

2026

CITY OF ELKHART

EMPLOYEE HANDBOOK

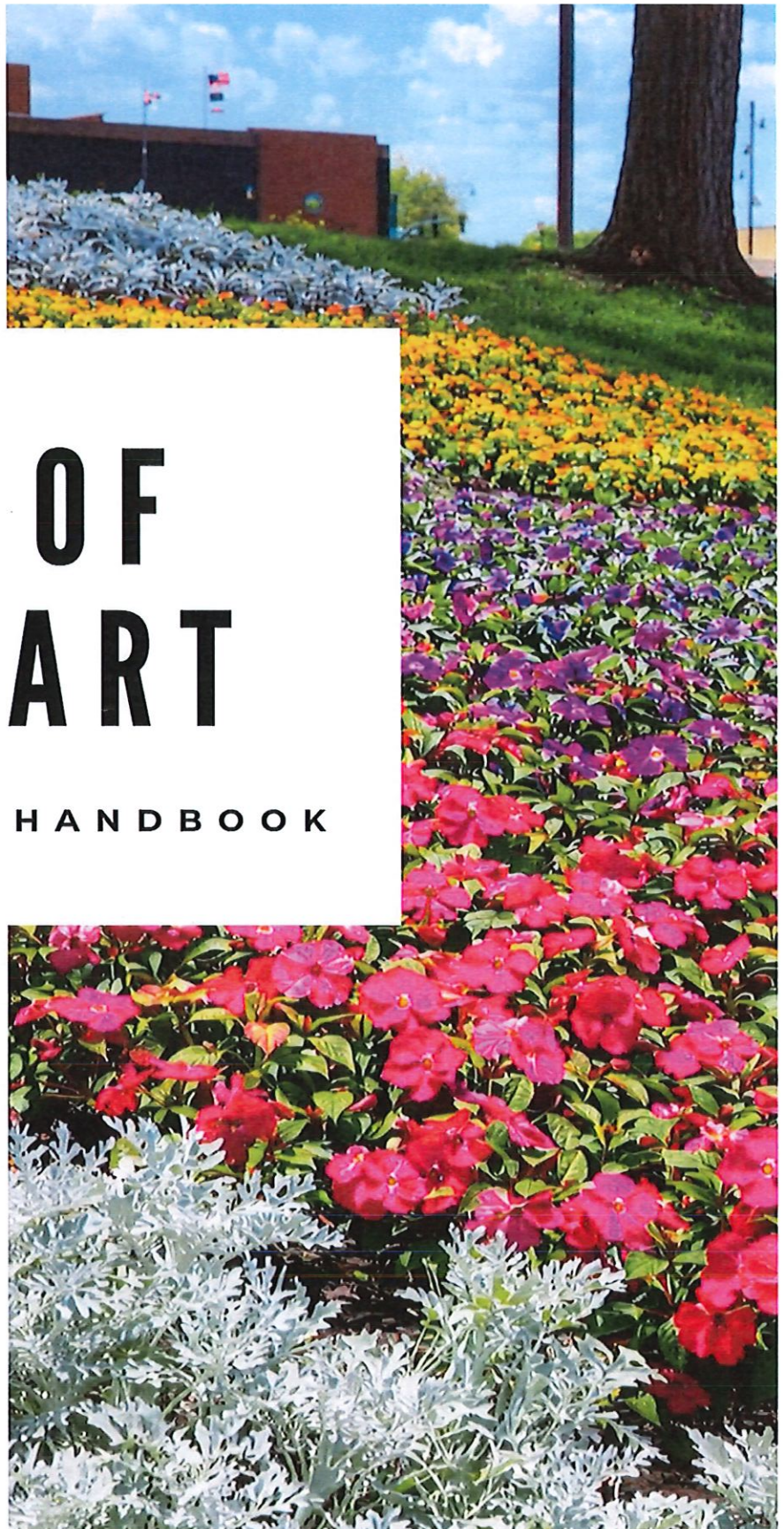


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EMPLOYEE WELCOME

Dear City of Elkhart Team Member,

Welcome to the City of Elkhart. I am glad you have chosen to serve our community. Working for the City is more than a job. It is a responsibility to provide outstanding service to the residents who rely on us every day.

Professionalism, integrity, and excellence guide everything we do. Whether your work is public-facing or behind the scenes, your role matters. Each interaction helps shape how residents experience their city, and we strive to serve them with care, respect, and responsiveness.

Elkhart has a proud history as a center of innovation, craftsmanship, and industry. Today, our city continues to grow, blending that legacy with vibrant neighborhoods, riverfronts, and cultural amenities that make Elkhart a great place to live and work.

Thank you for being part of our team. I look forward to the contribution you will make as we continue to build a better Elkhart, together.

Sincerely,

Rod Roberson

Mayor



INTRODUCTION

The City of Elkhart is a rewarding place to work, and we value our employees as our most important resource. This handbook is designed to help both new and current employees understand City policies, procedures, benefits, and workplace expectations.

It provides general guidance and answers many common questions, but it does not cover every possible situation. Some departments may have additional policies, and employees should consult their manager or Human Resources if they have questions.

This handbook is not an employment contract and does not create any contractual rights or obligations.

This handbook shall be reviewed and updated at least every four years.

Disclaimer and Reservation of Rights

This handbook replaces all previous policies and procedures. The city may change, update, or remove any policy or benefit in this handbook at any time. Employees will be notified of any changes.

For the most current version, employees should contact Human Resources or review the handbook in Paycor or the city's shared drive.

This handbook does not limit the city's right to manage its workforce. Except where restricted by law or a collective bargaining agreement, the city retains full authority over workplace management.

If any department policy conflicts with this handbook, this handbook controls. Department policies that do not conflict remain in effect.

Relationship to Collective Bargaining Agreements

For employees covered by a collective bargaining agreement, the agreement controls only the topics it specifically addresses. In those cases, it takes priority over this handbook.

Employees should contact their union representative, and managers should contact Human Resources with any questions about possible conflicts.

CHAPTER 1: EMPLOYMENT ADMINISTRATION

EMPLOYMENT AT WILL

Employment with the City of Elkhart is an “at-will” relationship. This means that the employee and the City are able to end their employment at any time without notice for any reason.

EMPLOYMENT CATEGORIES

Exempt or Non-Exempt Status

Each employee is designated as either exempt or non-exempt in accordance with applicable federal and state laws. An employee’s classification is determined by the Director of Human Resources and may be changed only with written approval.

Non-exempt employees are entitled to overtime compensation as required by federal and state law.

Exempt employees are excluded from certain wage and hour provisions and are not eligible for overtime pay.

City of Elkhart Employment Categories

Employees of the City are assigned to one of the following employment categories:

Elected Officials: Employees holding positions that are regulated and governed by state and local law.

Appointed Officials: Salaried, exempt policymaking employees appointed by the Mayor or by an authorized board or commission. Appointed officials are not subject to the ninety (90) day probationary period.

Introductory/Orientation Employees: New or rehired employees whose performance is evaluated to determine continued employment. The introductory period normally does not exceed ninety (90) calendar days from the date of hire. This period may be extended by the Department Head, with approval from the Human Resources Department, to address performance issues. Fire and Police employees are governed by applicable state statutes. Employees who successfully complete this period will be notified of their regular employment classification.

Regular Full-Time Employees: Salaried or hourly employees who are not in temporary or introductory status and who are regularly scheduled to work a full-time schedule, normally thirty (30) or more hours per week. These employees are generally eligible for the City’s benefit programs, subject to applicable terms and conditions. Positions and maximum rates of pay are established by annual salary ordinance or by resolution of the appropriate board or commission.

Regular Part-Time Employees: Hourly employees who are not in temporary or introductory status and who are regularly scheduled to work fewer than thirty (30) hours per week. These employees receive legally mandated benefits, such as Social Security and workers’ compensation, but are not eligible for other City benefit programs. Part-time positions must be supported by available departmental budget funding and approved by the Department Head.

Temporary Employees: Employees hired for limited-term assignments, interim replacement, workforce supplementation, or specific projects. Temporary employment is of limited duration and does not imply permanent status. Temporary employees retain this classification unless notified otherwise. They receive legally mandated benefits but are not eligible for other City benefits. Under normal circumstances, temporary employment shall not exceed seven (7) months without written approval from the Director of Human Resources. Temporary and seasonal employees may reapply from year to year.

Seasonal Full-Time Employees: Employees hired for seasonal work, such as summer employment in parks or street operations, who are scheduled to work up to forty (40) hours per week. Seasonal full-time positions shall not exceed one hundred eighty (180) days without written approval from the Human Resources Department.

Seasonal Part-Time Employees: Employees hired for seasonal work who are regularly scheduled to work fewer than thirty (30) hours per week. Seasonal part-time positions shall not exceed one hundred eighty (180) days without written approval from the Human Resources Department.

Interns: Paid or unpaid individuals engaged in training or educational programs for a limited duration. Interns may work full-time or part-time, are not eligible for benefits, work under close supervision, and do not displace regular employees. Internships do not guarantee future employment. The intern program is administered by Human Resources in coordination with participating departments.

Volunteers: Individuals who provide services to the City without compensation. Volunteers are not eligible for benefits and are subject to background checks. The volunteer program is administered by Human Resources in coordination with participating departments.

HIRING AND ONBOARDING

Job Posting Process

The City is committed to a fair and transparent hiring process. Job openings are typically posted internally, on the City's website, and on selected online job sites. However, with approval from the Mayor or designee, the City may choose not to post a particular position. Union positions are posted in accordance with applicable collective bargaining agreements.

Each job posting includes the posting period, job title, department, location, pay grade or salary range, exempt or non-exempt status, union or non-union classification, a job summary, essential duties, and required qualifications.

Current employees may apply for posted positions if they are performing satisfactorily and have completed their probationary period. Supervisors may be contacted to confirm performance, skills, and attendance. Staffing needs or other factors that could affect a transfer may also be considered.

Employment Application

Employment applications, resumes, and supporting documents must be accurate and complete. Any false information or missing details may result in disqualification from the hiring process or termination if discovered after hire.

Applicants may be required to complete pre-employment screenings, which can include background checks, employment and education verification, reference checks, and any other reviews required for the position.

Legal Compliance Requirements

Immigration Law Compliance

The City employs only individuals who are authorized to work in the United States and does not unlawfully discriminate based on citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, all new employees must complete the Employment Eligibility Verification Form (I-9) and present acceptable documentation to verify identity and work authorization within the time required by the current I-9 form. If the required documents are not immediately available, employees may present a valid receipt showing that the documents have been requested, as allowed by law.

Former employees who are rehired must complete a new I-9 if they have not completed one within the past three years, if the prior form is no longer on file, or if their work authorization has expired.

The I-9 form lists acceptable documents. The City will not specify which documents to present and will not request additional documents once sufficient verification is provided.

Employees must present original documents before their first day of work. The City will not continue employment for individuals who fail to provide required documents or valid receipts within three business days of their start date. The City may conduct internal audits to ensure compliance with I-9 requirements.

Falsifying information on any City record, including the I-9 form, is prohibited and will result in immediate termination.

From time to time, the City may receive "no-match" notices from the Social Security Administration or the Department of Homeland Security. The City will respond to these notices in accordance with applicable law and based on specific circumstances. The City also uses E-Verify as part of its employment verification process.

Child Labor Laws

Child labor laws are designed to protect minors from unsafe work, excessive hours, and inappropriate working conditions. The City of Elkhart complies with all federal and state child labor laws.

Minors between the ages of 14 and 18 may be employed in certain positions. All employees under age 18 must be registered in the Indiana Youth Employment System (YES), as required by state law. Minors under 18 are not permitted to use power tools.

Human Resources must be consulted before offering employment to a minor.

Pre-employment Requirements

Employee Medical Exam

After a conditional job offer is made for certain positions, the City may require a medical examination at its expense, conducted by a health professional selected by the City. This exam helps ensure employees can safely perform their job duties.

Employment and job assignment are contingent on satisfactory completion of the exam. Medical information is kept confidential, stored separately from other personnel records, and accessed only by individuals with a legitimate business need.

Employee Drug Screens

All candidates must successfully complete pre-employment drug testing. Returning employees separated for more than ninety (90) days are subject to retesting.

Employment Reference Checks

The City may conduct reference checks for finalists. Depending on the position, additional screenings such as background checks and license verification, may be required. Human Resources coordinates these screenings in compliance with applicable privacy laws.

All third-party requests for information about current or former employees must be handled by Human Resources. Only dates of employment, wage rates, and positions held will be confirmed. Managers may not respond to reference requests without written approval from Human Resources.

No other employment information will be released without written authorization from the employee.

Criminal Background Checks

The City conducts criminal background checks on all applicants being considered for hire or rehire. The Human Resources Department reviews the results and determines whether any information disqualifies an applicant from employment with the City.

Employee Orientation/Onboarding

All new employees must complete new employee orientation, which introduces workplace policies, employee benefits, and city values. Orientation must be completed on the first day of employment before beginning regular job duties. During onboarding, employees will acknowledge receipt of the Employee Handbook and the Internal Control Policy.

Supervisors are responsible for providing department-specific onboarding within the employee's first week.

EMPLOYMENT LIFE CYCLE

Probationary Period

All newly hired or re-hired City employees classified as regular full-time employees are hired for a ninety (90) calendar day probationary period. The 90-day probationary period of employment is intended to give every new hire an opportunity to demonstrate their ability to achieve a satisfactory level of performance and to ascertain whether their new position meets their expectations. The City will use this period to monitor employee attendance, capabilities, work habits and overall performance. However, the employee or the City may end the at-will employment relationship at any time during or after the probationary period, with or without cause or advance notice.

This introductory period may be extended for an additional period of time with the approval of the Human Resources Department, solely for the purpose of determining whether the employee can satisfactorily perform the essential functions of the job.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance. Upon successful completion of the probationary period of employment the employee will become a regular employee of the City.

Termination of Employment (Accountability for City Property)

An employee's at-will employment may be terminated voluntarily or involuntarily as a result of resignation, retirement, death, job elimination, or discipline.

Written notices of resignation or retirement, or death should be submitted to both the employee's manager and Human Resources.

Employees are responsible for all City property, materials, or written information issued to them or in their possession or control. Employees must return all City property to their manager or the Human Resources Department immediately upon request or upon termination of employment. This includes but is not limited to: electronic devices and accessories, ID card or badge, keys, locks or fobs, parking tags, uniforms, City-owned outerwear boots/shoes. The City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

EMPLOYMENT PRACTICES

Reporting Time Worked

Time spent on the clock will be devoted to business and productive work. All employees must accurately record time worked.

Clock in and Clock out Procedures

Non-exempt employees shall not clock in more than six minutes prior to the start of their scheduled work time or clock out more than six minutes after their scheduled stop time without prior authorization from their supervisor.

Falsification of their own or another employee's timecard will be subject to discipline up to and including termination.

Overtime

When operating requirements or other needs cannot be met during regular working hours, employees will be scheduled and expected to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime opportunities will be offered as equitably as practical to all employees qualified to perform the required work.

Overtime compensation or compensatory time off ("comp time") is administered for non-exempt employees in accordance with federal and state wage and hour laws. Overtime pay is based on actual hours worked. Overtime for non-exempt employees not covered by a Collective Bargaining Agreement will be paid for all hours worked in excess of forty (40) in one (1) work week. Compensatory (comp) time may be granted for approved overtime. Comp time shall be awarded at the rate of one and a half hours of comp time for one hour of overtime worked. Comp time may only be used with the approval of the department head and it should be used as soon after its accrual as possible. However, in all cases comp time must be used in the calendar year in which it is earned. During the calendar year an employee can accrue up to twenty-seven (27) hours worked/forty and one-half (40.5) hours compensatory time. Once an employee has accrued the maximum of compensatory time, additional overtime must be paid. An employee can continue to earn compensatory time once their accrued balance is below twenty-seven (27) hours worked / forty and one-half (40.5) compensatory time. Failure to work scheduled overtime, or overtime worked without prior authorization from the supervisor, may result in disciplinary action, up to and including termination.

Paydays

The City pays all employees on a bi-weekly basis every other Friday. In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday. {Note: Every 11 years there are 27 paydays so the City may need to adjust the pay schedule to accommodate the extra paycheck.}

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The City also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Direct deposit is required for all city employees. Direct deposit for all or any portion of an employee's regular paycheck can be made to any banking institution. Multiple accounts can be accommodated through direct deposit. Direct deposit forms may be obtained from the Human Resources Department.

Employees may consult Human Resources for assistance in making changes to their direct deposit accounts.

Personal Information

Any time an employee changes their name, address, email address, telephone number, marital status, beneficiaries, dependents, social security number or any other employment related personal information it is the responsibility of the employee to enter the information in Paycor. If the employee needs assistance, then they should notify Human Resources. Timely notification is very important. When a name change occurs, the employee must provide Human Resources with a copy of the employee's social security card bearing the new name.

When giving emergency information, the employee may list more than one (1) contact, and/or more than one (1) contact phone number. Employees should select a contact and phone number that will likely be available during normal work hours.

Access to Personnel Files

Personnel files are maintained in the Human Resources Department. Any employee or former employee wishing to review their personnel file must request such access from the Human Resources Department. A time will be scheduled for the individual to review their file. This review will take place in the presence of an HR staff member. Individuals are not authorized to remove the file, or any of its contents, alter any documents within the file, add any documents to the file, or make copies of any of its contents. If the employee requests a copy of any of the contents of the file, it will be made for them by a member of the Human Resources Department. Any concerns regarding the contents of the personnel file should be directed to the Director of Human Resources.

Work Schedules

The regular workweek shall typically consist of forty (40) hours to be worked in a period beginning 12:00 am on Saturday and ending at 11:59 pm on Friday. The workday typically consists of eight (8) hours excluding lunch. The workweek definition may vary, especially in the Police and Fire Departments. Some departments may operate on a schedule other than a forty (40) hour workweek/ eight (8) hour workday.

The actual hours worked per day will vary based on collective bargaining agreements, employee classification and departmental needs. Changes to the "regular workweek" or "regular workdays" are subject to modification by the appropriate department management or collective bargaining agreement.

Non-exempt employees are required to punch in and out at the beginning and end of the workday, the beginning and end of their lunch period (if any), and any other time they are not working.

The Mayor (or designee) may develop additional regulations with regard to employee work schedules.

Meal Periods

While there are no federal or state laws requiring employers to provide meal periods, the wellbeing of our employees dictates that all employees, except certain union employees, working a shift of 8 hours or more in duration should take at least a 30-minute unpaid meal period as close to the middle of the shift as possible (to avoid giving a meal period 7 hours into the shift). Meal periods are not required for individuals working a shift of less than 7 hours but may be provided by the employing department.

To provide for the needs of the City and the continuity of departmental work, meal periods may be scheduled by the supervisor/manager.

Meal periods may not be routinely granted at the end of the day for the purpose of employees departing early.

Emergency Facility Closures

Emergency conditions or operational needs may dictate that employees are excused from work prior to or during a normal workday. While the City strives to be fair and reasonable when determining whether employees will be compensated for closings, there is no legal obligation to reimburse employees when work is not available because of emergency conditions. The City reserves the right, therefore, to determine whether to close, whether employees will be paid, and, if so, on what basis. Employees should be prepared to elect the use of accrued PTO (where available), elect to be unpaid, or make arrangements with their immediate supervisor/manager to make up missed time within the affected pay period.

DRUG-FREE AND TOBACCO-FREE WORKPLACE POLICY

Policy Statement

The City of Elkhart is committed to maintaining a safe, healthy, and productive work environment for all employees. In compliance with the Drug-Free Workplace Act, the City strictly prohibits employees from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace (any City premises), or while conducting City business. Any violation of this policy may result in disciplinary action, up to and including termination.

Employee Responsibilities

Employees must report to work free from the influence of drugs or alcohol.

Employees who are taking legally prescribed or over-the-counter medications that may impair their ability to perform essential job functions or pose a safety risk to themselves, or others, must inform their supervisor or Human Resources so that Human Resources may evaluate the situation and provide further guidance in accordance with city policies and applicable legal obligations.

In accordance with the Drug-Free Workplace Act, as a condition of employment, employees must abide by the terms of the Drug-Free Workplace Policy statement and must notify the City of Elkhart HR department in writing, within five (5) calendar days, if the employee is convicted of a criminal drug violation occurring in the workplace.

Testing

The City will conduct drug and alcohol testing in accordance with applicable laws and policies, including 1) pre-employment, 2) reasonable suspicion, 3) post-accident and 4) random drug and alcohol testing. Testing will be conducted at a drug testing or medical facility designated by the City. Each type of testing is described more fully below. Applicants, or employees, shall have an opportunity to submit medical documentation to our designated Medical Review Officer (MRO) of legally prescribed medications that may explain a positive test result. Refusal to take a drug or alcohol test when required to do so or altering a test specimen by tampering with it, replacing it with another sample, or deliberately diluting will constitute a violation of this policy and be grounds for discipline, up to and including termination.

Pre-employment

All applicants will be subject to a pre-employment drug test prior to beginning work for the City. Applicants who receive a positive drug screen, as determined by the MRO, shall not be hired or considered for employment for a period of one year.

Reasonable Suspicion

The City may require any employee to submit to drug and/or alcohol testing if the City has a reasonable basis to believe that that employee is using illegal drugs or is under the influence of illegal drugs or alcohol. In cases where this reasonable suspicion arises when the employee is on the job, that employee will be removed from the job immediately. In all such cases, the employee will immediately be subject to a fitness-for-duty examination which shall include (but is not limited to) testing of the employee's urine or breath for the presence of drugs and/or alcohol. In the event an employee is determined to be subject to a fitness-for-duty examination, that employee's supervisor or the supervisor's designee shall drive that employee to the testing facility. Refusal to comply with a fitness-for-duty examination or a drug or alcohol test shall be grounds for discipline, up to and including termination.

Post-Accident

Any employee who is involved in an accident that 1) causes personal injury requiring more than first aid treatment or 2) results in substantial property damage, shall be subject to a drug and alcohol test. In all cases where post-accident testing is required, that employee's supervisor or the supervisor's designee shall drive the employee involved in the accident to the testing facility.

Random Testing

The City will comply with all Department of Transportation requirements regarding drug and alcohol testing of employees who hold commercial driver's licenses. Those employees should familiarize themselves with these regulations.

The following safety sensitive positions are subject to random testing for drugs and alcohol utilizing Department of Transportation guidelines.

- Sworn firefighters
- Sworn police officers and Public Safety Officers
- 911 Emergency Dispatchers
- Air Traffic Controllers
- Child Supervision (any personnel supervising children)
- Vehicle/ equipment Operational (e.g. mowers, non-CDL vehicles)

A random selection process will identify those to be tested that month. The employees identified to be tested will, when notified, report to the testing facility designated by the City. Employees who refuse to be tested for any reason will violate this policy and be subject to disciplinary action up to and including discharge. All employees' names will be subject to selection every month.

Consequences for Policy Violations

Any violation of this policy may result in disciplinary action as described below, up to and including termination.

Negative Tests Results - If a tested employee does not receive a "positive alcohol and/or drug screen", that employee shall be returned to work with no loss of pay, seniority or benefits.

Positive Test Results – If an employee tests positive for alcohol or drugs, that employee will be suspended unpaid pending further investigation, and upon completion of the investigation may be terminated, suspended, or required as a condition of employment, to:

- Accept suspension without pay for up to thirty (30) calendar days, and
- Submit to an alcohol or drug abuse assessment performed by the City's Substance Abuse Professional (the Employee Assistance Program or EAP), and
- Fully comply with all recommendations made by the EAP, and
- Submit a negative test before being allowed to return to work and,
- Submit to random unannounced alcohol or drug testing up to six times within the twelve months following reinstatement or for as long as the Substance Abuse Professional (SAP) indicates.

Employees that are in safety-sensitive positions who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform any safety-sensitive functions, including driving a commercial motor vehicle, until the start of the employees next regularly scheduled duty period, but not less than 24 hours following the administration of the test. Employees unable to perform safety-sensitive functions due to having an alcohol concentration of 0.02 or greater but less than 0.04, will be subject to disciplinary action including up to termination. Employees who are found to have an alcohol concentration greater than 0.04 will be subject to discipline up to and including termination.

If an employee refuses to complete or fails a random drug or alcohol test conducted in accordance with the SAP recommendation, the employee will be terminated.

Support & Assistance

The City encourages employees struggling with substance abuse to seek help through Employee Assistance Programs (EAPs) or other available resources. By working together, we can maintain a safe, productive, and drug-free workplace.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may use sick time benefits if available or request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if eligible under applicable laws. Otherwise, leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all of the City policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the City any undue hardship.

Sworn police officers may in the course of performing their duties be required to take temporary possession of prohibited drugs or alcohol. Sworn firefighters and sworn police officers may not be summarily terminated without due process afforded by their Collective Bargaining Agreements and IC 36-8-3-4.

Tobacco Use

The use of tobacco is strictly prohibited anywhere in any City facility, or within fifteen feet of any public entrance to any City facility. Furthermore, the use of tobacco is prohibited in all vehicles owned or operated by the City. "Use of tobacco" means all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor," or other substitute forms of cigarettes. Violation of this rule may result in disciplinary action up to and including termination.

CHAPTER 2: WORKPLACE EQUALITY

DIVERSITY STATEMENT

The City recognizes the value of diversity and the benefits of fostering an inclusive work environment. All City employees should strive to create and support a diverse work environment.

EQUAL EMPLOYMENT OPPORTUNITY

It is the City of Elkhart's policy to provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, genetic information, sexual orientation, gender identity, national origin, age, disability, marital status, citizenship, ancestry, military or veteran status, in accordance with applicable federal laws. In addition, the City complies with applicable state and local laws governing nondiscrimination in employment in every location in which the City has operations or facilities. This policy applies to all terms and conditions of employment, including, but not limited to, recruitment, hiring, placement, promotion, demotion, transfer, disciplinary action, termination, layoff, recall, leaves of absence, compensation, training and all other conditions of employment.

The City also prohibits retaliation against any employee for making a good-faith complaint of discrimination or harassment, for assisting another employee in doing so, or for participating in an investigation of a discrimination or harassment complaint.

AMERICANS WITH DISABILITIES ACT (ADA)

The City is firmly committed to equal employment opportunity for persons with disabilities in compliance with the Americans with Disabilities Act and state law.

The law prohibits discrimination against persons with a record of, or regarded as, disabled during the application process and in all phases of employment. It requires employers to interact with employees to identify reasonable accommodations that will enable the employee to perform the essential functions of their jobs and to enjoy equal benefits and privileges of employment.

The City will provide reasonable accommodation for the known physical or mental disability of a qualified employee or applicant, unless doing so would pose an undue hardship for the City or a direct threat to the health or safety of the individual or others.

If an employee needs accommodation due to a disability, the employee must inform the HR Department immediately. HR personnel are responsible for handling accommodation requests confidentially and ensuring compliance with ADA regulations. The City of Elkhart's HR designee will then engage in an interactive dialogue with the individual employee to verify the existence of a covered disability under the ADA, identify possible accommodations, and determine which accommodations, if any, the City can reasonably provide under the specific circumstances without resulting in undue hardship to the City or presenting a direct threat to the health and safety of the employee or other city employees. Requests for accommodation will be evaluated on a case-by-case basis.

If an employee requests accommodation, it is essential that they participate fully in the interactive process with the HR designee to address the employee's request. This participation may include, but is not limited to, providing medical documentation, meeting with specialists, and identifying restrictions and possible accommodations.

The City of Elkhart is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability as defined by the ADA. The City of Elkhart will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

HARASSMENT FREE WORKPLACE

The City is committed to providing and maintaining a workplace environment which fosters an attitude of courtesy, respect, and dignity to ourselves and each other, and which is free from any form of discrimination or harassment.

Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, as well as bullying.

The City believes strongly in the rights of its employees to a workplace free from discrimination, harassment and bullying, and any alleged breach of this right will be thoroughly investigated and acted upon in the appropriate manner.

The City encourages reporting of all perceived incidents of discrimination or harassment and will take all allegations seriously. Accordingly, we will respond promptly to all complaints of harassment or discrimination. Further, any form of retaliation against an individual who has reported a complaint is a violation of this policy and is strictly prohibited.

Carefully read the discrimination and harassment policy to ensure your social media postings do not conflict with this policy. Inappropriate postings such as discriminatory remarks, harassment, threats of violence, or any other form of inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Discrimination and Harassment Policy

Discrimination or harassment of an employee by other employees, outside vendors, consultants, volunteers or customers is prohibited. Such behavior is prohibited in the workplace as well as on business trips, in business meetings, or at business-related social events.

Sexual harassment

Applicable state and federal law define sexual harassment as severe or pervasive unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

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

It is unlawful for any individual to sexually harass another individual regardless of gender. Sexual harassment on the job is prohibited whether it involves coworker harassment, harassment by a manager, or between employees of the same or different gender.

Sexual harassment may include a range of subtle and not-so-subtle prohibited behaviors which include:

- comments regarding sexual prowess or sexual deficiencies;
- leering, whistling, touching, assault, or impeding or blocking an individual's movements;
- obscene, suggestive, or sexually degrading comments, jokes, gestures, epithets, slurs, or verbal abuse of a sexual nature;
- verbal commentary about an individual's body, appearance, or dress;
- display in the workplace of sexually suggestive or explicit objects, images, letters, notes, or invitations;
- sexually suggestive or explicit communications, including emails, texts, or emojis;
- verbal sexual advances, propositions, or requests for sexual favors;
- offering or conditioning employment actions (including hiring, promotion, transfer, or continued employment) on sexual favors;

- making or threatening reprisals after a negative response to sexual advances;
- retaliation for reporting sexual harassment or for threatening to report sexual harassment;
- other physical, verbal, or visual conduct of a sexual nature.

Discriminatory Harassment

Harassment on the basis of race, color, religion, sex, genetic information, sexual orientation, gender identity, national origin, age, ancestry, physical or mental disability, marital status, medical condition or any other protected basis is also unlawful.

Under this policy, harassment is verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual due to any of the factors above that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Common actions that can be perceived as a form of harassment or create an offensive or intimidating workplace and are often overlooked include the telling of jokes that reference someone's race or religion, jokingly calling a co-worker a derogatory name, posting a cartoon or a phrase within an office, cubicle, or bulletin board that references someone's gender or even a person's hair color, or a calendar that displays pictures of men and/or women in various stages of dress.

Each of these examples could create an uncomfortable atmosphere, and as a result should not be brought into the workplace.

Mandatory Training

All new employees upon hire and all current employees annually, shall be required to complete sexual and discriminatory harassment training provided by the City. Failure to complete the required training could lead to discipline up to and including termination.

Workplace Bullying

The City defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the City will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when issuing discipline.

As in sexual harassment, it is the effect of the behavior upon the individual that is important. The City considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

Individuals should follow the guidelines found in the section below for reporting any instances of perceived bullying.

Procedure for Reporting Harassment, Discrimination and Bullying

The City strongly urges the reporting of all incidents of discrimination, harassment, bullying or retaliation, regardless of the offender's identity or position.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

Individuals who believe they, or other individuals covered by this policy, may have experienced such conduct should file their complaint with any of the following: their immediate supervisor, division manager/director, department head director/deputy director, or any member of the Human Resources Department. Immediately upon receipt of such complaint, the Director of Human Resources is to be informed.

Investigation, Responsive Action and Resolution of Complaints

All reported allegations of discrimination, harassment, bullying or retaliation will be investigated promptly.

The City of Elkhart HR Department is the sole authority responsible for investigating all workplace harassment, discrimination and bullying allegations. No other department is authorized to conduct such investigations. However, HR may, at its discretion, authorize individual(s) outside of HR, when necessary to ensure impartiality and compliance with applicable laws and policies.

Confidentiality will be maintained to the extent possible throughout the investigatory process, however, confidentiality cannot be guaranteed.

Investigation

Whether a particular incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of this policy, the investigating individual may consider:

- The nature of the behavior
- The relationship between the parties involved
- Where the harassment occurred
- Any past incidents involving the same individuals
- Whether the conduct adversely affects the work environment
- The context in which the alleged incidents occurred.

During the course of an investigation under this policy, the authorized investigator may:

- Conduct interviews with the complainant, alleged victim, alleged offender, and any identified witnesses.
- Interview any other individuals deemed necessary to gather relevant information.
- Review pertinent documents, records, or other evidence related to the complaint.

All employees are expected to cooperate fully and honestly with HR during investigations. Dishonesty, withholding information, or providing false statements during an investigation may result in disciplinary action, up to and including termination.

The City is committed to handling all complaints confidentially, fairly, and in accordance with legal and ethical standards.

An alleged offender will be informed of the allegation(s) the facts surrounding the allegation(s) and will be provided an opportunity to respond to the allegations and to submit evidence in his/ her defense for the investigator's consideration.

The City aims to complete all sexual harassment, discriminatory harassment and bullying investigations within 60 calendar days of the initial report, however, there may be some investigations that cannot be completed within 60 calendar days. In such

cases, the City will communicate to the complainant that the investigation is going to take longer than 60 calendar days and in doing so will indicate when the City believes it will complete the investigation.

After conclusion of the investigative process, a written report of conclusions will be prepared by or submitted to the Director of Human Resources.

The finding about whether there is a violation of this policy will be communicated to the complainant and the alleged offender. Any discipline imposed will not be communicated to the complainant.

Reports to the alleged victim and alleged offender may be conclusory in nature and need not identify witnesses interviewed, statements offered, or evidence collected.

The results of the investigation of each complaint filed under these procedures will be reported in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the complainant and the alleged harasser.

The City's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

Responsive Action

If a violation of this policy has occurred, the City will take prompt, appropriate action to address the violation. Appropriate actions may include but are not limited to counseling, awareness training, warning, transfer, suspension, or termination. Action taken for violation of this policy shall be consistent with the requirements of applicable state and federal law, and the City's policies on disciplinary action.

The City will respect but cannot guarantee the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses, consistent with its legal obligation to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

If the evidence gathered during the investigation suggests that the alleged violation may also constitute a criminal offense, the authorized investigator will promptly notify Corporation Counsel. Corporation Counsel will then ensure that the findings are reported to the appropriate law enforcement agency responsible for handling such criminal matters.

Copies of all complaints and the investigations conducted pursuant to this policy shall be maintained for a period in accordance with the state statutes of limitations by the Director of Human Resources.

Reprisal/Retaliation and Good Faith Reporting Obligation

Submission of a good faith complaint or report pursuant to this policy will not affect the complainant or reporter's work status.

Employees are prohibited from deliberately making false complaints of sexual harassment, discriminatory harassment, or discrimination. Employees found responsible for deliberately making false reports of sexual harassment, discriminatory harassment, or discrimination may result in disciplinary action, up to and including termination.

Retaliation of any type against any person who reports an alleged violation of this policy, or who testifies, assists, or participates in an investigation or hearing related to such a violation will not be tolerated.

The City will discipline any employee who engages in retaliation, including possible termination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Enforcement

The Director of Human Resources is charged with the responsibility to identify, prevent, and remedy sexual harassment, discriminatory harassment, and discrimination.

This individual shall:

- Receive complaints of sexual harassment, discriminatory harassment, and discrimination
- Oversee the investigative process;
- Be responsible for assessing the training needs of the City's staff;
- Arrange for necessary training;
- Ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal employment opportunity.

A copy of this policy shall appear in the employee handbook and shall be made available upon request of any employee and other interested parties.

Employee Relations

The City of Elkhart recognizes that from time-to-time work-related issues arise which may not rise to the level of discrimination, harassment or bullying. These issues include, but are not limited to conduct of other employees, safety concerns, or policy violations. Employees are encouraged to submit all concerns, reports, or other employee related matters to their immediate supervisor.

If employees have a matter that is not or cannot be resolved by their immediate supervisor, they may go to the next supervisor in their chain of command.

Employees may also choose to report directly to Human Resources concerning any employee relations matter.

CHAPTER 3: EMPLOYEE EXPECTATIONS

Employees are expected to perform their job duties proficiently and professionally. Employee expectations consist of work performance and professional conduct.

PERFORMANCE MANAGEMENT

The City of Elkhart benefits from the personal and professional growth of each employee. The City is committed to helping employees do their best. It is in this spirit that the City embraces a culture of coaching and performance review. Documented conversations and Performance Improvement Plans (PIPs) are used when opportunities for growth are recognized, and expectations are not being met.

Performance management is a process that begins immediately upon hire and continues throughout the full life cycle of employment. The process helps the manager and employee reach a shared understanding of expected behavior and results, encourages mutual feedback about progress, promotes professional development, and links pay to performance in a way that recognizes the right efforts and results.

The City's intent is for all employees to receive clear expectations, ongoing feedback, and regular performance conversations. In doing so, the City also strives to help all employees perform to their highest ability, enjoy a high level of job and personal satisfaction, and provide unparalleled service every day.

The Mayor will direct the development and implementation of performance management processes.

Professionalism and Respect

Consistent with the City's commitment to providing and maintaining a workplace environment which fosters an attitude of courtesy, respect, and dignity to ourselves and each other, and which is free from any form of discrimination or harassment, employees should treat each other as well as any City residents or third parties they deal with in the course of their duties, with dignity, courtesy and respect.

Dress Code and Personal Hygiene

All employees must be physically clean, neat and well-groomed, and must dress in a manner consistent with their job responsibilities. All employees must wear appropriate clothing, shoes, and protective equipment as necessary for the job. Clothing with offensive language, images, or logos is prohibited. In most city offices "business casual" is appropriate every day. Unless a uniform or safety equipment or attire is required for performance of their job.

The supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job to be performed. An employee whose appearance is inappropriate may be asked to leave the workplace until they are properly dressed or groomed. Under such circumstances the employee will not be compensated for the time away from work. Employees should consult their supervisor if they have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be provided to a person with a disability.

Attendance and Punctuality

Regular, reliable and prompt attendance is essential for the functioning of the City and for providing unparalleled service.

Poor attendance makes it difficult for the City to function effectively. Additionally, employees who do not maintain regular, reliable and prompt attendance place a hardship on other employees who must cover their absence.

While there may be occasional situations beyond an employee's control which could cause them to be absent or tardy, it is imperative to maintain a solid, dependable attendance record.

Employees are expected to report to work on time on all scheduled workdays, to return from breaks and lunch periods in a timely manner, and to work until the end of each scheduled work shift. It is also expected that employees will be completely prepared to begin working at their designated start time. Regular attendance and promptness are considered part of each employee's essential job functions.

Unsatisfactory attendance, including reporting late or quitting early (without appropriate authorization), or excessive tardiness or absenteeism may give rise to disciplinary action up to and including termination.

Reporting Procedures

When an employee cannot avoid being late to work or is unable to work as scheduled, the employee is expected to notify the supervisor as soon as possible in advance of the anticipated tardiness or absence, preferably no later than one (1) hour prior to the employee's scheduled start time.

If the situation is an emergency and the employee cannot notify their supervisor ahead of the scheduled start time, it is expected that the employee will provide notice to their supervisor as soon as reasonably possible based on the circumstances. If the supervisor cannot be reached by phone, then the employee may notify other management personnel within the department or the Human Resources Department.

If an employee needs to leave early from work, then notice should be provided as soon as the employee is aware that they must leave early.

Notice of absence, late arrival or early departure should be provided directly by the employee. If the employee is unable or unavailable to provide notice, then notice may be provided by another on the employee's behalf.

Telephone notification is preferred. Although email or text messages are not the preferred first method of communication to contact the employee's supervisor, if the employee is unable to reach anyone by phone, then the employee may send a text or email to their supervisor to document their unplanned absence or tardiness.

If the employee is unable to call, text or email, due to physical, medical or other circumstance, then notification may be provided on behalf of the employee. The employee will be expected to follow up with their supervisor as soon as they are able.

In addition to the reporting procedures set forth here, departments may establish specific call-in requirements that are based on operational needs. Managers are responsible for establishing specific guidelines as to whom employees should call, text or email, including who employees should contact in the event a manager is absent or unavailable for any reason.

Failure to report to work or reporting late to work without contacting the department may result in corrective action, and failure to report to work for three (3) consecutive scheduled workdays without contacting the department is considered a voluntary resignation.

Medical Documentation

Medical evidence of illness and /or medical certification of fitness to return to work (which must be satisfactory to the City) may be required before an employee is allowed to return to work for absences of three (3) or more consecutive days due to illness or for intermittent absences due to the same or similar reason.

Medical certification may also be required in other circumstances.

All such medical documentation is to be provided directly to Human Resources for discussion and determination of acceptability. Medical-related absences (expected or unplanned) of more than three (3) days should be reported directly to the HR Department to determine if the absence qualifies for Family and Medical Leave (FML). Please review the guidelines for FMLA located in the Time Off/Leaves of Absence section of the Handbook.

The City reserves the right, at any time, to require acceptable supporting documentation to verify absences. Medical documentation and employee health information is covered by privacy laws and as such will be retained exclusively within HR.

Communication During Employee's Absence

While absent due to any illness or injury (*except for time off under FMLA or Workers Compensation*), employees should communicate to their manager their expected date of return.

If the employee is absent on approved FMLA leave or for workers' compensation, then any communication between the employee and management must go through the Human Resources Department. Managers may not contact employees and employees should not communicate directly with their managers while on approved FMLA or workers compensation leaves. Employees on FMLA leave should also refrain from contacting co-workers on work-related matters.

Use of Phone and Mail Systems

When conducting any telephone communication, employees are expected to always be courteous and respectful. Personal use of City telephones should be limited to emergency situations.

The City inter-office mail system is for city business only. Employees are prohibited from using the inter-office mail system for personal purposes.

Political Activity

Consistent with IC 3-14-1-17 employees may not knowingly or intentionally use work time or City property for political activities, including but not limited to: soliciting contributions, advocating the election or defeat of a particular candidate, advocating the approval or defeat of a public question, or distributing campaign materials.. Employees may not wear or display political attire or paraphernalia during work time or on City property.

City Technology and City Social Media

The City provides technologies, networks, and Internet access to support the business and communication needs of the City. All guidelines in this handbook are applicable to all telecommunication services and equipment provided by the City including, but not limited to, the following:

- Computer workstations and notebook computers
- Tablets and other mobile devices
- Internet services
- Telephone services
- Cellular telephone services
- Radio Communication devices

All internet data that is composed, transmitted, or received via our computer communications systems is part of the official records of the City and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in e-mail and other transmissions is accurate, appropriate, ethical, and lawful. The equipment, services, and technology provided to access the internet always remain the property of the City. As

such, the city reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Failure to adhere to city policies and guidelines for the use of telecommunication resources may result in suspending or revoking the right to access these resources and disciplinary action up to and including termination. It is also important to remember that all electronic communications are subject to public records laws. Unacceptable uses of the network include but are not limited to: violation of an individual's rights to privacy, using profanity, obscenity, or other offensive language or images, copying copyright protected material and using the network for financial gain or for any commercial or illegal activity. Use of city resources for political activities, religious activities, or any type of gambling, is prohibited.

The use of the City's social media carries with it certain responsibilities. To assist in making responsible decisions about use of the City's social media, these guidelines for appropriate use have been established. These guidelines apply to all city employees.

Make sure you are always honest and accurate when posting information, and if you make a mistake, correct it quickly.

Do not use the city email address to register on social networks, blogs or other online tools utilized for personal use. Employees are not permitted to create a social media account for their department that is linked to their personal social media page. Any new account, if approved, should be linked to an already existing city page.

Business Ethics and Conduct

The successful operation and reputation of the City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires adherence to all applicable laws and regulations, as well as a high standard of personal integrity.

The continued success of the City is dependent upon the City's residents' trust and our dedication to preserving that trust. Employees owe a duty to the City and its citizens to act in a way that will merit the continued trust and confidence of the public.

The City will comply with all applicable laws and regulations and expects its department heads, managers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

The City expects all employees to act in the best interest of the City and its residents by adhering to the highest ethical and legal standards in all areas of conducting business. Employees must avoid any activities that are in conflict with, or give the appearance of being in conflict with, the best interest of the City.

Please refer to the most current ethics policy for complete information on the ethical standards established by the City, which is located at Appendix C of this Handbook.

Compliance with this policy is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

Workplace Monitoring

Workplace monitoring may be conducted by the City to ensure safety and security of our employees and our assets. Computers furnished to employees are the property of the City. As such, computer usage and files may be monitored or accessed. The City may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence. Because the City is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

Solicitations

Except as permitted by state or federal law, City of Elkhart employees may not distribute any form of literature that is not related to City business at any time in the workplace, during work hours. Additionally, employees may not use City electronic messaging to engage in solicitations. The posting of any material on City of Elkhart electronic messaging systems or bulletin boards is restricted. All messages will be posted by the appropriate department subject to approval of the Mayor's office, Director of Communications or Human Resources Department.

The following activities are strictly prohibited:

- The solicitation of money, goods, or gifts for outside employment, community groups, religious groups, political groups, charitable groups.
- The sale of goods, services, or subscriptions outside the scope of official organization business
- The circulation of petitions
- The solicitation of memberships, fees, or dues

Hiring of Relatives

To reduce the potential of any conflict of interest or allegations of preferential treatment in the employment process, members of management will be prohibited from hiring and/or supervising, directly, or indirectly in the line of supervision, any relatives. For purposes of this section, "relative" shall include spouse, parent, child, sibling, niece, nephew, aunt, uncle, as well as step and in-law relations. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, management will decide. In other cases, where a conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

The City reserves the right to prohibit or transfer relatives working in the same department or division if the City determines in its sole discretion that the nature of the relationship has or may have an adverse effect on productivity, efficiency or the work environment.

Employee Fraternization Policy

The City wants to preserve a working environment that has clear boundaries between personal and professional relationships. This is believed to be the best practice for conducting business in a professional manner. This policy establishes clear boundaries regarding how relationships develop at work and within the confines of the work area.

- During working hours and in work areas, employees of City are expected to keep all personal interactions limited and at a professional level to avoid distracting and/or offending others.
- Employees are prohibited from engaging in any physical interactions that would be seen as inappropriate in the work area. What constitutes inappropriate conduct is in the discretion of the City.
- Employees who engage in personal relationships with others and allow these relationships to negatively affect the working environment will be subject to disciplinary action up to and including termination.
- If said employees fail to change their behavior after disciplinary action takes place, they may be subject to termination.
- Romantic relationships between supervising, managing and/or executive employees and subordinates are strictly prohibited. If a relationship does develop between a supervising employee and their subordinate, the Director of Human Resources should be notified immediately so that a department transfer can be implemented.

Conflict of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Contact the Director of Human Resources for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the Mayor or the appropriate Board or Commission. Business dealings with outside firms shall not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both.

Prohibited Conflicts of Interest are further addressed in Appendix C.

Outside Employment

A City employee may hold a job outside of the City of Elkhart provided the employee satisfactorily performs his/her job responsibilities with the City. Employees are not permitted to use City resources while engaged in any employment activity or enterprise for compensation outside of the City of Elkhart. Outside employment must not conflict in any way with an employee's duties and responsibilities to the City. Employees shall not engage in any activity related to outside employment during any portion of their workday for the City of Elkhart. If the City determines that an employee's outside work interferes with their performance or ability to meet City requirements or expectations, the employee may be asked to terminate the outside employment if they wish to remain employed by the City. Employees who have accepted outside employment may not use paid sick days to work on the outside job. Fraudulent use of sick or personal absences will result in disciplinary action up to and including termination. Employees are required to disclose information related to their outside employment to the Human Resources department upon request.

Confidential and Proprietary Information and Workplace Privacy

During your employment, you may learn, see, create, discover, or receive confidential and/or proprietary information about the City, its employees, or our citizens. Such information is to be handled with strict confidence and is to be shared only with those persons in the City who need to know such information. Employees are expected to deal with confidential/proprietary information in a manner which complies with state and federal laws and regulations, as well as City policies.

Confidential/proprietary information may include but is not limited to certain employee records, medical documentation, personal information regarding City employees or former employees, utility billing records, certain economic development information, records of ongoing criminal investigations,

Unless required by law, no employee may, during the term of employment or thereafter, use or disclose to others outside of the City any confidential or proprietary information. Nor should the employee disclose such information to any other City employee who does not have a specific need to know that information in order to sufficiently perform their job duties. The City recognizes the need to comply with reporting or disclosure requirements as mandated by federal, state and City laws and regulations.

The removal of confidential/proprietary information from the workplace for the purposes of further development (i.e. working from home) or implementation should be done with the knowledge and approval of the department head and should be safeguarded in a manner to ensure protection should the manner of transporting such information be lost or stolen. This would include password-protected computers or storage devices.

All employees will be required to sign a Confidentiality Agreement as a condition of employment. Employees must recognize that the unauthorized disclosure of confidential or proprietary information could cause irreparable harm and be detrimental to

the City. Any unauthorized access to or distribution of confidential/proprietary information is strictly prohibited and may subject the employee at issue to sanctions as imposed by federal or state law as well as discipline up to and including termination.

All confidential and proprietary information, as well as any other data or documentation created in the course of employment with the City must remain with the City upon separation of employment. Copying or removal of such information from City premises is strictly prohibited unless approved by the appropriate department leader.

For further information see City of Elkhart Artificial Intelligence (AI) Policy attached as Appendix D

Recording Devices

The use of audio recording devices for the purpose of recording conversations or discussions among employees or citizens is strictly prohibited unless all parties are given advance written or verbal notice and/or give consent, either verbally or in writing, unless specifically authorized by the City administration. If a recording is made to establish or document a serious violation of law or any provisions of this Employee Handbook, consideration may be given as to whether this is a mitigating factor with regard to the violation of this prohibition against the use of recording devices. This policy does not prevent management from videotaping any non-private workplace location.

Safety

To assist in providing a safe work environment for employees, customers and visitors, the City has established a workplace safety program. The Human Resources Department has overall responsibility for this high priority program. Specific information about this program can be found in the Employee Safety Manual. Each City employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or fail to report or, where appropriate, remedy an unsafe situation, may be subject to disciplinary action up to and including termination. Employees whose job function requires personal protective equipment (PPE) are required to use such equipment when warranted. Failure to do so will result in disciplinary action. In cases of accidents that result in injury, regardless of how minor the injury may appear, employees must immediately notify their immediate supervisor.

Vehicle and Equipment Operation Guidelines

Before operating any City-owned vehicle or equipment the operator must have a valid driver's license for the vehicle or equipment that they will be operating, and they must be insurable. The Central Garage must check for the proper license before driving will be permitted. Each individual shall perform pre-trip inspections. Report any safety or maintenance problems with the vehicle or equipment to your supervisor immediately. While operating a vehicle or equipment employees should always be defensive. Safety belts are required at all times in all city vehicles and equipment, and the driver is responsible for ensuring all occupants use seat belts. The City of Elkhart has a no smoking ordinance which prohibits smoking in all City-owned vehicles and equipment

Every City employee involved in an accident while operating any City vehicle or equipment, must immediately contact the police and their supervisor. If necessary, their supervisor will arrange their transportation to the City's designated drug testing facility. The employee will not be allowed to operate any City vehicle or equipment until a negative test result has been received.

When finished using any vehicle or equipment the employee must perform a post-trip check inspection and report any safety problems to their supervisor.

If an employee's driver's license or CDL physical card is due to expire, the employee is responsible for getting it renewed and giving a copy to the Central Garage supervisor for the DOT files.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in loss of driving privileges and/or disciplinary action, up to and including termination of employment.

Borrowing of any City-owned vehicles, equipment or tools by any employee for personal use is strictly prohibited. Any violations of these guidelines will subject the employee to disciplinary action up to and including termination.

Violence Prevention

The City is committed to providing a safe work environment for all employees. The possession of firearms, archery-type devices, stun-guns, illegal knives, or martial arts devices on City property including City parking lots is strictly prohibited except where permitted by law. An employee who legally possesses a firearm is permitted to keep the firearm in his or her vehicle at work, as long as it is locked in the trunk, kept in the glove compartment of the locked vehicle, or otherwise stored out of plain sight in the locked vehicle.

The City will not tolerate threats, harassment, bullying and aggressive or violent behavior by employees or visitors. Threats may be direct or implied. Threats may take many forms, including showing a weapon, via phone call, physical altercation, letters, e-mail, vandalism, following/stalking, face-to-face conversations, assault and battery.

Any employee who believes they are a victim of threats, harassing behavior, acts of violence, or aggressive conduct, must immediately notify their supervisor or the Human Resources Department.

If any employee overhears or observes a threat or act of violence on City property or while on City business, they must report it immediately to their supervisor or the Human Resources Department. The employee's identity will be held in confidence to the extent reasonably possible. Every employee has an obligation to protect themselves and others at work. If a court has issued a restraining order or injunction against someone based on a complaint made by an employee, or if an employee has filed an application for a restraining order and believe the individual may attempt to contact them at work, the employee must notify their supervisor or the Human Resources Department promptly so that appropriate precautionary measures can be taken to avoid problems in the workplace. If management receives any complaint of workplace violence or harassment, it will lead to prompt investigation of the situation.

Use of City Property

While using any City owned property or equipment on the job, employees are expected to exercise care and diligence. They are required to notify their supervisor if any equipment, machines, tools, vehicles, or electronic equipment is damaged, appears to be damaged, defective or in need of repair.

Employees using City-owned equipment may be liable for any damage or loss occurring to the equipment during the period of its use. The improper, unauthorized, negligent, or unsafe use of City equipment or vehicles may result in disciplinary action up to and including termination.

Internal Control Standards

The City has instituted internal control mechanisms, rules and procedures to ensure the integrity of financial accounting information, promote accountability and prevent fraud. Internal controls allow the City to comply with federal and state laws as well as manage assets to improve operational efficiency by improving financial reporting. These internal control standards are attached as Exhibit A.

CHAPTER 4: CODE OF CONDUCT AND DISCIPLINE

PURPOSE, POLICY AND APPLICATION

The City of Elkhart is committed to providing unparalleled service to its residents and operating as a well-managed unit of government. Employees are expected to maintain high standards of performance and conduct themselves with integrity, professionalism, and respect.

This policy identifies behaviors and actions that are inconsistent with City expectations and establishes procedures for corrective action. The City generally follows a progressive discipline approach to address performance and conduct concerns. This approach is intended to promote fair, consistent, timely, and impartial treatment of employees while encouraging corrective behavior and professional growth.

Employees are expected to perform assigned duties at or above satisfactory levels, provide courteous and efficient service, and comply with all applicable policies, laws, and regulations. Employees represent the City both on and off duty and are expected to conduct themselves in a manner that does not harm the reputation or interests of the City of Elkhart.

Corrective action may be taken for conduct that harms the reputation of the City, violates City policies or laws, interferes with job performance, disrupts the workplace, or impairs the City's ability to carry out governmental or proprietary functions.

This policy applies to all employees, subject to applicable collective bargaining agreements. Sworn officers of the Police and Fire-Rescue Departments are governed by Indiana law, City ordinances, and departmental disciplinary rules.

These procedures do not apply to probationary employees, who may be terminated without a pre-disciplinary conference.

PROCEDURE

Counseling and Documented Conversations

Counseling may be used as an initial step to address performance or conduct concerns and is not considered disciplinary action. Records of counseling are maintained at the department level and may support future corrective action if deficiencies continue.

A documented conversation is a written developmental discussion intended to notify an employee of performance or conduct concerns and assist in achieving satisfactory performance. Documented conversations are a recommended step prior to formal corrective action for most violations.

Progressive Discipline

When counseling and documented conversations do not result in improvement, or when conduct is sufficiently serious, corrective action may be initiated.

More severe discipline may be imposed when corrective behavior is not achieved or when circumstances warrant.

In cases involving serious or repeated violations, termination may be imposed without prior progressive steps. Employees do not have a right to progressive discipline before termination.

Directors and managers may consult the *Guidelines for Corrective and Disciplinary Action* in Appendix B and the Human Resources Department when determining appropriate action. All disciplinary actions require Human Resources approval.

Categories of Progressive Disciplinary Actions

- **First Level Written Warning:** A formal written warning for relatively minor violations, typically issued after a documented conversation.
- **Second Level Written Warning:** A written warning for continued or more serious violations.
- **Suspension Without Pay:** A suspension of one or more scheduled workdays may be imposed for persistent misconduct or serious offenses. Prior approval from Human Resources is required.
- **Termination:** Termination may occur when prior corrective actions are unsuccessful or when the severity of the violation warrants immediate dismissal. Approval from Human Resources and the Mayor or designee is required.

Corrective Action Track

Attendance-related issues and non-attendance violations are addressed separately. Corrective action progresses within each track independently. The Corrective Action Track is set forth in Appendix B.

Duration of Corrective Action Status

Except for Level C offenses, corrective actions remain active for two years. Subsequent violations during this period may result in elevated discipline. If it is more than two years, but less than five years, the same level of discipline generally should be applied. Actions older than five years should not be referenced.

Termination Procedure

Termination is the final corrective step and requires approval from Human Resources and the Mayor or designee. When termination is anticipated, managers should:

- Coordinate with Human Resources regarding meeting logistics and security concerns;
- Obtain information regarding employee benefits and compensation;
- Ensure the return of all City property.
-

Disciplinary Process

Pre-disciplinary Leave

Pre-disciplinary leave without pay may be imposed when an employee's presence poses a risk to operations, safety, reputation, investigations, or legal proceedings. It may also be used during criminal proceedings that affect an employee's ability to serve.

Pre-disciplinary Conference

Disciplinary decisions are generally made following a pre-disciplinary conference.

Employees recommended for suspension, demotion, pre-disciplinary leave, or termination are entitled to a conference, except as otherwise stated.

Key procedures include:

- Issuance of a written notice;

- Scheduling within ten (10) workdays;
- Attendance limited to relevant parties and witnesses;
- Separate witness interviews;
- Facilitation by Human Resources in termination cases;
- Removal of disruptive participants.

Corrective action should be issued within ten (10) workdays following the conference.

Failure to attend does not delay proceedings. Conferences are not conducted for job abandonment or when criminal convictions eliminate the need for further review.

Responsible Authorities for Disciplinary Action

- **Mayor or Designee:** Approves terminations and demotions.
- **Department Heads:** May suspend employees with the approval of the Director of Human Resources and the Mayor/designee.
- **Managers and Supervisors:** May issue first- and second-level warnings with Human Resources approval. May also initiate pre-disciplinary leave pending approval of the Department Head or Human Resources within five workdays.
- **Human Resources:** Reviews and approves all disciplinary actions and may extend timelines for good cause.

Reporting Requirements and Timelines

First and Second Level Written Warnings

Must be documented and forwarded to Human Resources for inclusion in the employee's personnel file within five (5) workdays and provided to the employee.

Suspension

A Notice of Suspension must be documented and approved by Human Resources and Mayor/Designee within ten (10) workdays following the pre-disciplinary conference.

Involuntary Demotion

The department must submit in writing a request for demotion on the Corrective Action form. This request should be submitted to Human Resources and the employee, stating the reasons for the request. Human Resources will review the circumstances and will submit a recommendation to the Mayor/designee within ten (10) workdays of receipt of the request.

Voluntary Demotion

An employee may submit a written Request for Demotion to their department head. This request shall be forwarded to Human Resources. Human Resources will review the circumstances and provide a recommendation to the Mayor/designee for final determination. A voluntary demotion shall not be considered discipline.

Termination

A department head, in partnership with Human Resources, will participate in a pre-disciplinary conference to review the facts and circumstances of the matter. Following the pre-disciplinary conference the Request for Termination will be completed by the department on the Corrective Action form and submitted to Human Resources within ten (10) working days. Human Resources will review and forward the Request for Termination to the Mayor/Designee within ten (10) workdays. The Mayor/designee will approve or deny the request for termination within ten (10) workdays of receipt of the recommendation. Human Resources will forward notification to the employee and department head of the Mayor's/designee's decision within five (5) working days of receipt of the decision.

Pre-disciplinary Leave

The department must provide a written Notice of Pre-disciplinary Leave, stating the reason for this personnel action, to the employee and Human Resources within five (5) workdays after placing the employee on pre-disciplinary leave. In the event of misconduct of a serious nature, the Director of Human Resources may place an employee on pre-disciplinary leave up to thirty (30) calendar days while an investigation into the alleged impropriety occurs.

In the event of pre-disciplinary leave during criminal proceedings, the Director of Human Resources may place an employee on pre-disciplinary leave for all or any part of the time during which criminal proceedings occur. It is the responsibility of the employee to report the outcome of the matter and provide any requested documentation to their department head within two (2) workdays of the court's disposition. If it is determined that disciplinary action is warranted, it shall be imposed in accordance with the disciplinary procedures.

Timelines

The timelines referenced herein are intended to ensure that disciplinary actions are implemented in a timely manner. While personnel involved in the corrective action process on behalf of the City should strive to follow the timelines referenced herein, the City's inability or failure to meet any referenced deadline will not, by itself, make the disciplinary action invalid or improper and does not mean that the disciplinary process has ended or must be ended.

EMPLOYEE RIGHTS

Appeal Disciplinary Action through the Grievance Procedure

Employees subject to disciplinary action have the right to state their case in such matters. Eligible employees can appeal disciplinary actions to the Board of Works or through the grievance procedure if otherwise specified in a collective bargaining agreement.

Pay and Benefits upon Reinstatement

If pre-disciplinary leave is subsequently determined to be unwarranted, it shall be removed from the employee's record, and the employee will be reimbursed for any pay and benefits lost as a result of the imposed leave. When an employee is reinstated and provided with back pay lost during the pre-disciplinary leave, back pay may be reduced due to any unnecessary delay caused by the employee or circumstances beyond the City's control.

The determination of whether pre-disciplinary leave was unwarranted is not based on whether discipline was imposed or on the level of discipline imposed. The Mayor or designee will determine whether the pre-disciplinary leave was unwarranted, and, in doing so, may consider the circumstances leading to the placement of the employee on pre-disciplinary leave and to the reinstatement of the employee, including, but not limited to, the reasons for the pre-disciplinary leave, the information provided at any pre-disciplinary conference, any disciplinary action imposed, and the reasons for reinstatement.

In situations where pre-disciplinary leave is used for the purpose of an internal investigation, the pre-disciplinary leave itself is considered warranted based on the need to conduct an internal investigation. The results of the investigation will determine whether the pre-disciplinary leave itself was warranted, whether the pre-disciplinary leave may be removed from the employee's record, whether the employee may be reimbursed for any pay and benefits lost as a result of the imposed leave, and whether any back pay reimbursement should be reduced due to any unnecessary delay caused by the employee or circumstances beyond the City's control.

In situations where pre-disciplinary leave is used during criminal proceedings of an employee charged with a felony or other criminal offense that conflicts with the employee's ability to effectively serve as a city employee, the pre-disciplinary leave itself is considered warranted based on the nature of the charges and the criminal proceedings. The results of the criminal proceedings will not determine whether the pre-disciplinary leave itself was unwarranted. In such situations, the Mayor or designee will consider the nature of the charges and the outcome of the criminal proceedings in order to determine whether the pre-disciplinary leave may be removed from the employee's record, whether the employee may be reimbursed for any pay and benefits lost as a result of the imposed leave, and whether any back pay reimbursement should be reduced due to any unnecessary delay caused by the employee or circumstances beyond the City's control.

Notices

All notices shall be provided to an employee in person or directed to an employee's last known address as reflected by the records of Human Resources. Notices provided for by these rules recommending a request for termination, shall be transmitted to the employee by Certified Mail. It shall be the responsibility of all employees to notify Human Resources of any change of address.

In the event a notice is returned unopened, the requirement of notification to the employee shall be deemed to have been satisfied.

If a written warning is issued to an employee, that employee is required to sign an acknowledgement of such warning. If the employee fails or refuses to sign, a manager or representative of the Human Resources Department may sign the form indicating the employee's refusal or inability to sign. The employee's signature does not indicate admission to the violation.

CHAPTER 5: TIME OFF AND EMPLOYEE BENEFITS

PAID AND UNPAID TIME OFF

Holidays

The City grants paid time off to all full-time regular employees for the holidays listed below:

- New Year's Day (January 1st)
- Martin Luther King, Jr. Day (third Monday in January)
- President's Day (third Monday in February)
- Good Friday (Friday before Easter)
- Election Day (the first Tuesday in May following the first Monday" and "the first Tuesday in November following the first Monday) (Only in election years)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4th)
- Labor Day (first Monday in September)
- Veterans' Day (November 11th)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25th)

Holiday pay

- Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day
- To be eligible for holiday pay, employees must work their last scheduled day immediately preceding and the first scheduled day immediately following the holiday. Use of vacation time, personal time, or comp-time with prior department head approval, will also meet this requirement.
- Paid time off for holidays will be counted as hours worked for the purpose of determining whether overtime pay is owed, provided the holiday falls within the employee's regular work week.
- If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.
- Non-exempt full-time regular employees required by their supervisor to work on a recognized holiday will receive pay for hours worked at the rate of one and one-half times their straight-time rate or the equivalent in Comp Time in addition to the holiday pay.

An employee who works a 7-day-a-week and/or 24 hour-a-day operation may have to work some holidays.

An exempt employee required to work or participate in a work-related activity on a paid Holiday may choose another day as a "floating" Holiday in consultation with their supervisor.

Sick Leave

The City provides paid sick leave benefits to all regular full-time employees for periods of temporary absence due to non-work-related illnesses or injuries. The intent and purpose of sick time is to pay the employee, at their present rate of pay, for time off work due to the employee's illness or injury or that of an immediate family member.

Each eligible Employee shall earn four (4) hours of sick time every two (2) weeks and accumulated sick time shall be credited at the end of each pay period. Paid sick hours may be used in minimum increments of one half (1/2) hour.

Sick time will be used when the employee must be absent from work due to their own illness or injury, prescribed treatment, therapy or doctor visit or that of their spouse, parent or child or other immediate family member. Sick hours may not be used for personal business.

An employee reporting absent for more than three (3) consecutive workdays may be required to present a medical certification stating the dates of inability to work and the date the employee is able to return to work.

An employee may also be required to present medical certification if pattern absences or other sick leave abuse is reasonably suspected. Managers should consult with Human Resources if sick leave abuse is suspected. All such medical statements will be forwarded to the Human Resources Department.

Absences of more than three (3) consecutive workdays will also be considered under the Family and Medical Leave Act, if the employee is eligible and the circumstance warrant.

Employees who are unable to report to work due to illness or injury must notify their supervisor before the scheduled start of their workday, if possible, as set forth in more detail in Reporting Procedures in Section III. B. 3 (b) of this Handbook. The employee's supervisor must also be contacted on each additional day of absence.

Any misuse, falsification of documentation or misrepresentation regarding use of sick time will result in disciplinary action up to and including discharge.

Accumulated Sick Time Hours up to 640 hours will be paid to the employee upon separation of employment for any reason except discharge for cause, when the employee retires at age 62 or older with five (5) continuous years of employment OR at any age with fifteen (15) years of continuous service with the City.

Accumulated Sick Time hours up to 640 hours will also be paid to the employee when a non-union employee transfers to a union position, provided the employee is aged 62 or older with five (5) continuous years of employment OR at any age with fifteen (15) years of continuous service with the City.

Sick time hours may not be used to extend an employee's termination date. No employee will continue to receive pay for sick hours after they have left employment.

Paid sick time for members of collective bargaining units is described in their respective collective bargaining agreements

Personal Days

After one (1) year of continuous employment, employees will be granted sixteen (16) hours of paid personal time off and shall receive an additional sixteen (16) hours with pay on each anniversary date. Scheduling of all personal days off will be scheduled

with the approval of the employee's Manager. Personal Days shall not accumulate or be carried over from year to year. Personal Days not used by the end of the benefit year are forfeited.

Bereavement Leave

Regular full-time and part-time staff are provided bereavement leave without loss of pay for the purposes of grieving, attention to immediate arrangements, travel to and from the site of the services, and for attendance at appropriate services for a relative's death.

Regular full-time employees will be allowed up to five (5) workdays off without loss of pay in the event of death of the employee's spouse/significant other, child/step-child, parent/step-parent, grandparent/step-grandparent, grandchild/step-grandchild, sibling/step-sibling, or spouse's parent; up to three (3) workdays off without loss of pay in the event of death of the employee's brother/sister-in-law, daughter/son-in-law, or spouse's grandparent; up to one (1) workday off without loss of pay in the event of death of the employee's uncle, aunt, niece or nephew.

Employees may, with their supervisor's approval, use vacation or personal paid days off for additional time off as necessary. If the death is an immediate family member the employee can work with manager and Human Resources to determine if additional time off is needed, for up to 1 month. Once paid time is exhausted, such additional time would be considered unpaid leave.

Employees should submit their request for bereavement leave to their immediate manager and the Human Resources Department. The request for bereavement leave should notify the immediate manager of the death and specify the relationship to the deceased. The staff member's relationship to the deceased should be noted on the timecard as appropriate.

Bereavement Leave benefits are not available to staff who are on an approved, paid or unpaid leave of absence. If the death occurs while the staff member is on vacation, the employee can choose to be compensated for the bereavement leave benefit and vacation time can then be added back to the employee's vacation bank. Bereavement Leave pay is calculated on the employee's base pay rate at the time of absence.

Vacation

Vacation is provided as set forth below to all full-time employees of the City of Elkhart who are not covered by a collective bargaining agreement. Vacation for employees covered by collective bargaining agreements is set forth in the respective collective bargaining agreement.

The vacation time for new and rehired employees is awarded in the first year of employment, upon the completion of a (90-day) probationary period as an employee of the City.

Thereafter, vacation time is allotted on the anniversary date of an employee's date of hire or rehire, according to the schedule below.

Former employees rehired more than 90 days after their separation from the City will be regarded as "probationary employees" for purposes of this section.

Vacation Schedule

For purposes of the Vacation Schedule, a workday consists of an eight (8) hour day

- Two (2) weeks (10 workdays) of vacation with pay after successfully completing a probationary period in the first year of employment, and on the anniversary date of the employee's date of hire in succeeding years.
- Three (3) weeks (15 workdays) of vacation with pay in year four (4) of employment.

- Four (4) weeks (20 workdays) of vacation with pay in year seven (7) of employment.
- Five (5) weeks (25 workdays) of vacation with pay in year fifteen (15) of employment.

In addition to the above entitlement, commencing in year (20) and each year thereafter, an employee shall receive the following:

- One (1) additional vacation day with pay in year twenty (20);
- One (1) additional vacation day with pay in year twenty-one (21);
- One (1) additional vacation day with pay in year twenty-two (22);
- One (1) additional vacation day with pay in year twenty-three (23);
- One (1) additional vacation day with pay in year twenty-four (24).

Paid vacation time can be used in minimum increments of one-half (.5) hours. To take vacation time employees **must** request approval from their supervisors in advance of the day to be taken as vacation. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Vacation time off is paid at the employee's base pay rate at the time vacation is taken. It does not include overtime or any special forms of compensation such as incentives or shift differentials.

Termination of Employment During First Year of Employment

If an employee's employment is terminated, voluntarily or involuntarily during the first year of employment, the employee shall be paid compensation based on the employee's daily rate of pay for the days of unused vacation time, relative to and in proportion to the amount of the first year worked. If an employee has used a greater percentage of the employee's vacation time than the percentage of the first year worked, then the employee's final pay shall be reduced by the amount of vacation time used that is greater than the percent of the first year worked. The reduction shall be based on the employee's daily rate of pay.

Termination of Employment After First Year of Employment

Vacation is a benefit and not part of wages. After the first year of employment, the entire amount of vacation set forth in the schedule above is allotted upon the employee's anniversary date of hire. It is not earned by virtue of work during a partial year in which termination occurs. Therefore, after the first full year of employment vacation time is not prorated based upon the number of days worked during the year in which employment is terminated.

Non-Union Employees Hired Within 90 Days of Separation

If a former non-union employee is rehired by the City into the same or another non-union position, within ninety (90) calendar days of the date of separation, then the rehired employee's vacation time shall be determined by including the employee's prior service time, which had been credited to the employee for vacation purposes on the date of the employee's recent separation.

The new anniversary date shall be determined for the rehired employee. by ascertaining the number of days that the employee was separated from the city. The resulting number, when added to the employee's original anniversary date, is the new anniversary date.

Exempt Policy Level Employees

Notwithstanding, the foregoing, the vacation time for an employee hired or appointed to a position which is classified as, *both*, exempt under the Fair Labor Standards Act and considered "policy-level" under state and federal law, shall be determined by the Mayors as follows:

The vacation benefit may be at or higher than the first-tier level, proscribed for first-year non-union employees set forth above, but not higher than the third-tier level, (four weeks or 20 workdays).

The vacation benefit in subsequent years shall be determined, as if the employee possessed the requisite years of prior service, and shall progress to higher level tiers, as anniversary years are added to the initial level forward.

Elected Officials

Elected officials, unless otherwise provided by law, shall be entitled to vacation time in the manner and form otherwise established for employees of the city.

Vacation Carryover

Employees receiving less than six (6) weeks of vacation time (30 workdays) on their anniversary date, may carry over up to forty (40) hours (5 workdays) of vacation time, to be added to the new vacation time which an employee receives on the employee's anniversary date. Any unused vacation time, exceeding forty (40) hours on the employee's anniversary date, shall lapse and shall not carry over to be added to vacation time that the employee receives in succeeding years.

Jury Duty and Court Appearances

Jury Duty

- The City encourages employees to fulfill their civic responsibilities by serving jury duty when required and protects against loss of earnings in this situation.
- If an employee is summoned for jury duty, they must submit a copy of the summons to their manager and Human Resources.
- Regular rate of compensation will be paid to the employee during the time they are actually involved in jury duty.
- Compensation from serving on a jury is not recoverable by the City. Employees are not required to reimburse the City for the pay or mileage received from serving on jury duty or being on a jury selection panel.
- Employees who report for jury duty but are excused for the day are expected to report to work for the remainder of the scheduled shift.

Court Appearances

- Any employee who is subpoenaed as a witness will receive the same benefit as serving on a jury.
- Any employee who is subpoenaed to court because of job-related matters will not suffer any loss of pay.
- Time off to meet with attorneys for personal reasons are not compensated under this policy.
- Time lost by employees who are criminal defendants will not be compensated under this policy.
- Time lost by employees who are parties to a private civil complaint will not be compensated under this policy.

Worker's Compensation

The City provides a comprehensive worker's compensation insurance program, as required by law, which covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, employees are required to report ANY injury immediately. This is so that eligible employees can qualify for coverage as quickly as possible.

Personal Leaves of Absence – Unpaid

An unpaid Personal Leave of Absence not otherwise covered under any other policy may be granted to a regular full-time employee. Leaves of this type are to be requested in writing for use only after all accumulated vacation and personal days (any paid time off) has been exhausted. A written request should be made to your Department Head thirty (30) days prior to the beginning of the leave and must be approved by the Department Head and the City's Human Resources Department.

Leaves may be granted for an initial increment of up to thirty calendar days. Leaves may be extended up to a maximum of six months. Documented verification may be required to accompany the request for leave. During such unpaid personal leave of absence sick time will not accrue and PERF benefits will not be earned because the employee will not be earning any wages.

Before beginning an unpaid leave, an employee may continue their medical plan insurance coverage by arranging a plan for payment of the employee's portion of the monthly premium with Human Resources.

During an unpaid FMLA leave of absence, sick time will not accrue, and PERF benefits will not be earned because the employee will not be earning any wages.

In addition, Holiday pay will not be received during this type of leave.

Unexcused failure to report to work on the first regular workday following the expiration of unpaid personal leave will be considered a voluntary resignation and your employment with the City of Elkhart will be terminated.

EMPLOYEE BENEFITS

The City offers working conditions, wages, and benefits to its employees that are competitive with those offered by other employers in this area.

Eligible employees at The City are provided a wide range of benefits. Benefits eligibility is dependent upon a variety of factors, including employee classification. The Human Resources Department will identify the programs for which an employee is eligible.

Some benefit programs require contributions from the employee, but many are fully paid by The City. Administration reserves the right to adjust, amend or eliminate any of these benefits as circumstances warrant. Most of these benefits are described or discussed in this Handbook. However, for additional information on any employee benefit please contact the Human Resources Department located at 201 S. Second St., 574-296-9167.

Health Insurance

The City's health insurance plan provides employees and their eligible dependents access to medical, dental, life, supplemental life, disability and vision care insurance benefits. All full-time regular employees are eligible to participate in the health insurance plan the day of employment with the City.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between The City and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plans may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health insurance plans are described in the Employee Benefits Guide. Contact the Human Resources Department for more information about health insurance benefits.

Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under The City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at The City's group rates plus an administration fee. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under The City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Life Insurance

All regular full-time employees are eligible for Life Insurance benefits. The City provides a basic term life insurance plan for eligible employees, subject to all terms and conditions of the agreement between The City and the insurance carrier. Additional supplemental term life insurance coverage may be purchased.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan. Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about life insurance benefits.

Supplemental Insurance

The City also offers supplemental insurance. Short Term Disability is provided by the City to full-time non-union employees.

All employees may purchase additional insurance such as Long-Term Disability, Critical Care and Accident Insurance at their own expense. Contact Human Resources for details.

Deferred Compensation

The State has established the Public Employees Retirement Plan (PERF) to provide employees the potential for future financial security for retirement. All employees of The City are required to participate. To be eligible to join the PERF, the employee must be 18 years of age or older. All employees join the plan on their first day of employment. The PERF requires a contribution of

three (3) percent of gross wages to the plan, which is paid by the City. Complete details of the PERF plan are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about the PERF plan. The City also provides another optional Deferred Compensation plan. The City does not contribute or match funds in this other plan. Contact the Human Resources Department for details.

Employee Assistance Program (EAP)

The City Administration cares about the health and well-being of its employees and recognizes that a variety of personal issues and problems can affect their private and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), The City provides confidential access to professional counseling services. The EAP helps in confronting such problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file. There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee. Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you when you need it. Call the EAP at 800-731-6501 to contact an EAP counselor.

The Employee Assistance Program is also available to support employees experiencing personal challenges that may affect work performance. Managers are encouraged to remind employees of this resource when appropriate.

Job Jeopardy Program

The City also utilizes our EAP provider to be involved when an employee is having a difficult time performing his/her job or a problem affects other employees. A supervisor may make a disciplinary referral for the employee to attend the Job Jeopardy Program to improve the behavior or conduct that affects their performance. This is usually the last step prior to termination. If the problem is not resolved through the Job Jeopardy Program, disciplinary action up to and including discharge may be taken.

Family and Medical Leave Act (FMLA)

The City of Elkhart complies with the Family and Medical Leave Act of 1993 (FMLA) and applicable state laws. Eligible employees may take unpaid, job-protected leave for qualifying family and medical reasons as outlined below.

FMLA Eligibility

Any exempt or non-exempt employee is eligible for FMLA if they:

- Have been employed for at least 12 months (not necessarily consecutive)
- Have worked at least 1,250 hours during the 12-month period immediately preceding the start of leave.

Vacation, incidental days, Short Term Income Replacement, holiday and other hours not worked whether paid or unpaid do not count towards the 1,250 hour requirement

Qualifying Reasons for FMLA

Except for Military Family Leave Entitlements, which are described in more detail in a separate section below, an eligible employee may take FMLA leave of up to 12 weeks per leave year, for any of the following qualifying reasons:

1. For incapacity due to pregnancy, prenatal medical care or childbirth;
2. To care for the employee's child after birth, or placement with the employee for adoption or foster care within 1 year of the birth or placement of the child;
3. To care for the employee's spouse, son or daughter, or parent who has a serious health condition;
4. For a serious health condition which renders the employee unable to perform their essential job functions.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's annual FMLA leave entitlement.

Procedures for Applying for FMLA

Employees should contact the Human Resources Department for information as to FMLA eligibility and procedures for applying for FMLA.

Application for FMLA Leave

To request FMLA leave, the employee must provide verbal or written notice of the need for leave to the Human Resources Department. Within five (5) business days after the employee has provided this notice, the Human Resources Department will complete and provide the employee with the Notice of Eligibility and Rights form. The City of Elkhart requires certification for the applicable qualifying reason for FMLA leave (as discussed below).

Use of Accrued Paid Time Off

An employee is required to use all accrued personal time, and vacation time prior to being in unpaid status. The employee is also required to use any sick time greater than forty (40) hours prior to being in unpaid status. During an unpaid FMLA leave of absence, sick time will not accrue, and PERF benefits will not be. In addition, Holiday pay will not be received during this type of leave.

Employee Notice Requirements

An eligible employee must give The City of Elkhart at least thirty (30) days' notice of his or her intent to take leave under FMLA, if the reason for the leave is foreseeable. If the employee is unable to give such notice because the need for leave is not foreseeable, then the employee must give as much notice as feasible. Typically, this will mean giving notice to The City of Elkhart within one or two working days of learning that FMLA leave must be taken. In cases where an absence has occurred prior to the employee giving notice of the need for leave, The City of Elkhart call-in procedures should be followed, absent unusual circumstances. Failure to give the required notice and in warranted situations, failing to adhere to call-in procedures, may adversely affect an employee's leave authorization.

Serious Health Condition

For the purpose of determining whether an eligible employee or their spouse, child, or parent has a serious health condition, such condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or

- a period of incapacity requiring absence of more than three (3) calendar days from work, school, or regular daily activities that (i) also involves treatment by a health care provider at least one occasion with a continuing regimen of treatment with the first treatment visit taking place within seven (7) days of the first day of incapacity, or that (ii) also involves treatment by a health care provider two or more times with the two visits to a health care provider occurring within 30 days of the first day of incapacity; or
- any period of incapacity due to pregnancy or for prenatal care; or
- any period of incapacity that is permanent or long-term due to a condition which treatment may not be effective; or
- any absences to receive multiple treatments by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated.

In the case of a chronic condition, that is defined as one that: (a) requires visits for treatment by a health care provider at least twice a year; (b) continues over an extended period of time (including recurring episodes of a condition); and (c) may cause episodic incapacity rather than a continuing period of incapacity.

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Human Resources Department.

Leave Year

For the purpose of this policy, the leave year within which an eligible employee may take his or her 12 weeks of FMLA-protected leave means a rolling 12-month period. measured backward from the date the employee first takes leave for any of the reasons set forth previously. The available balance is calculated by totaling up the leave the employee had taken in the previous twelve months. When spouses both work for The City of Elkhart, the two employees are limited to a combined total of 12 weeks of leave per leave year to cover the time off they may need following the birth, adoption, or foster placement of a child, to care for a parent with a serious health condition or in the event of a qualifying exigency. Furthermore, each employee is then eligible to take any unused portion of the 12 weeks to attend to their own serious health condition, the care of a seriously ill child, or the care of the other spouse.

Intermittent or Reduced Hours Leave

In the case of leave taken to care for a spouse, child, or parent, or due to the employee's own serious health condition, an employee may take leave intermittently (i.e., taking leave in separate blocks and times for a single qualifying reason) or on a reduced hours schedule (i.e., reduced number of working hours per day or per week) only when such leave is medically necessary, as certified by the employee's or family member's health care provider. Otherwise, such leave is not permitted except at the sole discretion of The City of Elkhart. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave. Employees on intermittent leave are required to adhere to The City of Elkhart call-in procedures as they relate to absence. Failure to adhere to call-in procedures could lead to disciplinary actions up to and including termination.

Job and Benefits Security

An eligible employee who takes leave under the FMLA and who returns to work before their annual FMLA entitlement has expired will be restored to the position they held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave. Moonlighting by any City of Elkhart employee while on FMLA is not authorized and will result in disciplinary action.

Continuation of Group Health Plan Coverage

Group health plan coverage will be maintained by The City of Elkhart during an eligible employee's period of FMLA leave to the extent and under the same circumstances as it ordinarily is furnished to that employee. Payments for the employee portion of

health plan coverage premiums should be made to the Human Resources Office by the end of the first month that the employee is on leave. Failure to pay such premiums during leave may result in the loss of health insurance coverage. The Human Resource Department will be in contact with anyone that is on leave for more than 30 days to make arrangements for payments of their portion of their insurance coverage. Failure to pay such premiums during leave may result in the loss of health care coverage. If a loss of coverage should occur, a Consolidated Omnibus Budget Reconciliation Act (COBRA) notice will be sent to the affected employee.

Upon return from FMLA leave the employee's coverage will be immediately reinstated. Reinstated benefits will remain the same as those previously elected before the leave began. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond their control will be expected to reimburse The City of Elkhart for health care premiums paid by The City of Elkhart during the leave period.

Certification of Health Care Provider

In cases of leave to be taken to care for a seriously ill family member, a signed Certification of Health Care Provider for Family Member's Serious Health Condition, or in the case of leave to be taken for an employee's own serious health condition a Certification of Health Care Provider for Employee's Serious Health Condition must be completed and returned to the Human Resources Department within fifteen (15) days of receipt of the employee's leave request.

Failure to return these certifications in a timely manner may result in delays in securing authorization for leave, and failure to return the certification at all will preclude the employee from taking leave.

The City of Elkhart may request recertification for the serious health condition of the employee or the employee's family member, but will not do so no more frequently than every 30 days unless circumstances have changed significantly, or The City of Elkhart receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of their leave. Otherwise, The City of Elkhart may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. The City of Elkhart may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

The City of Elkhart may also require, at its own expense, a second and third health care provider's opinion if there is a question as to the validity of the certification provided by the employee. (Note that different rules apply to military caregiver leave and qualified exigency leave situations. Please consult the Military Leave of Absence section if applicable.)

An eligible employee may also be asked to furnish the City with subsequent health care provider certifications on a reasonable basis during the employee's leave period. An eligible employee's failure to furnish subsequent certifications may result in the termination of the employee's right to leave relating to a serious health condition.

An employee returning to work from an unpaid medical leave of absence must be able to perform the essential functions of their job. If a reasonable accommodation is required, the employee must notify the Human Resources Department. An eligible employee on FMLA leave must submit to The City of Elkhart a medical release (i.e., return to work certification) indicating that the employee is able to return to work. Failure to submit such a release may preclude the employee from being restored to their employment with The City of Elkhart.

Nondiscrimination/Non-retaliation Policy Statement

The City of Elkhart will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) discharge or discriminate against any person for their involvement in any proceeding under or relating to the FMLA.

Military Leave of Absence

All military leaves of absence are governed by the Uniformed Service Employment and Reemployment Rights Acts of 1994 (USERRA). Under USERRA, an employee is entitled to unpaid military leave.

Employees should contact Human Resources with regard to questions concerning eligibility and application for Military Leave of Absence.

The City of Elkhart employees will receive full pay while on leave for two-week training assignments and shorter absences. Any military absence in excess of two weeks will be unpaid, but employees may use any available paid time off for the absence. Vacation, sick leave and holiday benefits will continue to accrue during a military absence of two weeks or less.

Upon return from military leave, an employee is entitled to reinstatement in a position that the employee would have obtained if he or she had been continuously employed or in some circumstances in a position of like seniority, status, and pay. If unqualified for such a position, the employee will be reinstated to the position he or she held when the military leave began or in some circumstances to an alternative position of like seniority, status, and pay for which the employee is qualified. Reinstated employees are also entitled to full seniority benefits.

If an employee is absent for more than 180 days for military duty, the employee may not be discharged without just cause for one year subsequent to the employee's return. If the military leave is more than 30 days but less than 181 days, then the employee may not be discharged without just cause for a period of six months after the employee's return.

Employees who desire reinstatement under USERRA must apply for reinstatement within a limited period following termination of their military service. If the military leave is 30 days or less, the employee generally must report for reinstatement on the first regularly scheduled working day following their completion of the service. If the period of service is between 31 and 180 days, then the employee must apply for reinstatement within 14 days of completion of service. If the length of service is 181 days or more, then the employee has up to 90 days to apply for reinstatement under USERRA. Employees taking military leave under USERRA may receive any unused vacation pay and personal time. Employees taking military leave also are entitled to elect to continue health care coverage to the extent such coverage is otherwise provided for a period of up to 31 days. After 31 days, the employee will be entitled to coverage under COBRA.

If you are a reservist in any branch of the armed forces or a National Guard member, you will be granted time off for military training without pay after the initial two weeks of annual training. Please advise your Supervisor of your training schedule as far in advance as possible. Employees who have time off for military training may receive any unused vacation pay and personal time.

Military Family Leave Entitlements

The National Defense Authorization Act (NDAA) amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period (refer to the Leave Year section of the Family and Medical Leave Policy above) for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single 12-month period" to care for a covered service member with a serious injury or illness. These two new types of FMLA leave are known as the military family leave entitlements.

Military Caregiver Leave

An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness is entitled up to a total of 26 work weeks of unpaid leave during a "single 12-month period" to care for the service member. A covered service member is a current, or former member of the Armed Forces, including a current or former member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A former member would have to have been an active member of the Armed Forces, National Guard or Reserves at any time during the period of 5 years preceding

the date on which the veteran begins treatment. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of their office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later. This type of leave is not subject to The City of Elkhart's rolling 12-month calculation. An eligible employee is limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Qualifying Exigency Leave

An eligible employee is entitled to a total of 12 work weeks of unpaid leave during the normal 12-month period established by The City of Elkhart (refer to the Leave year section part of this policy for information regarding this 12-month calculation) for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard, Reserves, or Regular Armed Forces.

Qualifying exigencies include:

- Issue arising from a covered military member's short notice deployment_(i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs or events sponsored by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of a covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a combined total of 26 work weeks in a "single 12-month period" if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or

call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Employee Notice

Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not feasible, the employee must provide notice as soon as possible – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements.

Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party. Leave to care for a covered service member with a serious injury or illness must be supported by a certification by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued by any member of the covered service member's family.

While second and third opinions are not permitted for a covered service member's serious injury or illness or for a qualifying exigency, The City of Elkhart may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, The City of Elkhart may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

Indiana Military Family Leave Act

Under Indiana's Military Family Leave Act (IMFLA), eligible employees are entitled to an unpaid leave of absence to spend time with certain family members who are engaged in or called to active military service.

Employees should contact Human Resources with regard to questions concerning eligibility and application for Indiana Military Family Leave of Absence.

IMFLA Eligibility

An eligible employee under IMFLA is an employee who has been employed by The City of Elkhart for at least 12 months, who has worked at least 1,500 hours during the 12-month period immediately preceding the leave, and who is the spouse, parent, grandparent, sibling, or court-appointed guardian or custodian (all as construed according to the statute) of a person who is ordered to active duty. The term "active duty" means full-time service on active duty orders in the Armed Forces of the United States or the National Guard for a period that exceeds 89 consecutive calendar days.

Reasons for IMFLA

An eligible employee may take IMFLA leave of up to 10 cumulative working days per calendar year during one or more of the following periods:

- Within the 30-day period before a spouse, son, daughter, grandson, granddaughter or sibling ("military family member") begins active duty;
- During a period when the military family member is on leave; or
- During the 30-day period after a military family member's active duty orders are terminated.

IMFLA leave is unpaid by The City of Elkhart.

Job and Benefits Security

An eligible employee who takes leave under the IMFLA and who returns to work before their IMFLA leave entitlement has expired will be restored to the position the employee held when the leave commenced or to an otherwise equivalent position with respect to seniority, pay, benefits, and other terms and conditions of employment.

Employee Notice and Leave Request Requirements

An eligible employee must give The City of Elkhart at least 30-days written notice of their intent to take leave under the IMFLA unless the military family member's active duty orders are issued less than 30-days prior to the requested leave. An eligible employee must also provide a copy of the active duty orders, if available, along with the leave request.

The City of Elkhart reserves the right to require verification of the employee's eligibility for IMFLA leave. If an employee fails to provide such verification, then his or absence will be considered unexcused.

Continuation of Group Health Plan Coverage

The City of Elkhart will maintain group health plan coverage for an employee who takes IMFLA leave under the same terms and conditions as provided to active employees.

Non-Discrimination/Non-Retaliation Policy Statement

The City of Elkhart will not interfere with, restrain, or deny an employee's exercise of rights under the IMFLA, nor retaliate against any employee for exercising their rights under the IMFLA.

RESOLUTIONS

CITY OF ELKHART BOARD OF PUBLIC WORKS

WHEREAS, the obligation and responsibility for furnishing efficient service to the public is a mutual responsibility of the City of Elkhart and of the employees of said City; and

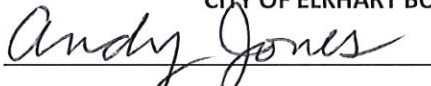
WHEREAS, the responsibility for the operation of certain of the City's departments is imposed by law upon the Mayor and upon the Boards of Public Works and Safety; and

WHEREAS, it is necessary and proper that administrative policy as to employees of the City of Elkhart be formulated and reduced to writing;

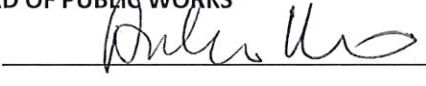
NOW, THEREFORE, BE IT RESOLVED:

The foregoing employee Handbook for the City of Elkhart, Indiana pertains to all employees except as may be modified by Union Collective Bargaining Agreements, be, and hereby is, unanimously adopted, and shall be effective as of 06-16-26 on motion duly made and seconded and made of record in minutes of the Board of Public Works on 06-16-26 and the Board of Public Safety on 6-9-26, which policy is subject to revocation and/or modification by the said Boards as the occasion may arise.

CITY OF ELKHART BOARD OF PUBLIC WORKS



Andy Jones, Vice-President



Andrew Kreider, Member

Rose Rivera, Member



Vacancy

CITY OF ELKHART BOARD OF PUBLIC SAFETY

WHEREAS, the obligation and responsibility for furnishing efficient service to the public is a mutual responsibility of the City of Elkhart and of the employees of said City; and

WHEREAS, the responsibility for the operation of certain of the City's departments is imposed by law upon the Mayor and upon the Boards of Public Works and Safety; and

WHEREAS, it is necessary and proper that administrative policy as to employees of the City of Elkhart be formulated and reduced to writing;

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CITY OF ELKHART BOARD OF PUBLIC SAFETY



LaLaesha Black Chair



Tessa T. Barnes Vice-Chair



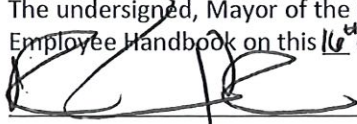
Anthony Coleman, Member



Dacey Davos, Member

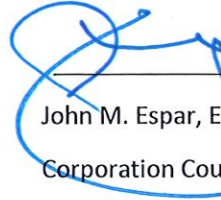
CONCURRENCE

The undersigned, Mayor of the City of Elkhart, Indiana, does hereby concur in and approve the adoption of the City of Elkhart Employee Handbook on this 16th day of June, 2026.



Rod Roberson, Mayor

Reviewed for content and Legality



John M. Espar, Esq.

Corporation Counsel

APPENDICES

APPENDIX A: INTERNAL CONTROL POLICY

CITY OF ELKHART, INDIANA

Internal Control Policy Pursuant to Indiana Code §5-11-1-27 and City Ordinance 5485

The purpose of this policy is to communicate the Elkhart City Common Council's internal controls objectives to all employees ("Employees") and elected and appointed officials ("Management") of the City of Elkhart ("City") and to firmly commit the City to the seventeen (17) key principals of internal controls as established by the Indiana State Board of Accounts.

COMPONENT ONE: CONTROL ENVIRONMENT

Principle 1. The Oversight Body and Management demonstrate a commitment to integrity and ethical values.

- A. The policy for the City is that all public funds are entrusted to the City and that trust should not be broken. This policy is clearly stated and communicated and any violation of this policy shall be fully investigated with mandatory retraining, if applicable, up to termination.
- B. The City is committed to integrity in providing services and an ethics policy has been written and provided to each employee.
- C. Each employee, appointee, or elected official shall be conveyed the ethical policies and expectations of the City, including any changes of the ethical policies or expectations.
- D. Any person who knows or has any information regarding a suspected violation of a policy set forth herein, may report the violation to a member of the Common Council (the "Oversight Body"), which report shall be kept in the strictest of confidence as to the identity of the reporting person.
- E. The Oversight Body shall investigate all reports of violations of any policy or procedure. Should a majority of the Oversight Body find probable cause exists as to the violation, the Oversight Body shall determine if it will internally sanction the person so accused for minor violations or initiate litigation, either criminal, civil or both, for more serious violations.

Principle 2. The Oversight Body oversees the entity's internal control system.

- A. Internal Controls over receipting including all five components, have been reviewed by the Oversight Body, and approved.
- B. When necessary, an oversight committee comprised of people with the highest ethical values, excellent communications skill and superior problem solving skill will be appointed by the Oversight Body.
- C. All levels of management are required to provide the Oversight Body documentation of control process for the Oversight Body's review and input. The Oversight Body shall analyze the internal control system for weakness City-wide and by department.

Principle 3. Management establishes an organizational structure, assigns responsibility, and delegates authority to achieve the entity's objectives.

- A. Management shall compile an organizational chart that includes an outline of individual job duties.
- B. The organizational chart shall further designate the responsibilities of each job for each part of the accounting process, if applicable.
- C. The Oversight Body will randomly request from departments that have accounting processed, documentation, including monitoring and communication, of the internal control system.

Principle 4. Management demonstrates a commitment to recruit, develop and retain competent individuals.

- A. All job descriptions shall be clear and concise as to the skills necessary to perform the job.
- B. Each employee's training will be tracked including the need for mandatory review courses.
- C. Evaluations will be given to each employee no less than one time per year including addressing each employee's strengths and deficiencies and how any deficiency will be corrected. All evaluations shall contain discussions of the internal controls and the person's tasks and obligations regarding the internal controls.
- D. When candidates are being recruited, each manager shall determine and assess the best pools to be used to recruit candidates.
- E. If an employee has greater access than is needed to complete their assigned duties, that access shall be restricted to only that access needed to complete their assigned duties. Cross training is completed to make sure that more than one employee is knowledgeable about the receipting process. This cross training would allow more than one employee to become aware of potential design deficiencies in the internal controls or of noncompliance with internal controls. Each employee should be encouraged to report these situations to Management or the Oversight Body.

Principle 5. Management evaluates performance and holds individuals accountable for their internal control responsibilities.

- A. Management must, in each department, establish communications to help ascertain weaknesses in the internal controls and any non-compliance with internal control procedures.
- B. If Management has knowledge of any non-compliance with internal controls or procedures, Management will immediately address the problem with the person violating the internal control or procedure and determine how the violation can be eliminated, avoided or otherwise complied with by the person.
- C. Management and the Oversight Body shall address all acts of noncompliance with the internal control or procedure and take appropriate action to correct the noncompliance.

COMPONENT TWO: RISK ASSESSMENT

Principle 6. Management defines objectives clearly to enable the identification of risks and risk tolerances.

- A. An objective is for all collections to be deposited timely and intact and receipts to be properly issued. There is zero tolerance for theft. There is minimal tolerance for error. The financial ledgers, including the revenue ledger, must be up to date and accurate to provide Management and the Oversight Body correct information. Laws regarding deposits must be followed and funds must be posted correctly to allow for proper use of the funds in compliance with statute or ordinance.
- B. An objective is that all revenues collected will be immediately and accurately entered by the person accepting the funds on behalf of the City. Such funds shall be reported to the person who deposits the revenue. The person to deposit the funds shall reconcile that the funds given to that person by the person who was responsible for receiving funds total entries are equal to the amount of funds to be deposited. The reconciliation shall occur before either the receiving employee or the depositing employee may leave their work area. A third person shall sign a ledger that the revenues are of an equivalent as the deposits and then release employees.
- C. Each person in all processes shall be certain that the others involved in the process are complying with all law and regulation and especially these policies.

Principle 7. Management identifies, analyzes, and responds to risks related to achieving the defined objectives.

- A. There is a risk that errors in receipting or posting might occur and not be detected and corrected or prevented from occurring. There is a risk that the funds ledger could be incorrect and fund balances not accurate. If receipts are not posted to the correct fund, revenue or cash balances would be inaccurate and the provision of services may be impaired.

- B. There is a risk that the reconciled amount of revenues at the City do not equal the actual deposits made. There is a risk that two or more people in the process are working in unison and falsifying the revenue actually taken in.
- C. Every person handling City revenue or other funds shall be trained regarding IC 5-11-1-27(i) Report of Material Variances, Losses, Shortages, or Thefts to the State Board of Accounts.

Principle 8. Management considers the potential for fraud when identifying, analyzing, and responding to risks.

- A. There is always a risk, especially with cash collections, that the collections may be misappropriated prior to deposit. The records could be manipulated to cover the theft of collections. Job duties, segregation of duties and review processes will be implemented to ensure that an employee is not able to steal collections and cover up the theft.
- B. Every person handling City revenue or other funds shall be trained regarding IC 5-11-1- 27(1) Report of Misappropriation of Funds to State Board of Accounts and Prosecuting Attorney.

Principle 9. Management identifies, analyzes, and responds to significant changes that could impact the internal control system.

- A. City internal control procedures will require evaluation and adjustment on a regular basis to accommodate the impact of future change, including but not limited to, personnel changes, newly elected and appointed officials, new programs, new technology, new laws, and financial fluctuations.
- B. Any changes in reporting will require new internal controls over compilation reports.

COMPONENT THREE: CONTROL ACTIVITIES

Principle 10. Management designs control activities to achieve objectives and respond to risks.

- A. Payroll Activities
 - 1. Salaries and wage rates are verified by someone outside of the payroll process.
 - 2. The responsibilities for hiring, terminating, and approving promotions are segregated from those preparing payroll transactions or inputting data.
 - 3. The responsibilities for approving time sheets are segregated from those for preparing payroll transactions or inputting data.
 - 4. Payroll adjustment reports are reviewed by someone outside of the payroll process.
 - 5. Employees' time and attendance records are approved by their supervisors.
 - 6. Corrections to recorded time and attendance records are approved by the employee's supervisor and authorized by Management.
 - 7. Procedures are in place to ensure that changes in employment status are promptly reported to the payroll processing unit.
 - 8. Payroll disbursements are reviewed and approved by an authorized individual prior to payment.
 - 9. Changes to a payroll disbursement are approved by an individual other than the ones authorized to make the changes.
 - 10. Access to payroll applications is appropriately controlled by user logins and passwords.
 - 11. Payroll checks are accounted for in numerical order and reconciled to the payroll check register.
 - 12. Access to the signature stamp used to sign payroll checks is adequately controlled.
 - 13. Payroll checks/stubs are periodically distributed by someone outside the normal payroll distribution function.
 - 14. Unclaimed payroll checks /stubs are returned to an individual other than those involved with the payroll process.
 - 15. Employees are cross-trained on the payroll process; those assigned to payroll take mandatory vacations.
- B. Disbursement Activities
 - 1. The responsibility for approving claims is segregated from those preparing the claims.

2. Checks are written by an individual other than the one approving the claim.
3. Checks are signed by an individual other than the one preparing them.
4. Claims for payment are reviewed and approved by the governing body prior to payment.
5. A reconciliation is completed between the claims for payment approved by the board and the actual disbursements posted to the ledger.
6. The responsibility for acknowledging the receipt of goods or services is segregated from those preparing claims and writing checks.
7. Vendor checks are accounted for in numerical order and reconciled to the disbursement ledger.
8. Invoices or other receipts are attached to each claim to support the disbursement.
9. A review is completed by an individual outside the disbursement process in which the claim amount is compared to the supporting documentation attached to the claim and the amount of the check.
10. Access to disbursement applications is appropriately controlled by user logins and passwords.

C. Receipting Activities

1. The responsibility for collecting money and issuing receipts is segregated from those preparing the bank deposit.
2. The responsibility for making bank deposits is segregated from those preparing the monthly bank reconciliation.
3. Pre-numbered receipts are issued for all money collected and the duplicate receipt is retained.
4. Receipts are reconciled to the cash receipts ledger by an individual other than the one collecting money and issuing receipts.
5. Posting of receipts to the ledger is completed by an individual other than the one who collects money and makes the deposit.
6. Receipts indicate the type of payment received (cash, check, etc.) and this is reconciled to the make-up of the bank deposit.
7. Accounts receivable records are maintained by an individual other than the one(s) involved in the billing process.
8. The billing process is completed by an individual other than the one who collects cash payments from customers.
9. Adjustments to customer accounts are approved by the governing body only after a thorough review.
10. A periodic review is completed of all adjustments made to customer accounts by an individual independent of the billing and accounts receivable processes to ensure that all adjustments made have proper approval from the governing body.

D. Cash Activities

1. A reconciliation between the recorded cash balance and the bank balance is completed monthly by an individual separate from the receipting and disbursing processes.
2. A reconciliation between the receipts ledger and the credits to the bank account is completed periodically by an individual separate of the receipting process.
3. A reconciliation between the disbursement ledger and the debits to the bank account is completed periodically by an individual separate of the disbursement process.
4. The monthly reconciliation between the cash balance and the bank balance is thoroughly reviewed and approved by the governing body.
5. Disbursements from and reimbursements to petty cash funds are periodically reviewed by an individual other than the one responsible for maintaining the petty cash fund.

E. Credit Card Transactions

1. A designated official or employee oversees the issuance and use of the credit cards.
2. An ordinance or resolution specifically states the purposes for which the credit card may be used.
3. The designated official or employee collects the credit card when the purpose for which the credit card has been issued has been accomplished.

4. The designated responsible official or employee maintains an accounting system or log which includes the names of individuals requesting usage of the cards, their position, estimated amounts to be charged, fund and account numbers to be charged, date the card is issued and returned, sufficient documentation provided, etc.
5. A designated person separate from disbursement process reviews transactions listed on the credit card statements for sufficient documentation and inclusion in claim to the Board.

Principle 11. Management designs the entity's information system and related control activities to achieve objectives and respond to risks.

- A. Each employee will have a user id and password, these will not be shared.
- B. One employee will check the reconciliation of the cash drawer collections and cash change to the revenue report for that employee.
- C. The IT department will be consulted so that each employee is restricted in access within the software system to those areas needed to complete assigned duties only.
- D. All transactions will carry the unique user id of the employee that completed the transaction.
- E. Only the security administrator for the office/department will have access to user id's and passwords. The security administrator does not collect receipts.

Principle 12. Management implements control activities through policies.

- A. Receipting procedures are documented in writing and available to all employees in the office or department. Employees are encouraged to report problems they perceive in the implementation of internal controls
- B. Elkhart Employee Handbook containing the internal controls is available online at <https://www.elkhartindiana.org>.
- C. Internal control procedures are available to every employee.
- D. Any variance in procedure will take place, after adequate notice, during a public meeting.

COMPONENT FOUR: INFORMATION AND COMMUNICATIONS

Principle 15. Management externally communicates the necessary quality information to achieve the entity's objectives.

- A. In establishing a process of external communication, Management may consider the following:
 1. Communications with State Board of Accounts, other State agencies, grantor agencies, regulatory agencies are documented by email, memos, letters and other correspondence.
 2. Logs are kept for information provided verbally.
 3. Procedures are established to retain public documents.
 4. Reports are cross checked for accuracy, relevancy and timelines of information
- A. All control deficiencies identified in an external audit are immediately addressed, evaluated and a corrective action plan is written. Management and the Oversight Body will follow up on the correction plan to ensure that it has been implemented and has correctly addressed the weaknesses.

COMPONENT FIVE: MONITORING ACTIVITIES

Principle 16. Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

- A. When establishing a monitoring system, Management may consider the following procedures:
 1. Periodic checks are performed to determine if controls are in place and working effectively.
 2. Control activities are reviewed to determine if the actual activities are in compliance with established procedures.

3. Deficiencies in the internal control process are documented and remediation is quickly completed to address any deficiencies.
 4. Many of the control activities can also be used as monitoring activities
- B. Revenue reports generated from the months receipts are sent to the department head/office holder for review for accuracy and reasonableness. Monthly revenue is compared to prior months and same month from a year ago to determine reasonableness.

Principle 17. Management remediates identified internal control deficiencies on a timely basis.

- A. Internal control deficiencies may be identified internally through monitoring or externally through audit reports, communication from grantor agencies, etc. Once identified, Management addresses deficiencies immediately through the development of formal or informal corrective action plans. Management and the Oversight Body work together to ensure the corrective action plan is implemented and the resulting changes are effective in correcting internal control weaknesses. Management and the Oversight Body meet regularly to discuss controls, weaknesses and corrective action plans.
- B. Any violations of policies and procedures will be noted and evaluated. Internal Controls may be reevaluated to correct the problems discovered.

APPENDIX B: GUIDELINES FOR CORRECTIVE AND DISCIPLINARY ACTION

Employees may receive discipline for one or more of the following:

LEVEL A VIOLATIONS

Attendance Violations

- Loitering or loafing during working hours
- Failure to report absence in a timely manner
- Excessive tardiness
- Excessive absenteeism (pattern absence abuse i.e. absent from work before or after weekends or holidays; multiple absences without medical documentation)

Non-Attendance Violations

- Failure to meet department dress code
- Smoking in unauthorized areas including City vehicles
- Negligence in the care, maintenance or handling of City property (including the operation of vehicles or equipment)
- Negligence in the operation of vehicles or equipment resulting in personal injury or damage to City property or the property of another
- Driving violation or traffic citation while operating a City vehicle
- CDL violations for not maintaining records or completing inspections
- Horseplay (Ex. Pushing, shoving, teasing, practical jokes or any other pranks or antics which disrupt the normal work routine or create a risk of danger to the safety of others)

LEVEL B VIOLATIONS

(More serious violations)

Attendance Violations

- Failure to work scheduled hours (leaving early; working overtime without permission; taking time off without having the accrual time in the employee's time bank or obtaining proper approval for the use of time off)
- Failure to follow punch in/out procedures; negligent inaccuracy in reporting time and attendance
- Failure to report absence for 1 to 2 days
- Sleeping on the job
- Quitting work or leaving duty area without permission

Non-Attendance Violations

- Obscene or abusive language
- Inappropriate conduct towards other employees or visitors
- Uncooperative or unprofessional behavior in the workplace
- Conduct unbecoming an employee of the City
- Unauthorized or Improper use of City property and resources
- Excessive or improper use of social or electronic media while on City time such that it interferes with the ability of the employee to perform their job duties or interferes with the ability of other employees to perform their job duties
- CDL violations for operating a vehicle without a valid CDL
- Dishonesty
- Vending, soliciting, distributing literature, circulating petitions, collecting contributions during work hours or on City property without prior authorization
- Any action that constitutes a conflict of interest between the employee and the City, including failure to disclose conflicts of interest or potential nepotism

- Soliciting or accepting any fee, gift, or other thing of value in the course of or in connection with an employee's job duties when such fee, gift, or other thing of value is given to induce, or is intended to induce, the receipt of a favor of preferential treatment.
- Abuse of sick leave (Ex. Use of sick leave for purposes other than those set forth in the Sick leave provisions of the Handbook or relevant collective bargaining agreement)
- Negligence in recording of paid/unpaid leave benefits (sick, jury, funeral, FMLA)
- Being in areas outside of assigned responsibilities without approval
- Unauthorized release of confidential, sensitive, or highly sensitive data
- Dishonesty, Interference, inappropriate involvement, or failure to cooperate and/or participate in any investigation related to employment
- Using (or threatening or attempting to use) personal or political influence in an effort to secure promotion, leave of absence, transfer, increased pay, change of job, or change of work duties
- Inducing or attempting to induce any other City employee to violate a provision of the City Charter, City Code, any other City or departmental policy, rule or procedure or to commit any unlawful act
- Failure to immediately report criminal charges or expiration, suspension, or revocation of required license(s) or certification(s)
- Negligent or reckless preparation of personnel records, time records or any other City records or reports
- Challenge, criticize, obstruct, abuse or interfere with supervisor
- Direct refusal to do an assigned job or obey an order
- Serious neglect of duty
- Violations of safety rules or City safety practices
- Failure to report on-the-job accident or injury to supervisor
- Sexual/Discriminatory Harassment
- Bullying
- Threatening, intimidating, or coercing employees or visitors on City property or at City events at any time
- CDL safety violation (driver or spotter)
- Fighting (aggressor & victim if participant)
- Reporting to work under the influence of alcohol or drugs
- Possession of unauthorized alcohol/drugs or use of alcohol/drugs on the job including the operation of City vehicles or equipment

LEVEL C VIOLATIONS

(Most serious violations Egregious violations may result in immediate termination.)

Attendance Violations

- Failure to report to work for three consecutively scheduled workdays without providing notice (job abandonment)

Non-Attendance Violations

- Immoral conduct or indecency during working time or while working in a City vehicle
- Conviction of a felony, sex offense, offense involving moral turpitude or other related criminal offense
- Theft of City, other employee's or visitor's property
- Tampering or disconnecting with cameras, locks, keypads or other security or surveillance devices
- Deliberate destruction or damage to City property or property of fellow employees in any manner
- Intentional falsification of personnel records, time records, or any other City records or reports
- Intentional falsification of Employment Application or other necessary data requested during the employment process
- Possession of firearms or weapons on City property
- Sale or trafficking alcohol or illegal drugs/controlled substances on City property or during work time

- Reporting to work in an unfit condition, under the influence of alcohol or drugs (illegal or prescription), impairing the ability to perform the essential functions of the job, or due to testing positive on a drug test or having a blood alcohol content of greater than 0.04, or unable to perform safety sensitive functions due to having an alcohol concentration of 0.02 or greater but less than 0.04.

Attendance Violations

Example Violation	Level	1st Offense	2nd Offense	3rd Offense	4th Offense
Loitering or loafing during working hours	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Failure to report absence in a timely manner	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Excessive tardiness	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Excessive absenteeism	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Failure to work scheduled hours (leaving early or working overtime without permission)	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Failure to follow punch in/out procedures; negligent inaccuracy in reporting time and attendance	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Quitting work or leaving duty area without permission	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Failure to report absence for 1 to 2 days	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Sleeping on the job	B	1-3 day suspension	>3 day suspension-Termination		
Failure to report to work for three consecutively scheduled workdays without providing notice (job abandonment)	C	>3 day suspension-Termination			

Unprofessional Conduct

Example Violation	Level	1st Offense	2nd Offense	3rd Offense	4th Offense
Failure to meet department dress code	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Obscene or abusive language	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Inappropriate conduct towards other employees or visitors	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	

Uncooperative or unprofessional behavior in the workplace	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Conduct unbecoming an employee of the City	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Immoral conduct or indecency during working time	C	>3 day suspension-Termination			
Conviction of a felony, sex offense, offense involving moral turpitude or other related criminal offense	C	>3 day suspension-Termination			

Improper Use or Damage to City Property or Property of Third Parties					
Example Violation	Level	1st Offense	2nd Offense	3rd Offense	4th Offense
Smoking in unauthorized areas including City vehicles	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Negligence in the care, maintenance or handling of City property (including the operation of vehicles or equipment)	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Negligence in the operation of vehicles or equipment resulting in personal injury or damage to City property or the property of another	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Driving violation or traffic citation while operating a City vehicle	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
CDL violations for not maintaining records or completing inspections	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination
Unauthorized or Improper use of City property and resources	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Excessive or improper use of social or electronic media while on City time such that it interferes with the ability of the employee to perform their job duties or interferes with the ability of other employees to perform their job duties	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
CDL violations for operating a vehicle without a valid CDL	B	3 or more day suspension	>3 day suspension-Termination		
Theft of City, other employee's or visitor's property	C	3 or more day suspension	>3 day suspension-Termination		

Tampering or disconnecting with cameras, locks, keypads or other security or surveillance devices	C	3 or more day suspension	>3 day suspension-Termination		
Deliberate destruction or damage to City property or property of fellow employees in any manner	C	>3 day suspension-Termination			

Dishonesty					
Example Violation	Level	1st Offense	2nd Offense	3rd Offense	4th Offense
Vending, soliciting, distributing literature, circulating petitions, collecting contributions during work hours or on City property without prior authorization	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Any action that constitutes a conflict of interest between the employee and the City, including failure to disclose conflicts of interest or potential nepotism	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Soliciting or accepting any fee, gift, or other thing of value in the course of or in connection with an employee's job duties when such fee, gift, or other thing of value is given to induce, or is intended to induce, the receipt of a favor of preferential treatment.	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Abuse of sick leave (Ex. Use of sick leave for purposes other than those set forth in the Sick leave provisions of the Handbook or relevant collective bargaining agreement)	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Negligence in recording of paid/unpaid leave benefits (sick, jury, funeral, FMLA)	B	1-3 day suspension	>3 day suspension-Termination		
Being in areas outside of assigned responsibilities without approval	B	1-3 day suspension	>3 day suspension-Termination		
Unauthorized release of confidential, sensitive, or highly sensitive data	B	3 or more day suspension	>3 day suspension-Termination		
Dishonesty, interference, inappropriate involvement, or failure to cooperate and/or participate in an investigation related to employment	B	3 or more day suspension	>3 day suspension-Termination		

Using (or threatening or attempting to use) personal or political influence in an effort to secure promotion, leave of absence, transfer, increased pay, change of job, or change of work duties	B	3 or more day suspension	>3 day suspension-Termination		
Inducing or attempting to induce any other City employee to violate a provision of the City Charter, City Code, any other City or departmental policy, rule or procedure or to commit any unlawful act	B	3 or more day suspension	>3 day suspension-Termination		
Failure to immediately report criminal charges or expiration, suspension, or revocation of required license(s) or certification(s)	B	3 or more day suspension	>3 day suspension-Termination		
Negligent or reckless preparation of personnel records, time records or any other City records or reports	B	3 or more day suspension	>3 day suspension-Termination		
Intentional falsification of personnel records, time records, or any other City records or reports	C	>3 day suspension-Termination			
Intentional falsification of Employment Application or other necessary data requested during the employment process	C	>3 day suspension-Termination			

Insubordination					
Example Violation	Level	1st Offense	2nd Offense	3rd Offense	4th Offense
Challenge, criticize, obstruct, disrespect, abuse or interfere with supervisor	B	3 or more day suspension	>3 day suspension-Termination		
Direct refusal to do an assigned job or obey an order	B	3 or more day suspension	>3 day suspension-Termination		
Serious neglect of duty	B	3 or more day suspension	>3 day suspension-Termination		

Potential or Actual Harm or Threats to Others					
Example Violation	Level	1st Offense	2nd Offense	3rd Offense	4th Offense
Horseplay (Ex. Pushing, shoving, teasing, practical jokes or any other pranks or antics which disrupt the normal work routine or create a risk of danger to the safety of others)	A	First written warning	Second written warning	1-3 day suspension	>3 day suspension-Termination

Violations of safety rules or City safety practices	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Failure to report on-the-job accident or injury to supervisor	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Offensive comment(s) or conduct; Sexual/Discriminatory Harassment	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Bullying	B	Second written warning	1-3 day suspension	>3 day suspension-Termination	
Threatening, intimidating, or coercing employees or visitors on City property or at City events at any time	B	1-3 day suspension	>3 day suspension-Termination		
CDL safety violation (driver or spotter)	B	3 or more day suspension	>3 day suspension-Termination		
Fighting (aggressor & victim if participant)	B	3 or more day suspension	>3 day suspension-Termination		

Weapons, Drugs or Alcohol					
Example Violation	Level	1st Offense	2nd Offense	3rd Offense	4th Offense
Reporting to work under the influence of alcohol or drugs	B	1-3 day or more suspension	>3 day suspension-Termination		
Possession of unauthorized alcohol/drugs or use of alcohol/drugs on the job including the operation of City vehicles or equipment	B	1-3 day or more suspension	>3 day suspension-Termination		
Unauthorized possession of firearms or weapons on City property or during work time	C	>3 day suspension-Termination			
Sale or trafficking alcohol or illegal drugs/controlled substances on City property or during work time	C	>3 day suspension-Termination			
Reporting to work in an unfit condition, under the influence of alcohol or drugs (illegal or prescription), impairing the ability to perform the essential functions of the job, or due to testing positive on a drug test or having a blood alcohol content of greater than 0.04, or unable to perform safety sensitive	C	>3 day suspension-Termination			

APPENDIX C: CITY OF ELKHART ETHICS POLICY

Receiving Gifts

1. A city employee or appointee shall not knowingly solicit, accept, or receive any gifts, favors, services, entertainment, food, drink, travel expenses or registration fees from a person who has a business relationship with the city or is seeking to influence an action by the employee or appointee in their official capacity.
2. The following shall not be subject to this rule:
 - A. Gifts, favors, services, entertainment, food, drink, travel expenses or registration fees with a value of less than One Hundred (\$100.00) provided that the employee or appointee does not knowingly solicit, accept, or receive the above from the same person or his or her employer with a cumulative value of more than \$200 in any calendar year.¹
 - B. Gifts, favors, services, entertainment, food, drink, travel expenses or registration fees from public agencies or public institutions.
 - C. Mementos or souvenirs of nominal value.
 - D. Food or drink consumed at a public meeting. A meeting will be considered public if:
 - i. the event is a reception or other gathering for public officials that is not arranged to solicit government procurement of goods or services and to which at least ten (10) individuals are invited;
 - ii. the employee is giving a speech or participating in a presentation in the employee's official capacity; or
 - iii. the meeting has a formal educational program that the employee is attending to assist him or her in performing official duties.
 - E. Gifts, favors, services, entertainment, food, or drinks from relatives, or a person with whom the employee or appointee has an ongoing social relationship, so long as:
 - i. the gifts or other items of value are paid for personally by the giver, rather than a business entity, and not deducted as a business expense; and
 - ii. the gift giver is not seeking to influence an action by an employee in that person's official capacity.
 - F. Property accepted as a gift to the City;
 - G. Any item of value for which face value or reasonable fair market value (in the absence of an explicit face value) is promptly paid and for which the employee is required to maintain a record of the reimbursement

¹ Unsolicited perishables such as a fruit basket may be accepted on behalf of a public employee's agency if shared with all agency employees and/or the public, to the extent possible, thereby making them available for public rather than private use.

- H. Nominal refreshments offered to an employee or an appointee conducting official city business while the employee or appointee is at a workplace of a person who:
 - i. has a business relationship; or
 - ii. seeks to influence official action with the City.
 - I. Discounts and other promotional programs approved and made available to city employees and appointees through the Human Resources department or Mayor's Office.
3. If a person wishes to reimburse the City for any part or all of the expenses incurred by the City for appearances of an officer, employee or appointee or their official representatives on behalf of the City, the person shall remit to the Controller any such amounts. The Controller shall deposit the funds into the general fund.

Purchasing Conflicts of Interest

An appointee or employee may not solicit or receive compensation:

- 1. For the sale or lease of any property or service to a person with a business relationship with the appointee or employee or an official's, appointee's, or employee's agency or department that substantially exceeds the amount that the official, appointee, or employee would charge in the ordinary course of business; or
- 2. For the performance of official duties other than as provided by law.

Criminal Conflict of Interest

- 1. Under Indiana law (IC 35-44.1-1-4), an employee or appointee (hereinafter "employee") who knowingly or intentionally has a pecuniary interest in or profits from a contract or purchase by the department, board, or commission served by the employee, commits conflict of interest, a Level 6 felony.
 - A. A pecuniary interest is an interest in a contract or purchase which results or is intended to result in an ascertainable increase in the income or net worth of the employee or a dependent of the employee who, either:
 - i. is under the direct or indirect administrative control of the employee; or
 - ii. receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.
- 2. It is not considered criminal conflict of interest if any of the following apply:
 - A. The public servant or the public servant's dependent receives compensation through salary or an employment contract for:
 - i. services provided as an employee; or
 - ii. expenses incurred by the employee as provided by law.
 - B. The employee's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars (\$250) or less.
 - C. The employee is not a member or on the staff of the department, board or commission empowered to contract or purchase on behalf of the department, board or commission, and functions and performs duties for the city unrelated to the contract or purchase, and makes a disclosure which:
 - i. is in writing;
 - ii. describes the contract or purchase to be made by the department, board or commission;
 - iii. describes the pecuniary interest that the public servant has in the contract or purchase;
 - iv. is affirmed under penalty of perjury;

- v. is submitted to the board or commission and accepted in a public meeting of the board or commission before final action on the contract or purchase; and
- vi. is filed within fifteen (15) days after final action on the contract or purchase with:
 - 1. the state board of accounts; and
 - 2. the clerk of the circuit court of Elkhart County; and
- vii. in the case of an appointee, contains the written approval of the elected official that appointed the appointee.²

Confidentiality

- 1. An appointee, employee, former appointee, or former employee shall not disclose or materially benefit from confidential information, as defined below, and shall use such confidential information only in the course of his or her performance of official responsibilities.
- 2. For purposes of this Code of Ethics, "confidential information" includes any and all data and information, whether in written, electronic or spoken form, to which an appointee, employee or official has access by reason of his or her employment and which is not generally known to or readily ascertainable by others or otherwise subject to public access or disclosure by law. Any and all records, copies of records, and other property including, but not limited to emails and electronic records) containing such confidential information are and shall remain the property of the City of Elkhart and must be returned promptly to the applicable agency or department of the City upon any termination of appointment, employment or engagement of the appointee, employee or official.

² This section has been paraphrased and highlights the section most applicable to city employees and appointee. This section of the handbook does not relieve any employee or appointee of the city from the legal responsibility to understand and abide by all sections of the criminal conflict of interest statute, IC 35-44.1-1-4.

APPENDIX D: CITY OF ELKHART ARTIFICIAL INTELLIGENCE (AI) POLICY

Summary

Artificial Intelligence (AI) tools may help improve productivity and efficiency, but they also introduce legal, security, and privacy risks. Employees may only use AI tools for City business if those tools and uses have been reviewed and approved by the IT Department. Never enter personally identifiable information (PII), confidential information, or sensitive City data into AI. Employees remain responsible for the accuracy and appropriateness of all work, even when AI is used.

This policy applies to all employees and anyone using AI on behalf of the City.

1. Purpose

This policy establishes a clear framework for the responsible, ethical, and secure use of Artificial Intelligence (AI) by the City in alignment with Indiana law, statewide guidance, and recognized best practices such as the National Institute of Standards and Technology (NIST) AI Risk Management Framework. The purpose of this policy is to enable innovation and efficiency while protecting public trust, individual rights, data security, and the City's ownership of its information.

2. Scope

This policy applies to all City employees, elected officials where applicable, contractors, consultants, vendors, volunteers, and third parties who procure, develop, configure, deploy, access, or use AI systems on behalf of the City.

3. Governance and Authority

The City's Information Technology (IT) Department is the central authority for AI governance. All use of AI systems, tools, or services for City business must be reviewed and approved by the IT Department prior to use or purchase. The IT Department shall maintain a registry of approved AI tools and authorized use cases and may impose conditions or limitations on approved use. Any AI system or tool not approved by IT is prohibited for City business. Approved tools are subject to change at the discretion of the IT Department.

4. Responsible Use Principles

City use of AI shall remain human-centered and accountable. AI may be used to assist employees in performing their duties, but it shall not replace human judgment or decision-making, particularly in matters that affect the public, employees, or legal rights. Employees are responsible for reviewing, validating, and verifying AI-generated content before relying on or acting upon it.

The City is committed to transparency and fairness in AI use. When AI is used in public-facing services, the City will provide appropriate notice when required by law or policy. AI systems must be evaluated to reduce bias and unintended impacts and shall not be used in ways that unlawfully discriminate or disproportionately harm individuals or communities.

All AI use must comply with applicable City policies and all local, state, and federal laws, including Indiana information privacy and public records requirements.

5. Data Protection and Information Ownership

Protecting City data, resident information, and employee information is critical. Employees shall not enter, upload, or process personally identifiable information (PII), confidential information, protected data, or sensitive City information in any AI system unless the use has been explicitly approved in writing by the IT Department following a security and legal review.

Employees must assume that information entered into external or publicly available AI tools may be stored, retained, reused, disclosed, or incorporated into model training outside the City's control. Uploading City data into unapproved or external AI systems may result in loss of data ownership, loss of confidentiality, and increased cybersecurity risk. For these reasons, the use of AI tools with City data is strictly limited to those systems reviewed and approved by IT.

When there is any uncertainty about whether information is appropriate for AI use, employees are required to consult the IT Department before proceeding.

6. Permitted Uses

When approved by IT, AI tools may be used to support City operations in limited and appropriate ways, such as drafting or summarizing non-confidential documents, conducting research or analysis using approved data sources, supporting internal productivity, and improving operational efficiency. AI outputs are advisory in nature and must not be treated as authoritative without independent review. Review, fact-check, and validate all AI-generated content before using it or sharing it. Follow all City policies, Indiana laws, and public records requirements when using AI. Ask IT for guidance if there is any uncertainty about appropriate AI use.

7. Prohibited Uses

Do not enter or upload personally identifiable information (PII), confidential information, protected data, or sensitive City information into AI systems without written IT approval. Do not use unapproved public or consumer AI tools for City work. Do not rely on AI to make final decisions affecting residents, employees, benefits, discipline, safety, or legal rights. Do not assume AI-generated information is accurate, complete, or authoritative. Do not use AI in any way that violates law, City policy, or ethical standards.

8. Review and Approval Process

Before any AI system or tool is deployed or used for City business, the requesting department must submit the proposed use to the IT Department for review. IT will evaluate the request for security, privacy, risk, legal compliance, and alignment with City and Indiana requirements. Approval, approval with conditions, or denial will be documented, and approved uses may be reevaluated or revoked as circumstances change.

9. Training and Employee Responsibilities

Employees authorized to use approved AI tools must complete any training required by the IT Department. Department leadership is responsible for ensuring compliance with this policy within their areas. All employees remain accountable for the accuracy, appropriateness, and legality of work products created with the assistance of AI.

10. Violations

Failure to comply with this policy may result in disciplinary action in accordance with the City's personnel policies, revocation of access to AI tools, contract termination for third parties, or other remedies permitted by law.

11. Policy Review

This policy will be reviewed periodically by the IT Department and updated as technology, Indiana law, and best practices evolve.

12. Personally Identifiable Information (PII)

What it is: Any information that can identify a specific individual, either directly or when combined with other data.

Common examples:

- Full name
- Home or mailing address
- Email address
- Phone number
- Date of birth
- Government-issued IDs (SSN, passport, driver's license)
- IP address or device identifiers
- Employee ID numbers
- Biometric data (fingerprints, facial scans, voiceprints)
- Medical records

Confidential Information

What it is: Non-public information owned by an organization that could cause harm if disclosed, even if it's not tied to a specific person.

Common examples:

- Internal business strategies or roadmaps
- Financial data
- Customer lists or contracts
- Internal emails, memos, or meeting notes
- Source code or proprietary algorithms
- Security architecture or access controls
- Financial account numbers, credit card data
- Authentication credentials (passwords, API keys, tokens)
- Legal case files or privileged communications
- Employee performance records
- Background checks

ACKNOWLEDGEMENT OF RECEIPT

I have this day received a copy of the City of Elkhart Employee Handbook and I understand that I have an obligation to read the policies and practices contained within it. I understand if I have questions concerning the contents of the Employee Handbook I should ask my supervisor or the Human Resources Department for clarification.

I understand that the policies and benefits described in this Handbook may be changed, modified, added to or deleted at any time. I understand that neither this Handbook nor any communications by a management representative is intended to, in any way, create a contract of employment, and that either I or the company may terminate my employment at any time, with or without notice or without cause.

Printed Name

Date

Signature