excessive absenteeism.
- 2) Excessive tardiness.
- 3) Failure to report absence properly.
- 4) Use of profane, abusive, or threatening language.
- 5) Unauthorized use of the Town's long distance telephone for personal use.
- 6) Smoking in non-authorized areas.
- 7) Horseplay.
- 8) Failure to follow safety policies.
- 9) Creating unsafe or unsanitary conditions.
- 10) Failure to acquire the established basic skills and knowledge of the job.
- 11) Carelessness or negligence resulting in inferior work.
- 12) Failure to provide a reasonable quantity of and quality of work.
- 13) Conducting personal business on Town paid time.
- 14) Extending length of rest breaks, lunch periods beyond the Town time limits.
- 15) Quitting work early before rest breaks, lunches periods, or end of shift.
- 16) Reporting to work in unsuitable attire or without required full uniform.
- 17) Unkept appearance or poor personal hygiene.
- 18) Abuse of telephone privileges in duration or frequency of personal calls.
- 19) Unauthorized use of Town equipment.
- 20) Abuse of tools, equipment, or materials.
- 21) Failure to report damaged equipment or hazardous conditions to an Immediate Supervisor or Department Supervisor.
- 22) Violation of Supplemental Department rules and regulations.
- 23) Unauthorized use of employee I.D. Card or Badge

11.5 Group II Violations

(a) Committing any Group II Violation shall warrant immediate suspension up to Five (5) days, with disciplinary action up to and including discharge as determined by the Immediate Supervisor or Department Supervisor.

(b) This list is not meant to be all inclusive. Disciplinary actions for offenses not listed shall be handled on a case by case basis by supervisory personnel.

(c) Group II Violations

- 1) Unlawful possession or use of firearms or other weapons.
- 2) Possession or use of alcoholic beverages, narcotics, or nonprescription drugs.
- 3) Reporting to work while under the influence of alcohol or narcotics.
- 4) Leaving work without permission of the Immediate Supervisor or Department Supervisor.
- 5) Unauthorized use, misuse, removal, or disclosure of personnel records, departmental records, or confidential information.
- 6) Deliberate removal of safety device or willful violation of safety rules.
- 7) Transmitting misinformation, discourtesy, or rudeness to the public or fellow employees.
- 8) Intimidating, coercing, or interfering with other employees in the discharge of their duties.
- 9) Installing unauthorized software, downloading files, or sabotage of configuration.

11.6 Group III Violations

(a) Committing any Group III Violations shall warrant immediate termination from Employment.

(b) This list is not meant to be all inclusive.

(c) Group III Violations

- 1) Insubordination -- refusal to comply with instructions of Immediate Supervisor including attitude and performance and/or physical aggression.
- 2) Refusal to accept proper job assignment.
- 3) Refusal to work overtime when a reasonable request is made.
- 4) Falsifying application for employment.
- 5) Falsifying time cards or work records.
- 6) Disruptive behavior such as fighting, physical violence, etc.
- 7) Malicious damage to Town Property.
- 8) Theft of Town property.
- 9) Dereliction of duty.



### 11.7 Non-Disciplinary Termination

- (a) In the event of voluntary termination by the Employee, the Employee shall provide a written letter of resignation stating his or her termination date and reason for leaving. Additionally, the Employee shall give the Town at least Two (2) weeks notice prior to resignation to be eligible for pro-rated vacation payment benefits. This requirement may be waived upon approval by the Town Council.
- (b) Employment shall terminate upon the withdrawal of the Employee from active service of the Town, and if such withdrawal is because of illness, employment may be extended until the expiration of any sickness benefits and medical leave benefits.
- (c) Release of the final paycheck by the Clerk-Treasurer for hours worked and for vacation shall be preceded by an appropriate release from the Immediate Supervisor or Department Supervisor indicating that all Town property, including keys, have been returned. Final paycheck will be run at the next payday.

### 11.8 Disciplinary Termination<sup>9</sup>

- (a) In the event of disciplinary termination by the Town, the Immediate Supervisor or Department Supervisor shall submit to the Clerk-Treasurer for proper placement in the Employee's personnel file, appropriate documentation indicating the reason for dismissal.
- (b) Release of the final paycheck must be preceded by an appropriate release form from the Immediate Supervisor or Department Supervisor indicating that all Town property, including keys, have been returned.

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<sup>9</sup> *Indiana Code* § 36-1-4-14 authorizes the Town to hire and discharge employees.

### 11.9 Exit Interviews

A terminating Employee shall be required to schedule an exit interview with the Department Supervisor before the end of his or her last day. The purpose of this interview is:

- 1) to review and record the details of the termination,
- 2) to verify the return of all keys, official identification, tools, equipment, supplies and other Town issued property,
- 3) to explain the status of his or her benefits after termination,
- 4) to arrange for the disposition of outstanding paychecks, vacation pay, or other compensation to which the Employee may be entitled.

**SECTION XII - LAST REVISION (DATE)**  
**COMPLAINT PROCEDURE**

**12.1 Three Step Procedure**

(a) The Town has the right as an Employer to make decisions surrounding employment practices, and these decisions affect all those who are employed by the Town.

(b) Policies or regulations are conditions of employment and are not themselves subject to challenges. However, interpretation or application of a Policy may be subject to question. Therefore, it is the Policy of the Town of St. John to establish a Complaint Procedure to clarify the interpretation and/or application of the Town Personnel Policies and Procedures, as amended from time to time, along with other problems or questions as the need arises. This procedure provides an Employee a vehicle to insure that job actions are not arbitrarily and selectively applied.

(c) A Complaint shall be defined as any disagreement by an Employee over the application of personnel policy, or on any personnel action that the Employee alleges to be unfair. The following procedure is established for all Employees who are not covered by another complaint procedure. This procedure shall not apply to the employees of the Office of the Clerk-Treasurer due to the provisions in applicable State Law, as amended from time to time.<sup>10</sup>

**12.2 Step I**

(a) All complaints are to be heard and resolved at the lowest possible organizational level. An Employee who believes he or she has been aggrieved should schedule a meeting to discuss the situation with his or her Immediate Supervisor or Department Supervisor within Three (3) working days after such incident has occurred. Every effort should be extended to resolve the issue satisfactorily at this level.

**12.3 Step II**

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<sup>10</sup> *Indiana Code §35-5-6-7* addresses the employment of Employees of the Clerk-Treasurer's service, at the Clerk-Treasurer's pleasure.

(a) Failing to satisfactorily settle the Complaint with the Immediate Supervisor or Department Supervisor, the Employee shall submit the Complaint in writing to the Town Council.

(b) The written Complaint shall be submitted within Two (2) working days after the meeting with the Immediate Supervisor or Department Supervisor. The Employee is responsible for preparing and submitting the written Complaint. The Immediate Supervisor or Department Supervisor shall submit his or her written analysis of what transpired at the initial meeting.

(c) The Employer shall meet with the Employee and Immediate Supervisor or Department Supervisor within Three (3) working days after receiving the written complaint with said meeting being called pursuant to *Indiana Code § 5-14-1.5-6(b)* as an Executive Session.

#### 12.4 Step III

(a) Failing to satisfactorily settle the Complaint with the Immediate Supervisor or Department Supervisor, the Employee's Complaint shall be forwarded for a second time to the Town Council for consideration and hearing. Said hearing shall take place within Five (5) working days of receipt of the Complaint to the Town Council with said hearing being called pursuant to *Indiana Code § 5-14-1.5-6(b)* as an Executive Session.

(b) The Employee is responsible for submitting the written Complaint. The Immediate Supervisor or Department Supervisor shall submit his or her analysis of what transpired at the Department level meeting.

(c) Upon meeting with the Employee and Immediate Supervisor or Department Supervisor, and reviewing the facts presented, the Town Council shall render a final determination within Five (5) working days of the hearing.

### **SECTION XIII - LAST REVISION (DATE) COMMERCIAL DRIVERS'S LICENSE RULES**

### 13.1 Commercial Drivers License (CDL) Requirements

#### Applicability (in accordance with 49 CFR § 382.103)

Town employees required by job description to have a Commercial Driver's License are subject to controlled substance and alcohol testing rules.

(a) A CDL is required for drivers operating a vehicle in excess of 26,000 pounds GVWR, designed to carry 16 or more passengers (including the driver), or of any size used in the transportation of a placardable amount of hazardous material. This extends those currently covered to include inter- and intrastate truck motor coach operations, including those operated by:

- Federal, State, Local, and Tribal governments
- Church and civic organizations
- Farmers and custom harvesters (unless exempted)
- Apiarian industries
- For-hire and private companies

(b) Exemptions are:

- Drivers exempted by their issuing state from obtaining a CDL.
- Drivers of less than 26,001 pounds GVWR, required by their state to possess a CDL.
- Drivers whose place of reporting for duty is located outside the territory of the United States.
- Active-duty military personnel.

#### Implementation (in accordance with 49 CFR § 382.115)

The alcohol and controlled substances testing rules shall be in effect as follows:

(a) Large Employers (50 or more drivers as of March 17, 1994) must implement the requirements beginning January 1, 1994.

(b) Small Employers (1-49 drivers as of March 17, 1994) must implement the requirements beginning January 1, 1996.

## 13.2 Commercial Drivers License (CDL) Definitions

### Definitions (in accordance with 49 CFR § 382.107)

- (a) Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- (b) Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
- (c) Breath Alcohol Technician (BAT) means an individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing device (EBT).
- (d) Commercial Motor Vehicle means a motor vehicle or combination or motor vehicles used in commerce to transport passengers or property if the motor vehicle:
  - (1) Has a gross combination weight of 26,001 pounds or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
  - (3) Is designed to transport 16 or more passengers, including the driver; or
  - (4) Is of any size used to transport hazardous materials requiring placards.
- (e) Confirmation Test for Alcohol Testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. *For controlled testing* means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.
- (f) Driver means any person who operates a commercial motor vehicle. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.
- (g) Employer means any person (including the United States, a State, the District of Columbia or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns a person(s) to operate such a vehicle, including agents, officers, and representatives of the Employer.

(h) Evidential Breath Testing device (EBT) means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Product's List of Evidential Breath Measurement Devices (CPL)."

(i) Medical Review Officer means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an Employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

(j) Performing (a safety-sensitive function) means any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

(k) Reasonable Suspicion means a belief that the driver has violated the alcohol or controlled substance prohibitions based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

(l) Refusal to submit (to an alcohol or controlled substance test) means a driver:

(1) who fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing,

(2) who fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing,

(3) who engages in conduct that clearly obstructs the testing process.

(m) Safety-sensitive function means any of the following on-duty functions as outlined in 49 CFR § 395.2 *On-Duty Time*, paragraphs 1 through 7 as listed below:

(1) All time at a carrier or shipper plant, terminal, facility, or other property waiting to be dispatched, unless the driver has been relieved from duty by Employer.

the

(2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.

(3) All time spent at the driving controls of a commercial motor vehicle.

(4) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).

(5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

(6) All time spent performing driver requirements associated with an accident.

(7) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

(n) Screening Test or Initial Test means an analytical procedure in alcohol testing in his/her system. In controlled substance testing the term means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

(o) Substance Abuse Professional means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a 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 alcohol and controlled substances-related disorders.

### 13.3 Commercial Drivers License (CDL) Prohibitions

Prohibited Alcohol and Controlled-Substance Related Activities in accordance with SUBPART B - The following are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for CDL drivers:



(a) *49 CFR § 382.201* Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

(b) *49 CFR § 382.204* Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter) unless the packaging seal is broken.

(c) *49 CFR § 382.205 and 382.207* Using alcohol within Four (4) hours of performing a safety-sensitive function and while performing a safety-sensitive function.

(d) *49 CFR § 382.209* When required to take a post-accident test, using alcohol within Eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

(e) *49 CFR § 382.211* Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.

(f) *49 CFR § 382.213* Reporting or remaining on duty which requires the performance of safety-sensitive functions when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to operate a CMV.

(g) *49 CFR § 382.215* Reporting or remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.

#### 13.4 Commercial Drivers License (CDL) Pre-Employment Controlled Substance Testing (in accordance with *49 CFR § 382.301*)

Prior to the first time a driver performs safety-sensitive functions (any on-duty functions listed in the Federal Motor Carriers Safety Regulations section 395.2 *On-Duty Time* as listed in paragraphs 1 through 7 (see Personal Policy Manual Section

13.18 - I), said driver must submit to testing for controlled substances. No Employer shall allow a driver to perform a safety-sensitive function unless the result of the controlled substance testing received from the Medical Review Officer indicates a negative result.

Certain exceptions apply, such as

(a) The driver must have participated in a drug testing program meeting the requirements of this rule within the previous Thirty (30) days; and

(b) While participating in this program the driver must have been tested for controlled substances in the previous Six (6) months, or participated in a random drug testing program for the previous Twelve (12) months; and

(c) The Employer must ensure that no prior Employer of the driver has recorded any violations of any Department of Transportation (DOT) controlled substance use rule for the driver in the previous Six (6) months.

In order to exercise any of the above-listed exceptions the Employer must contact the controlled substance testing program(s) in which the driver has participated and obtain the following:

(1) The name(s) and address(s) of the program(s), generally the driver's prior and/or current Employer.

(2) Verification that the driver participated in the program(s).

(3) Verification that the program confirms to the required procedures set forth in 49 CFR § 40.

(4) Verification that the driver is qualified under this rule, and that the driver has not refused to submit to controlled substance testing.

(5) The date the driver was tested for controlled substances.

(6) The results of any drug test on the previous Six (6) months and any violations of these controlled substance rules.

(7) An Employer who uses a driver more than once a year, but does not employ the driver, must assure itself at least once every Six (6) months that said driver participates in a drug testing program which meets the requirements of this rule.

13.5 Commercial Drivers License (CDL) Post-Accident Alcohol and Controlled Substance Testing (in accordance with 49 CFR § 382.303)

As soon as practicable following an accident involving a commercial motor vehicle, each Employer shall test for alcohol and controlled substances each surviving driver when either:

- (a) the accident involved a fatality: or
- (b) the driver receives a citation under state or local law for a moving traffic violation arising from the accident.

For purposes of this rule an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle required to be towed away from the scene.

When a required controlled substance test has not been administered within a reasonable time frame following an accident, the following actions shall be taken:

- (a) Two (2) hours - If the driver has not submitted to an alcohol test at this time, the Employer shall prepare and maintain on file a record stating the reason a test was not promptly administered.
- (b) Eight (8) hours - The Employer shall cease attempts to administer an alcohol test, and prepare and maintain a record described in (a).

- (c) Thirty-two (32) hours - If the driver has not submitted a controlled substance test at this time, the Employer shall cease attempts to administer the test, and prepare and maintain the record described in (a).

**IMPORTANT NOTE:**

*Nothing in this rule should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from*

*leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.*

*A driver who is subject to post-accident testing must remain available, or the Employer may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for Eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first.*

The Employer shall provide drivers with necessary post-accident information, procedures, and instructions prior to the driver operating a commercial motor vehicle so that he/she will be able to comply with the requirements of this rule.

The Federal Highway Administration recognizes post-accident tests conducted by the Federal, State, and local officials as meeting the requirements under the following conditions:

- (a) The official must have independent authority to conduct the test;
- (b) The test must conform to Federal, State, or local requirements;
- (c) Alcohol tests require blood or breath samples;
- (d) Controlled substances tests require urine samples;
- (e) The Employer obtains results of the sample; and
- (f) If the Federal, State, or local authorities conduct only one of the two required tests (either alcohol or drug), the Employer still must ensure that the other test is conducted.

13.6 Commercial Drivers License (CDL) Random Alcohol Testing  
(in accordance with 49 CFR § 382.305)

Random alcohol testing shall be in accordance with the following:

- (a) Random alcohol testing shall be administered at a minimum annual rate of Twenty-five (25) percent of the average number of driver positions.

- (b) The Employer shall ensure that random alcohol tests are unannounced and spread reasonably throughout the calendar year.
- (c) The Employer shall ensure that drivers selected for random alcohol tests proceed immediately to the testing site upon notification of being selected.
- (d) A driver shall only be tested for alcohol while said driver is performing safety-sensitive functions, immediately prior to performing or immediately after performing safety-sensitive functions.
- (e) The Employer may pool interstate and intrastate drivers together for random alcohol testing.
- (f) If the Employer is required to conduct random alcohol tests under the rules of more than One(1) Department of Transportation (DOT) agency, the Employer may:
  - (1) Establish separate pools for random selection with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or
  - (2) Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the Employer is subject.
- (g) In the event a driver selected for random alcohol testing is on vacation or an extended medical absence, the Employer can either select another driver for testing or keep the original selection confidential until the original selected driver returns.
- (h) If the Employer conducts random alcohol testing through a consortium, the number of drivers to be tested may be calculated for each individual Employer, or may be based on the total number of subject drivers covered by the consortium.
- (i) The Federal Highway Administrator may increase or decrease the minimum annual percentage rate for random alcohol testing based on the reported violation rate for the entire industry.

**13.7 Commercial Drivers License (CDL) Random Controlled Substances Testing**  
(in accordance with 49 CFR § 382.305)

Random controlled substance testing shall be in accordance with the following:

(a) The Employer must use a scientific valid method, such as a random number table which is matched with the driver's social security number.

(b) Random controlled substance testing shall be administered at a minimum annual rate of Fifty (50) percent of the average number of driver positions.

(c) The Employer shall ensure that random controlled substance tests are unannounced and spread reasonable throughout the calendar year.

(d) The Employer shall ensure that drivers selected for random controlled substance testing proceed immediately to the testing site upon notification of being selected.

(e) The Employer may pool interstate and intrastate drivers together for random controlled substance testing.

(f) If the Employer is required to conduct random controlled substance tests under the rules of more than One(1) Department of Transportation (DOT) agency, the Employer may:

(1) Establish separate pools for random selection with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or

(2) Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the Employer is subject.

(g) If a driver selected for random controlled substance testing is on vacation or an extended medical absence, the Employer can either select another driver for testing or keep the original selection confidential until the original selected driver returns.

(h) If the Employer conducts random controlled substance testing through a consortium, the number of drivers to be tested may be calculated for each individual Employer, or may be based on the total number of subject drivers covered by the consortium.

(i) The Federal Highway Administrator has proposed to lower the rate to Twenty-five (25) percent if the industry-wide random positive rate is less than 1.0 percent for Two (2) consecutive years while testing at Fifty (50) percent. The rate would

increase back to Fifty (50) percent if the industry random positive rate were 1.0 percent or higher for any subsequent year.

13.8 Commercial Drivers License (CDL) Reasonable Suspicion for Alcohol and Controlled Substance Testing (in accordance with 49 CFR § 382.307)

An Employer must require a driver to submit to an alcohol or controlled substance test when the Employer has reasonable suspicion to believe the driver has violated the alcohol or controlled substance prohibitions.

Supervisor Training (in accordance with 49 CFR § 382.603)

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by the Supervisor or Company Official trained in accordance with the following:

- (a) The Employer must ensure that the person(s) designated to recognize whether reasonable suspicion exists receive at least Sixty (60) minutes of training on alcohol misuse and at least Sixty (60) minutes of training on controlled substances use.
- (b) The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and controlled substances use.
- (c) The training shall be a total of at least One-hundred-twenty (120) minutes.
- (d) Alcohol Testing is authorized only if observations are made during, just before, or just after the work day period the driver is required to be in compliance.
- (e) The suspected driver shall be removed from performing safety-sensitive functions if there is reasonable suspicion to believe the driver is under the influence of alcohol or a controlled substance.
- (f) If a reasonable suspicion alcohol test is not administered within Two (2) hours following the observations, the Employer shall prepare and maintain a record stating the reasons the test was not administered promptly. If not administered within Eight (8) hours the Employer shall cease attempts to administer the test and prepare and maintain the record as listed above.

(g) Only One (1) Supervisor or Company Official is required to make observations necessary to require the reasonable suspicion test. Said designated Supervisor or Company Official shall not conduct the test.

(h) A written record shall be made of the observations leading to an alcohol or controlled substances test and signed by the Supervisor or Company Official who made the observation.

#### *IMPORTANT NOTE*

*The mere possession of alcohol does not constitute a need for reasonable suspicion testing, which must be based on observations concerning the driver's appearance, behavior, speech, or body odor.*

### 13.9 Commercial Drivers License (CDL) Return-to-Duty and Follow-Up Testing

#### Return-to-Duty Testing (in accordance with 49 CFR § 382.309)

(a) The Employer shall ensure that before a driver returns to duty requiring a safety-sensitive function after engaging in prohibited conduct of alcohol misuse, said driver shall undergo a return-to-duty alcohol test indicating a breath alcohol concentration of less than 0.02.

(b) The Employer shall ensure that before a driver returns to duty requiring a safety-sensitive function after engaging in prohibited conduct regarding controlled substances use, said driver will undergo a return-to-duty controlled substances test with a result indicating verified negative result for controlled substance use.

(c) In the event a return-to-duty test is required the driver must also be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed. ( 49 CFR § 382.605(b) )

(d) The substance abuse professional will conduct a follow-up evaluation and determine that the rehabilitation program has been properly followed.  
( 49 CFR § 382.605 (c) (2) (i) )

#### Follow-Up Testing (in accordance with 49 CFR § 382.311)

(a) Once determined that a driver is in need of resolving problems associated with alcohol misuse and/or use of controlled substances, the Employer shall ensure that



the driver be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the substance abuse professional.

(b) The driver shall be subject to a minimum of Six (6) follow-up alcohol and/or controlled substances tests in the first Twelve (12) months. But testing shall not exceed Sixty (60) months. ( 382.605 (c) (2) (ii) )

(c) Alcohol follow-up tests shall be performed only when the driver is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions.

### 13.10 Commercial Drivers License (CDL) Record Requirements

#### Retention of Records (in accordance with 49 CFR § 382.309)

- (a) The following records shall be retained for Five (5) years:
- Alcohol test results indicating breath alcohol concentration of 0.02 or greater.
  - Verified positive controlled substance test results
  - Refusals to submit to requires tests
  - Required calibration of Evidential Breath Testing Device (EBT's)
  - Substance Abuse Professional evaluations and referrals
  - Annual calendar year summary

(b) The following shall be retained Two (2) years:

Records pertaining to the collection process and required training.

(c) The following shall be retained One (1) year:

Negative and canceled controlled substance test results  
Alcohol test results indicating a breath alcohol concentration less than 0.02

#### Types of Records to be Retained (in accordance with 49 CFR § 382.401 (c))

- (1) Records relating to the collection process;
- (2) Records relating to the driver's test results;

- (3) Documentation of any other violations of alcohol misuse or controlled substance use rules;
  - (4) Records relating to evaluation and training, Employer's drug policy, educational material supplied to drivers;
  - (5) Records relating to drug testing, site facilities, names of Company and their role in the drug testing program, summary monthly statistics results.
- Officials of test

**Location of Retained Records (in accordance with 49 CFR § 382.401 (c))**

All required records shall be maintained in a secure location with limited access. Records shall be available for inspection at the Employer's place of business within Two (2) business days after a request has been made by the Federal Highway Administration.

**Annual Calendar Year Summary (in accordance with 49 CFR § 382.403)**

The Employer shall prepare and maintain by March 15 an Annual Calendar Year Summary of the testing program. The Federal Highway Administration may select a number of Employers to submit said report in January of the next year. If not requested the Employer shall retain the report for Five (5) years. The report shall be submitted to the Department of Transportation if requested.

**13.11 Commercial Drivers License (CDL) Medical Review Officers Knowledge of Test Results (in accordance with 49 CFR § 382.407)**

The Medical Review Officer (MRO) shall be responsible for receiving laboratory results generated by the Employer's Drug Testing Program. The MRO shall have knowledge of employee's substance abuse disorders and other appropriate medical training to interpret and evaluate an individual's confirmed positive test result along with his/her other medical history and relevant biomedical information.

13.12 Commercial Drivers License (CDL) Employer/Employee Notification  
(in accordance with 49 CFR § 382.411)

The MRO may report results of drug testing to the Employer by any means of communication. However, written notification must be forwarded within Three (3) business days of the completion of the MRO's evaluation.

The MRO must report the following:

- (a) that the controlled substances test was in accordance with 49 CFR Part 40;
- (b) the name of the tested individual;
- (c) the type of test indicated on the chain of custody and the control for (random, pre-employment, etc.);
- (d) the date and location of the test collection;
- (e) the identities of the person(s) performing test collection, analysis of the specimens, and who is serving as MRO for the test;
- (f) the verified results of the controlled substances test (positive or negative), and if positive, the identity of the controlled substance.
- (g) that the MRO has made reasonable attempts to contact the driver.

Prior to verifying a positive result the MRO shall make every reasonable effort to contact the driver (confidentially), inform, and discuss with him/her the test result. If after repeated attempts the MRO is unable to contact the driver directly, the MRO shall contact a designated management official, who shall direct the driver to contact the MRO as soon as possible within the next Twenty-four (24) hours.

Under split sample collections procedures, the driver has 72 hours following notification of a positive test result to request a secondary sample be analyzed. If a split sample was not taken or was of inadequate quantity, the original test is voided and the driver would not be subject to a retest.

13.13 Commercial Drivers License (CDL) Employer/Employee Notification  
(in accordance with 49 CFR § 382.409)

The MRO shall maintain all dated records and notifications for verified positive controlled test results or individuals for a period of Five (5).

The MRO shall maintain all dated records and notifications for negative and controlled substances test results for a period of One (1) year.

The MRO shall not release individual controlled substance test results without specific written authorization. However, this does not prevent the MRO from releasing results to the Employer, Federal, State, or local officials with regulatory authority over the controlled substance testing programs.

13.14 Commercial Drivers License (CDL) Release of Alcohol and Controlled Substances Test Information by Previous Employers (in accordance with 49 CFR § 382.413)

The Employer may obtain from any previous Employer, with the driver's written consent, any information of said driver's participation in a controlled substance or alcohol testing program.

The Employer shall obtain and review the information below from any Employer where said driver has performed safety-sensitive functions in the previous Two (2) years. Additionally, the Employer must obtain the information no later than 14 days after the first time a driver performs a safety-sensitive function. The above-mentioned information must include:

(a) information on an alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.

(b) information on a controlled substance test in which a positive result was indicated.

(c) any refusal by a driver to submit to a required alcohol or controlled substance test.

If the driver stops performing for any reason safety-sensitive functions before the 14 day expiration date, the Employer must still obtain the information. The information should be obtained before employment but no later than 14 days after.

The prospective Employer must provide previous Employer's in the last Two (2) years written authorization from the driver for release of the information. The release may take the form of *personal interviews, telephone interviews, letters, or any method that ensures confidentially*. Additionally, the Employer must maintain a written, confidential record about each past Employer contacted.

The Employer may not use the driver to perform safety-sensitive functions if said Employer has obtained information indicating the driver has tested positive for controlled substances, tested at or above 0.04 for alcohol breath concentration, or refused to test, unless the Employer has evidence the driver has been evaluated by a substance abuse professional, completed any required counseling, passes a return-to-duty test, and or has been subject to follow-up testing.

13.15 Commercial Drivers License (CDL) Prior Employers Required to Report  
(in accordance with 49 CFR § 382.405)

Prior Employers shall make records available to subsequent Employers upon written requests by a driver. Prior Employers should report that there were no positive results during the employment.

13.16 Commercial Drivers License (CDL) Consequences to Drivers Engaging in Prohibitive Conduct (in accordance with 49 CFR § 382.501)

Drivers engaging in prohibited conduct:

- (a) Shall not perform safety-sensitive functions.
- (b) Shall be advised by the Employer of available resources for evaluating and resolving problems.
- (c) Shall be evaluated by a substance abuse professional (SAP) who determines what assistance, if any, is needed to resolve the problems.
- (d) Shall undergo a return-to-duty test with a result of breath alcohol level of less than 0.02, or a controlled substances test with a verified negative result.
- (e) Shall be evaluated by the SAP to verify that the driver has followed the prescribed rehabilitation program.

(f) Shall be subject to unannounced follow-up alcohol and controlled substance tests numbering at least six tests in the first Twelve (12) months.

13.17 Commercial Drivers License (CDL) - Employers Drug and Alcohol Policy Requirements (in accordance with 49 CFR § 382.601)

The Employer must ensure that a copy of these materials is distributed to each driver (who shall sign for receipt of the documents) prior to the start of testing. The materials shall include at a minimum a detailed discussion of the following:

- (a) The person designated by the Employer to answer questions about the material.
- (b) Which drivers are subject to the alcohol and substance abuse requirements.
- (c) Clear explanations of:
  - (1) what are safety-sensitive functions
  - (2) what is prohibited driver conduct
  - (3) the circumstances under which a driver will be tested
  - (4) the testing procedures used
  - (5) the requirement that a driver submit to testing
  - (6) the explanation of what is a refusal to be tested
  - (7) the consequences of drivers testing positive
  - (8) the consequences of alcohol concentration of 0.02 or greater but less than 0.04
  - (9) the effect of alcohol and controlled substance use on an individual's health, work, and personal life, signs and symptoms of a problem, the benefits of intervention and rehabilitation.

13.18 Commercial Drivers License (CDL) - Payment of Mandated Physicals

All regular full-time employees who are required by job description to have a Commercial Driver's License for the performance of their employment shall have the cost of their mandated physicals for the annual renewal of their license paid for by the Town. In addition the skills test and permit renewal fee and license fee shall be paid for by the Town.

SECTION XIV - LAST REVISION (DATE)  
RULES OF APPLICATION

14.1 Effect of Repeal or Modification of Policy Manual

- (a) Whenever any section of this Policy manual is amended, the former Policy language shall remain in effect until the amendatory language is approved by the Town Council.
- (b) All Immediate Supervisors and Department Supervisors shall be responsible for maintaining and updating their Policy manuals. The Clerk-Treasurer shall distribute copies of amendments and changes in the Personnel Policy Manual to Supervisors and Department Supervisors.
- (c) The Clerk-Treasurer shall maintain a current and updated copy of the Policy Manual in his or her office which shall be available for inspection and review during regular business hours.

14.2 Severability of Policy Manual

If any section, paragraph, sentence, clause or phrase of this Policy Manual is for any reason declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Policy manual.

14.3 Annual Review

- (a) The Employer and the Town Attorney as defined shall be charged with annually reviewing the policy manual for revisions.
- (b) All proposed revisions shall be prepared in writing and submitted to Department Supervisors for review and comment.
- (c) Any changes to the Policy Manual shall require the approval of the Town Council.

#### 14.4 Forms

The Forms set forth in the attached Appendix are uniform and standardized and shall be used when implementing the relevant provisions of this Policy Manual which said forms address.

#### 14.5 Organizational Charts of the Town of St. John, Indiana

Organizational Charts of the Town of St. John, Lake County, Indiana, may be found in the Appendix. (Need to write)

#### 14.6 Effective Date

This Personnel Policy Manual for the Town of St. John, Lake County, Indiana, shall take effect and be in full force and effect December 31, 1996 after passage and adoption by the Town Council of St. John.

#### 14.7 Complete Document

The foregoing Thirteen (13) divisions and subsequent forms and additional information set forth in the Appendix shall constitute the Personnel Policy Manual for the Town of St. John, Lake County, Indiana, all of which is approved this Decemer 31, 1996.

#### 14.8 Conflict/Repeal

All existing Ordinances or Personnel Policies, or any parts thereof, in conflict with the provisions of this Ordinance and Personnel Policy Manual, are hereby deemed null, void and of no legal effect and are specifically repealed.



14.9 Invalidity

If any section, clause, provision or portion of the Personnel Policy Manual and Ordinance for the Town of St. John shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Personnel Policy Manual and Ordinance.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA THIS 31th DAY OF DECEMBER 1996.

TOWN OF ST. JOHN,  
LAKE COUNTY, INDIANA,  
TOWN COUNCIL

  
\_\_\_\_\_  
JOHN TAYLOR, President

  
\_\_\_\_\_  
FRED KISH, Vice President

\_\_\_\_\_  
DOUGLAS PATTERSON, Member

Attest:


  
\_\_\_\_\_  
Judith L. Companik, Clerk-Treasurer

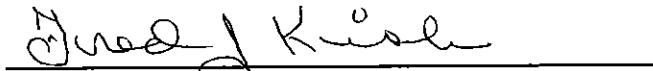
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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA THIS 31th DAY OF DECEMBER 1996.

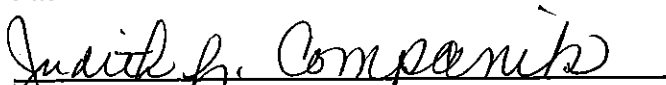
TOWN OF ST. JOHN,  
LAKE COUNTY, INDIANA,  
TOWN COUNCIL

  
\_\_\_\_\_  
JOHN TAYLOR, President

  
\_\_\_\_\_  
FRED KISH, Vice President

\_\_\_\_\_  
DOUGLAS PATTERSON, Member

Attest:

  
\_\_\_\_\_  
Judith L. Companik, Clerk-Treasurer