



EMPLOYEE HANDBOOK

CITY OF MISHAWAKA AND MISHAWAKA UTILITIES

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MESSAGE FROM THE MAYOR

Welcome to the City of Mishawaka!

It is my pleasure to welcome you as a public servant for the City of Mishawaka. Our employee selection process is highly competitive using rigorous testing and interviews. You have proven that you are qualified to serve our citizens and you are to be congratulated.

You have been chosen for the position based on your interest, talent and experience. My expectation of city government is that we provide no less than world-class services to our citizens. This not only requires the skills that you bring to the job, but a great attitude and a strong passion to serve “the Princess City”. As you serve the City well, you will have an opportunity to grow and explore more interests in the City that may become available to you.

Public service is demanding work, but it can be incredibly rewarding. We are all here to help you progress. This handbook has been developed to assist you as an employee of the City. It will provide you with an overview of the City, its policies and procedures, as well as what is expected of you as you progress through your career. Additionally, staff has identified possible questions that may arise. Please review this handbook and become familiar with the references and resources available to you. I hope you find this a useful guide.

Again, welcome, and best wishes on your journey with the City of Mishawaka family.

David A. Wood
Mayor, City of Mishawaka

HOW TO USE THE EMPLOYEE HANDBOOK

For purposes of this Handbook, “City” shall refer to both Civil City of Mishawaka and Mishawaka Utilities. Each new employee of the City of Mishawaka is shown where to access a copy of the City of Mishawaka Employee Handbook. The Employee Handbook is for the employee’s use in keeping abreast and knowledgeable of the City’s rules, regulations, benefits, and personnel policies.

This manual does not constitute a contract of employment. Employees that are under a collective bargaining agreement will follow that agreement and appropriate work rules; however in general, all employees are to follow the policies and procedures set forth by the City of Mishawaka.



Handbook Acknowledgement Form

I acknowledge the receipt of this Employee Handbook and I am responsible for knowing and understanding its contents and keeping it updated. I also understand this handbook is company property and must be returned to Human Resources when I leave this organization.

I further understand that this handbook does not create a contract with the City for any purpose and that the provisions of this handbook may be modified or eliminated at any time.

Employee Name: *(print)* _____

Employee Signature: _____

Date Received: _____

AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy of the City to not exclude qualified individuals with disabilities from participation in or benefiting from the services, programs or activities of the municipality. Also, it is the policy of this municipality not to discriminate against a qualified individual with a disability in its job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training and other terms, conditions and privileges of employment. It is the intention of this municipality to comply with all applicable requirements of the Americans with Disabilities Act. (ADA).

ANTI-NEPOTISM

- A A member of an employee's immediate family may be considered for employment by the City provided the applicant possesses the required qualifications for the position. An immediate family member may not be hired, however, if such employment would in the opinion of the Department Head:
 - 1. Create either a direct or indirect Supervisor/subordinate relationship with a family member; or
 - 2. Create either an actual conflict of interest or the appearance of a conflict of interest.
- B The criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, immediate family includes: the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other members of the employee's household.
- C Employees who marry or become members of the same household may continue employment as long as there is not, in the opinion of the Department Head:
 - 1. A direct or indirect Supervisor/subordinate relationship between such employees; or
 - 2. An actual conflict of interest or the appearance of a conflict of interest.
- D Should one of the above situations occur, the City will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

CELL PHONE USE

PURPOSE

The purpose of this policy is to maintain safe and efficient use of cell phones. This policy applies to all employees who use cell phones issued by the City.

POLICY

A CITY ISSUED ON-CALL CELL PHONE USE

- 1. On-call cell phones are to be used for City business only.
- 2. Cell phones should be used only when other forms of communication (standard phones, radios) are not accessible or appropriate to use.
- 3. All cell phone records will be monitored on a regular basis and are subject to audit at the City's discretion.
- 4. Cell phones are City property and shall be turned in upon request of

supervisor. Employees shall notify their supervisor or designee promptly of lost, stolen or damaged cell phones and may be responsible for costs involved.

B PERSONAL CELL PHONE USE

1. The use of personal cell phones is absolutely prohibited while operating machinery or motor vehicles.
2. Personal cell phones may not be used, except for authorized City business, while employees are performing their duties for the City. Personal cell phone is restricted to authorized lunch and work breaks.

COMPENSATORY TIME

INTENT

The Fair Labor Standards Act (FLSA) allows state and local government employers to use "comp time," rather than overtime pay, for hours worked in excess of 40 per week. It is the intent of this policy to provide uniform guidance to the various departments within the City regarding the earning, record-keeping and payment for comp time for all non-union, full-time year-round salaried employees. This policy reflects provisions of the Fair Labor Standards Act (FLSA) and Mishawaka Ordinance 3339. This policy, upon its effective date, replaces and supersedes any previous policy that may have been in effect within any department.

APPLICATION

This policy applies to all non-union, year-round, full-time salaried employees of the City. The policy differentiates between 1) staff and 2) department managers. Exception: Union employees refer to their respective Collective Bargaining Agreements.

EMPLOYEE TYPES DEFINED

Staff includes all employees who are non-union, year-round, full-time and salaried and are not elected officials or department managers.

Department Managers - All full-time department managers will be included.

GENERAL POLICIES - ALL EMPLOYEES

- A In the event an employee changes positions within a department or changes departments during employment with the City, accrued comp time transfers to the new position.
- B Overtime worked **must** be requested by the employee's supervisor for the purpose of completing regular or emergency work normally conducted by the affected employee. Work that can normally be conducted during regular hours will not be approved for overtime. That is, work will not be "manufactured" or delayed in order for an employee to perform that work under overtime status, in order to earn comp time at the time-and-a-half rate. Comp time is not intended as a vehicle for "banking" hours to be used at a later time.
- C Overtime worked **must** be pre-approved. Staff must secure proper approval for working overtime from their department manager or assistant manager. Department managers must receive proper approval for working overtime from their supervisor, who in most circumstances will be the Mayor or General Manager of the Utilities. Certain employees, by virtue of the emergency nature of their work assignments, may be given approval to work overtime by an appropriate supervisor. In such a case, however, written acknowledgement

shall, however, be obtained the following business day from the department manager or assistant manager.

- D Records must be maintained in each department showing employee name, status, date and number of overtime hours worked, hour value of comp time hours earned, date and number of comp time hours taken, and a running balance of the comp time hours due the employee. These records must be completed as the work occurs and signed by the department manager.
- E The Human Resources Department shall keep a comprehensive list as to the status of each non-union, year-round full-time salaried employee, as per FLSA definitions. Each department will keep a list as to its department. Additionally, notation to Human Resources as to the status of the employee will be given on any Change-of-Status form.
- F Time taken away from work in redemption of comp time earned shall be taken at times convenient to the City. Department managers shall take care not to allow extensive comp time accrual, and shall, whenever possible, allow employees to leave work during normal business hours to make up overtime worked within the week of the extra work. If comp time is accrued, however, the supervisor shall allow the employee time away from work at the soonest possible time the department can afford to continue without that employee.
- G Salaries are paid as consideration for work during all regularly scheduled work hours. For some employees, this may include certain regular meetings outside of business hours, as defined in the employee's job description.
- H Responsibility for compliance with this policy, record-keeping and management of comp time accruals, distribution and redemption will rest with department managers.
- I The City may, at its sole discretion, elect to pay comp time earned rather than allow time off work or to extend the time limit for redemption of time off. These exceptions shall be authorized, in writing, by the Mayor or Board of Public Works and Safety.

SPECIFIC POLICIES – STAFF

- A Staff who are normally scheduled to work fewer than forty (40) hours per week, will earn comp time at an hour-for-hour basis for any time (kept in 15 minute increments) requested by a supervisor and worked over the normal scheduled workweek but less than forty hours per week.
- B Staff will earn comp time at a rate of one and one-half hours for each overtime hour worked, kept in 15 minute increments, that exceeds forty (40) hours worked or paid per week.
- C Staff will be allowed to accrue comp time hours with no time limit for redemption, with the guidelines listed in this policy.
- D Staff must be paid cash overtime pay after accruing 240 hours of comp time. Only accrued comp time approved by the department Manager will be paid out as termination pay.

SPECIFIC POLICIES – DEPARTMENT MANAGERS

- A Department Managers will earn comp time at an hour-for-hour basis for any time, kept in 15 minute increments, approved and worked over forty (40) hours worked or paid per week.
- B Department Managers will be allowed to accrue comp time hours but must redeem such accrued hours within six months of the date they are earned. If not so redeemed within six months, the employee will lose all claims to any accrued hours, unless an exception is requested and granted, in writing, as described in Section IV (I) above.
- C Department Managers can accrue a maximum of 40 hours of comp time. At that point, any additional overtime hours worked will not add to the accrued comp time amount earned by the employee unless an exception is requested and granted, in writing, as described in Section IV (I) above.

D Only accrued comp time **approved** by the Mayor will be paid out as termination pay.

COMPUTER USE

The City of Mishawaka's computer systems are intended to facilitate and assist in the official work of the City of Mishawaka (the "City") and are intended for the exclusive use of City employees. Access to any of these services by non-employees is prohibited unless approved by the network administrator or department head. All computer users have the responsibility to use these resources in an efficient, effective, ethical and lawful manner. All communications transmitted by, received from, or stored in the computer systems are the sole property of the City.

The following policy, rules, and conditions apply to all users of the computer network, regardless of the location of the computer users. Violations of this policy may result in disciplinary action, including possible termination, and/or legal action. This policy may be amended or revised periodically as the need arises.

NETWORK CONNECTIVITY

The City has the right to monitor any and all aspects of the computer system, including employee electronic mail (email) and Internet access to ensure compliance with this policy. All computers and computer accounts provided to employees are intended to assist them in the performance of their job duties. Employees should not have an expectation of personal privacy in anything they create, send, receive or download on the computer.

ACCEPTABLE WIRELESS USE

The City will provide a "private" wireless network which will be restricted to authorize City-owned devices only and grant access to internal resources. The City, at its discretion, will provide a "public" wireless network which will be open to non-city employees and devices but restricted to Internet access only. Wireless keys for the public access network will change on a biweekly basis to ensure security.

PERSONAL DEVICES

Since personal devices can be used for work purposes (for example, checking company email) and because the City doesn't have the ability to secure personal devices, the user takes full responsibility for securing their own devices. All personal devices will be restricted to the public wireless network only.

REMOTE ACCESS

City employees will not grant remote access to non-city employees without prior authorization from the Information Technology Department ("IT") and their respective department head. Employees are responsible for terminating any remote sessions they initiate (such as WebEx or other remote access technologies). Accounts created to assist non-City employees in performing their duties are considered temporary and will be set to expire. All non-employee Virtual Private Network ("VPN") accounts are considered active for 90 days unless otherwise requested with a maximum duration of a one year period at which point the accounts will be automatically disabled and any company needing access will have to reapply. IT reserves the right to terminate

VPN access without notice. Misuse will be reported to the appropriate departments and/or agencies.

REMOTE ACCESS

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RESTRICTIONS

- Users must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property.
- Fraudulent, harassing, indecent, profane, obscene, intimidating or other unlawful material may not be sent by email, downloaded by other forms of electronic communication, or displayed on or stored in City computers.
- Computer resources may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), obscene material or any other unauthorized or personal use.
- Users should not make online statements of the City’s official position on any issue unless approved by a department head.
- Users may not install software onto individual computers or the network.
- No unlicensed software may be used or installed onto the City’s computers. Any unlicensed software or personal software may be deleted by the City without notice to the user.

SECURITY / SOFTWARE / DATA

Each user is responsible for taking reasonable precautions to secure his/her computer from use and/or abuse by others. Retention period and password complexity will be set and maintained by IT. Password resets must be requested by the employee’s supervisor or department head.

- Users will notify IT of any newly discovered security problems.
- Users will not share any network security flaws with other users.
- It is each employee’s responsibility to safeguard his/her password. Do not share any of your passwords. Do not write down your password(s).
- Any time a user leaves their workstation(s) unattended they are to logoff or lock their workstation.
- It is every employee’s responsibility to report any unlawful activity.

SOFTWARE

Employees are not authorized to install any software of any kind. All software or applications must be approved and installed by IT. All software must be licensed to the City. Unauthorized software will be removed without exception.

DATA

Employees are not to share data with anyone outside of the City, unless authorized. Employees will be held responsible for ensuring the safety and security of any data they transport. Data within the City's computers, networks and technologies are owned by the City.

VANDALISM / DAMAGE & MOBILE DEVICES

No employee shall vandalize or engage in hacking of any computer equipment owned and maintained by the City. "Vandalize" or "Vandalism" shall mean any malicious act to harm, destroy or damage any City-owned computer hardware, software and/or data. "Hacking" shall mean any attempt to gain unauthorized access to certain restricted or protected files in the computer network system. Any uploading or creation of computer viruses and the alteration of system resources shall also constitute vandalism.

DAMAGE TO RESOURCES

Each user shall secure all computer equipment assigned to them by the City. They shall exercise reasonable care in moving, carrying or using City-owned computer equipment. No user should eat or drink near any computer equipment.

If a device issued to an employee is lost, damaged or broken beyond reasonable wear and use, the respective department will be responsible for repair or replacement costs. If an employee is found to have intentionally damaged a device, he/she is subject to discipline. Examples of devices include, but are not limited to, laptops, tablets, smart phones, hotspots, digital cameras, key-fobs and flash drives.

MOBILE DEVICES

Any take home / mobile device that is deemed to be lost or stolen shall be reported to the respective department head and IT within 48 hours so the device can be tracked or have data remotely removed.

FEES FOR ACCESS

An employee may not use the City network to access any database or service that charges a fee for access, or download any file for which a fee is charged, without the permission of one's department head. An employee that does the foregoing without the permission of his or her department head shall be responsible for paying any fees so incurred and is subject to discipline.

INDIVIDUAL ACCOUNTS

All employees will receive individual user accounts, including user IDs and passwords. Each employee will be expected to regularly check and use his or her email account. Training will be provided to an employee upon request.

- Employees shall not use their City email (username@mishawaka.in.gov) as their sole account (i.e. personal and business use).
- All email can be recorded and stored along with the source and destination.
- City management has the ability and right to view all employees' email.

- Recorded email messages are the property of the City. Thus, they are subject to the requirements of the Indiana Access to Public Records Act and laws applicable to records retention.
- The maximum email message size (sent or received), including attachments, is 10 megabytes.
- The City reserves the right to implement mailbox size restrictions to prevent mailboxes from growing too large and impacting performance of the mail server.
- Harassing, indecent, profane, obscene, or intimidating language is strictly prohibited.
- Email shall not be used for any personal monetary interests or gain.
- Employees shall not subscribe to mailing lists, store flyers, sales flyers, advertisements or any other mailing services that are strictly for personal use.
- Email shall not cause the City to incur a direct cost in addition to the general overhead of email. Consequently, employees, upon receiving non-business correspondence, should read and delete it. No storage or printing of non-business email is permitted.

This policy applies to all City-provided email accounts regardless of the domain name. If a third-party email provider is authorized for use by the City, such Terms of Service (“TOS”) and Privacy Policies of the third-party provider will apply as well. Email shall be used only for legitimate City business.

For employees that are receiving emails of a personal nature in their City account and do not have a personal email account or are uncertain how to obtain one, please reference the links below:

- [Gmail](#)
- [Yahoo](#)
- [Hotmail / Outlook.com](#)

INTERNET POLICY

This policy applies to any and all forms of use of the Internet within the City. Generally, Internet use should be used only for legitimate City business; however, brief and occasional personal use (i.e. surfing, browsing) is acceptable if the following conditions are met:

- Personal use of Internet is a privilege, not a right. As such, personal use should be limited (e.g. personal use could be allowed on a limited basis during lunch or other breaks, and during limited periods before and after the employee’s regularly scheduled working hours). The privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- All Internet activities can be recorded and stored along with the source and destination information, including IP addresses.
- Management has the ability and right to view an employee’s usage patterns and take action to assure that City Internet resources are devoted to maintaining the highest levels of productivity.
- The Internet path record is the property of the City. Such information is subject to the Indiana Access to Public Records Act and laws applicable to records retention.
- Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development.

- Each employee using the Internet shall identify him/herself, accurately and completely (including one's company affiliation and function where requested) when providing such information.
- Only those employees or officials who are expressly authorized to speak to the media or to the public on behalf of the agency may represent the City within any forum, news group, chat room or other social media postings (e.g. Facebook, blogs, etc.). Other employees may participate in forums, news groups, chat rooms or other social media in the course of business when relevant to their duties, but they should do so as individuals speaking for themselves and must include a disclaimer in their comments similar to the following:

“This contains the thoughts and opinions of (employee name) and does not represent official City of Mishawaka policy.”

RESTRICTIONS

- Personal use of the Internet should not impede the conduct of City business; only incidental amounts of employee time – time periods comparable to reasonable coffee breaks during the day – should be used to attend to personal matters.
- Accessing, posting or sharing any harassing, embarrassing, indecent, profane, obscene, intimidating or otherwise objectionable material (i.e., visual, textual or auditory) is strictly prohibited.
- The Internet should not be used for any personal monetary interests or gain.
- Employees should not subscribe to mailing lists or mail services strictly for personal use and should not participate in electronic discussion groups (i.e. list server, Usenet, news groups, chat rooms) for personal purposes.
- Personal Internet use should not cause the City to incur a direct cost in addition to the general overhead of an Internet connection. Consequently, employees are not permitted to store or print personal Internet material.
- Employees must not intentionally use the Internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

SOCIAL MEDIA POLICY

This social media policy applies to all employees, contractors, business partners or other parties with a material interest in the City of Mishawaka (collectively referred to as “associates”). This policy is approved by Human Resources.

State of social media

The City recognizes that social media, professional networking sites, rapid-fire communications, blog sites, and personal websites are all useful technologies. Each employee has an opportunity to express and communicate online in many ways, and the City encourages an online presence. This policy will set forth guidelines that employees should follow for all online communications in reference to the City.

Relevant technologies

This policy includes, but is not limited to, the following specific technologies:

- Digg
- Facebook

- Foursquare
- Google+
- Myspace
- Tumblr
- Pinterest
- Twitter
- Personal blogs or Websites
- Comments on Websites

Responsibility

Any material presented online in reference to the City by any Associate is the responsibility of the poster. We encourage all communication to be made in an identifying manner, to establish credibility above all else. Along with clear identification, associates must state that any opinion is yours individually and not a form of official communication from the City.

The City's Associates are encouraged to use the following guidelines in social media practices:

- Keep comments relevant to your area of expertise.
- Identify yourself.

CITY ASSETS

The use of the City's assets (computers, Internet access, email, etc.) is intended for purposes relevant to the responsibilities assigned to each associate. As social media sites are not deemed a requirement for most positions, social media sites will be blocked on City networks. Associates that need access to social media sites and feel they have a legitimate business use will be required to fill out the Social Media Allowance Form. You can retrieve this form from Compass under the IT section. This form will need to be signed by the respective department head and HR before access will be granted.

Employees may not publish any of the following on social media:

- City intellectual property
- Trade secrets
- Customer data

DRUG FREE WORKPLACE

The following policy shall be strictly enforced to promote a drug and alcohol free workplace and workforce and to protect the City as a responsible source for the award of grants from any federal agency.

POLICY: The City will provide a drug-free workplace. The workplace is defined as any location at which City business is conducted.

PROCEDURES:

A All City employees are absolutely prohibited from manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol in the workplace. The Human Resources Department can provide a complete list and explanation of controlled substances. For purposes of this policy, the phrase "controlled substances" shall include drugs that are illegal or used illegally and will be referred to as "drugs" hereinafter.

- B The City has established a drug-free workplace practice to inform employees about:
 1. The City’s policy of maintaining a drug-free workplace;
 2. Available drug or alcohol counseling resources, rehabilitation and employee assistance programs; and,
 3. The penalties that will be imposed upon employees for drug or alcohol abuse violations.
- C Each employee will be provided a copy of the Drug-Free Workplace Policy and as a condition of employment will:
 1. Abide by the terms of the policy; and
 2. Notify the City of any criminal drug related conviction or arrest for a violation occurring in the workplace no later than five (5) calendar days.
 3. The City will notify any federal agency from which it receives a grant within 10 calendar days after receiving notice of a criminal drug statute conviction for a workplace violation in the performance of the grant.
 4. The City will impose a sanction on, and/or require the satisfactory participation in a drug or alcohol abuse assistance or rehabilitation program by any employee who is so convicted, as required by the Drug-Free Workplace Act of 1988.
 5. The City will make a good faith effort to continue to maintain a drug-free workplace through the adoption of appropriate rules and regulations necessary to implement subparagraphs 1 through 5 hereinabove.
 6. For the purpose of this policy, “city business” includes, but is not limited to, work performed on or in City property including a City vehicle or work performed on or in a non-City vehicle being used for City benefit; the term also includes lunch and break times.

STATEMENT OF PHILOSOPHY

The City is committed to providing a drug free workplace and workforce.

DEFINITIONS OF TERMS USED IN THIS POLICY

- A “Safety sensitive” means any of the following:
 1. Driving
 2. The time spent waiting to be dispatched
 3. Inspecting, servicing or conditioning equipment
 4. Being in or on a commercial motor vehicle
 5. Loading or unloading or supervising or assisting in loading or unloading
 6. Securing the vehicle and taking other precautionary measures following an accident
 7. Repairing, obtaining assistance, or attending a disabled vehicle
 8. Dispatching public safety personnel
- B Drivers – defined as employees who have CDL requirements in their job description
- C Medical Review Officer (MRO) – licensed physician responsible for receiving laboratory results generated by the City’s drug and alcohol testing program.
- D Workplace – any location at which City business in conducted.

DRUG/ALCOHOL USE

- A The manufacturing, distributing, dispensing, possessing or using of drugs, and/or unauthorized alcohol in the workplace or while on City business are absolutely prohibited. Coming to work in an impaired state, resulting from the use of alcohol or drugs, is likewise prohibited.

- B Compliance with this policy will be strictly enforced and is a condition of continued employment for all employees. The City has the right to determine whatever level of discipline is appropriate; which may include, but not be limited to, suspension without pay or termination.
- C An employee taking prescription medication prescribed by a qualified medical doctor must advise his/her direct Supervisor in writing of the possible effects such medication might have on his/her job performance and/or physical/mental capabilities. This written information must be communicated to Management prior to commencing work.

DRUG/ALCOHOL TESTING

The City shall require an employee to submit a urine specimen (or alternate specimen as agreed to by the City and the lab) to a certified and approved lab for drug testing under the following circumstances:

- A Pre-employment - The City shall require a job applicant to undergo drug testing after a contingent job offer to hire such person has been made. This test may also be administered to current employees who transfer or bid to other job classifications. Seasonal or temporary employees will be required to submit to a drug test once per calendar year.
- B Post-accident (Drug) - When an employee is involved in an accident (whether vehicle related or not):
 1. which results in a fatality;
 2. where any person involved requires medical treatment away from the scene;
 3. where the employee is cited for a moving violation;
 4. in which any vehicle (City owned or not) incurs damage or any vehicle must be towed from the scene;
 5. which results in damage to public or private property unless the employee's actions can be completely discounted as the cause or a contributing factor;
 6. which results in the same employee being involved in more than 2 accidents in the most recent 12-month period, which may or may not meet the above criteria.
- C Reasonable Suspicion- An employee who is observed by a supervisor or company official as appearing to be under the influence of drugs or alcohol based on appearance, behavior, speech or odors, shall be immediately required to submit to a drug or alcohol test. This must be performed within 2 hours of the observations. The employee will be sent home awaiting the results of the test. A refusal to submit to a reasonable suspicion or random test may result in disciplinary action up to and including termination.
- D Random (non CDL) - the City shall require random drug testing, on a monthly basis, for non-CDL employees who drive city vehicles or those employees who drive their personal vehicle for City business, on an annual basis. The test is to be performed immediately upon selection by Occupational Health through a computer-generated draw of eligible employee social security numbers. The employee will be allowed to return to full work duties pending results. If an employee is not at work (for vacation, illness, etc.) when selected for testing, the employee must go to the test site immediately upon return to work. If the urine specimen is determined to be negative and diluted, the donor will be required, at the employer's request, to refrain from drinking excessive amounts of fluid and to undergo an immediate re-collection under direct observation. The second test shall become the test of record.
- E Random (CDL) – the City shall require random drug and alcohol testing for employees in safety sensitive positions, or holding a CDL. The test is to be performed immediately upon selection by Occupational Health through a computer-generated draw of eligible employee social security numbers. The employee will be allowed to return to full work duties pending results. If an employee is not at work (for vacation, illness, etc.) when selected for testing,

the employee must go to the test site immediately upon return to work. If the urine specimen is determined to be negative and diluted, the donor will be required, at the employer's request, to refrain from drinking excessive amounts of fluid and to undergo an immediate recollection under direct observation. The second test shall become the test of record.

- F If an employee's position is one which requires that they be placed in an inherently dangerous situation in which precautions cannot be taken to provide the utmost safety, those employees working within the scope of their employment, will not be tested.
- G All on-the-job accidents must be reported immediately to an immediate supervisor. A post-accident drug test is to be performed as soon as possible following the accident. A supervisor, or his designee, shall accompany the employee to and from the testing facility. The employee may be allowed to work in a non-safety sensitive position pending results.
- H Return to duty and follow-up - When an individual has violated the prohibited alcohol conduct standards and is reinstated to his former position, follow-up tests will be conducted. These tests will be unannounced and at least six (6) tests must be conducted in the first 12 months after the employee returns to duty and may be extended for up to sixty (60) months.
- I The City shall pay all costs associated with City required drug and alcohol testing.

DRUG TEST RESULTS

- A A negative test conclusion of any of the above shall result in the employee being immediately returned to work, provided no other disciplinary actions are warranted.
- B An employee who tests positive or who refuses or fails to submit to a drug test for post-accident, reasonable suspicion or random testing will be terminated immediately; except for police and firefighters who shall be disciplined pursuant to the procedures in state statute.
- C An employee disagreeing with test results for drugs shall have the right within 72 hours of when he/she was notified of the test results to have his/her initial sample independently retested by an authorized laboratory at his/her expense. If the independent test results are negative, the employee will be made whole for time and benefits lost, and the cost of the independent test will be reimbursed to the employee.
- D Test results will be reviewed by a Medical Review Officer and discussed with the employee before being reported to the City.
- E The City shall be notified immediately upon a negative test result or negative re-test result.

ALCOHOL TEST RESULTS

- A A negative test conclusion of any of the reasonable suspicion or CDL random tests shall result in the employee being immediately returned to work.
- B If a positive test result is more than .02 in a reasonable suspicion or CDL random test, the City has the right to determine whatever level of discipline is appropriate. This may include, but is not limited to, suspension without pay or termination. In the event of disciplinary action, the employee will be referred to the City's EAP for evaluation and treatment, except for police and firefighters who shall be disciplined pursuant to the procedures in state statute.
- C A positive test for return to duty or follow up shall result in termination.
- D Test results will be reviewed by a Medical Review Officer and discussed with the employee before being reported to the City.
- E If convicted of DWI/DUI/OWI, either on or off the job, an employee may be terminated. Insurability with City carrier, job openings and job requirements will be considered in this decision.

TREATMENT MEASURES

VOLUNTARY COMMITMENT PROCEDURES

Employees who voluntarily report a personal substance abuse problem shall be afforded the program outlined below. However, this program shall *not* be extended to a person who admits to a substance abuse program only as a result of a directive to submit to an alcohol or drug screen; or a belief that, consistent with the rules stated in this policy, they will be required to submit to an alcohol or drug screen; or in response to a positive drug or alcohol screen.

An employee submitting to a drug treatment program shall be treated in the following manner:

- A The employee will be referred to the City's Employee Assistance Program (EAP) who will coordinate diagnostic and evaluation services, in accordance with the City's treatment agreement. Based on the recommendation received from EAP, a specific treatment program will be designed and administered by the Director of Human Resources.
- B The employee will sign a general authorization for release of information to the Director of Human Resources in order for the Director to effectively monitor the employee's rehabilitation program.
- C The employee shall comply with any and all treatment programs, and the cost of any required programs will be paid at the employee's expense reduced by the extent provided through the City's health insurance if the employee is a covered member. The employee shall work his or her normal hours as scheduled when the work schedule is not inconsistent with the required treatment program. For hours in which the employee cannot be at work as a result of this rehabilitation program, the employee may elect to use available paid time off or be docked the corresponding number of hours in pay. The employee agrees to cooperate fully with the Director of Human Resources in the administration of this program.
- D Concurrent with either treatment program, a twelve (12) month probationary period shall be imposed immediately upon the employee's return to work. This probationary period shall apply to all facets of employment whether or not drug or alcohol related. In order to be reinstated following discharge from treatment, a clean return-to-duty drug test result is required. The employee must also follow after-care recommendations from the EAP. A minimum of six follow-up drug tests may be conducted at any time during the probationary period.
- E An employee testing positive during the twelve (12) month probationary period shall be subject to immediate termination of employment.
- F No employee shall refuse to submit to a post-accident, random, reasonable suspicion or return-to-duty breath-alcohol or urine drug screen.
- G Employees who fail to comply with a treatment program under this policy will be terminated.

EVIDENCE

Any available evidence related to the violation of this policy will be collected and immediately turned over to the Human Resources Department for safekeeping. Any evidence of criminal activity shall be immediately given to the Mishawaka Police Department for investigation. Such evidence may include, but shall not be limited to, beer cans, liquor bottles, pills and other substances or materials in question, and any controlled substance.

EMPLOYMENT AT WILL

- A Employees who are not under a collective bargaining agreement are employed at the will of the City and are subject to termination at any time, for any reason, with or without cause or notice. Similarly, these employees may relinquish their employment at any time and for any reason.
- B No City representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship. Supervisory and management personnel shall not make any representations to employees or applicants concerning the terms or conditions of employment with the City that are not consistent with City policies.
- C City policies and practices shall not be considered as creating an express or implied contract of employment.
- D Completion of an introductory period does not change an employee's status as an at-will employee or in any way restrict the City's right to terminate the employee or change the terms or conditions of employment.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to take affirmative action to provide equal employment opportunity to all individuals regardless of their race, religion, color, sex, national origin, ancestry, sexual orientation, genetic information or disability. This equal employment opportunity refers to all applicable company practices including employee recruiting, hiring, transferring, training, promoting, disciplining, termination and all other conditions or privileges of employment. The selection of persons for positions in the City of Mishawaka and Mishawaka Utilities is to be based on the qualifications and abilities required to do the job.

Further, it is the policy of the City to expand and increase efforts of the company to promote the realization of equal employment opportunity throughout all its operations through a positive and continuing program.

FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act is intended to protect employees who need to attend to their seriously ill children and parents, or to newborn or adopted infants or their own serious illness. Additionally, the FMLA assists the employer in planning for an extended absence and adjusting work schedules and assignments to cover the absence. To comply with the federal law, the employer will require all employees who qualify through the provisions of the FMLA to apply for, or benefit from, family or medical leave.

FLEXIBLE TIME OFF (FTO)

- A FTO accrual shall begin on the first day of employment for full-time employees and may be taken as accrued. Accruals shall be credited to each employee's account on the first day of each month for the prior month's service at the rate of one-half ($\frac{1}{2}$) day per month and continue at the same rate for each month of credited service.
- B FTO days will continue to accrue as long as the employee remains in paid status, subject to the limitation listed in Item 7 of this Subsection.

- C FTO days may be taken in full or half day increments. If becoming ill at work and leaving early, employees will be charged with one-half (½) FTO day if leaving after mid-shift and a full FTO day if leaving before mid-shift.
- D Employees are expected to plan time off, setting aside some time in their personal bank for sickness. Employees are encouraged to keep a minimum of five (5) days in their bank at all times to provide for unexpected short-term sickness or for the required five (5) day LTD waiting period described in subsection B. If all FTO days or any other paid leave time is not available, any short-term illness will be an excused absence, but without pay. Likewise, any long-term illness will result in a loss of pay for the five (5) day waiting period. The City retains the right to limit the number of excused absence occurrences as described in this subsection.
- E Employees should schedule FTO time at least twenty-four (24) hours in advance with the approval of a supervisor. The City recognizes, however, that there will be times, such as days a personal emergency arises that cannot be anticipated. In such cases, it is the responsibility of the employee to inform his/her supervisor as soon as possible prior to the beginning of a work day or shift of such absence and when the employee expects to be able to return to work.
- F Employees may carry over accrued but unused FTO days from year to year to a maximum of twenty-five.
- G All FTO days shall be on the basis of the employee's regular base day's salary.
- H The City will buy back FTO days from any employee, up to a maximum of six (6) FTO days per year calculated on the regular day's base salary. It is the responsibility of the employee to make timely application for this buy-back arrangement, if so desired. In any event, the City will not buy back an amount of FTO days which would reduce the employee's personal bank to less than five (5) days, except as provided in Item 9 of this Subsection.
- I In the event a regular, full-time employee's service to the City is terminated, including termination due to death or retirement he/she shall be entitled to pay in lieu of FTO days for days due and not yet taken as of the date of such termination, including any FTO days carried over from prior years.

FUNERAL LEAVE

The City recognizes the need for employees to grieve the loss of loved ones. In an effort to allow this grieving process and maintain efficient operation of services, the following guidelines are in place for allowing employees to take time away from work for funerals.

NON-UNION EMPLOYEES

- A If an employee wants to go to any funeral, subject to needs of his or her department and department manager approval, the employee may request and use FTO, personal leave or comp time.
- B If an employee leaves work to go to a funeral as provided in this section, the department may offer flex-time to that employee by adding time on at the end of that same work day to make up for the hour or two lost as funeral time. To avoid overtime that privilege should be the same day and should not run more than two hours. The department manager shall ensure that any such extra hours at the end of the day are still productive hours for the employee and the City. In the event no paid leave is available, you may refer to the Leave of Absence policy.
- C No department should ever be "closed" for a funeral, even for a few hours, without prior

permission of the Mayor.

- D If the funeral is for a member of the employee's family, Ordinance 3339, Section 12 governs:
- E Funeral leave not to exceed 5 working days may be allowed in the event of a death in an employee's immediate family to attend the funeral and take care of family business. All Funeral leave must have prior Department Head approval.
- F Notice that "immediate family" is not defined in the ordinance. This is, in part, to give some discretion for individual and unique familial relationships. Department managers shall be allowed to grant paid leave under the above ordinance in limited circumstances. In determining how many days of funeral leave are fair and appropriate in situations not governed by a contract or ordinance, factors to be considered shall include, but not be limited to:
 - 1. Legal relationship of employee to decedent.
 - 2. Closeness of relationship regardless of legal relationship (e.g.: *in loco parentis*)
 - 3. Travel time and funeral location
 - 4. Past practice under similar circumstances
 - 5. Union contract provisions (as examples)
 - 6. Obligation to assist with winding up decedent's legal and business affairs. All decisions by the Department Manager on the length of funeral leave shall be final.
- G Because officials such as the Mayor, department head and immediate supervisor are expected to attend the funerals of their employees as official representatives of the City, they will be allowed a reasonable time to attend the funeral, burial and, if appropriate, the luncheon. They will return to duty as soon as practicable.

UNION EMPLOYEES

Each collective bargaining unit has funeral leave provisions in its Working Agreement. Those provisions shall be followed. The following list is for reference purposes only, and the contractual language should be consulted before decisions are made.

MISHAWAKA UTILITIES (IBEW)

- A For a funeral of a spouse, child or step-child: a maximum of five (5) days.
- B For a funeral of a parent or sibling (or in-law if in employee's household): a maximum of three (3) days.
- C For a funeral of a parent, sibling, or child in-law, or grandparent or grandchild: a maximum of two (2) days.
- D For a funeral of a co-worker: A limited number of employees may be given time off with pay to attend the funeral.
- E Pallbearers will be given four hours off with pay to serve at the funeral of an employee or retired employee.

MISHAWAKA CIVIL CITY

- A Teamsters** - Employees will be eligible for three (3) days off with pay to attend the funeral of a member of the immediate family.
- B Fraternal Order of Police**
 - 1. Employees will be eligible for three (3) days off with pay to attend the funeral of a member of the employee's immediate family (including in-laws), or one (1) day off with pay for other family members.
 - 2. Pallbearers will be given one (1) day off with pay to serve at the funeral.

C Fire

1. Employees will be eligible for two (2) consecutive work days off with pay to attend the funeral of a member of the immediate family (including in-laws), or one (1) day off with pay for other family members.
2. Pallbearers will be given one (1) day with pay to serve at the funeral.

GENERAL EMPLOYMENT PRACTICES

The intention of the City to recruit, employ, and offer promotional opportunities to all qualified individuals without regard to race, sex, national origin, age, sexual orientation or disability. In order to accomplish this objective, the City is an equal employment opportunity employer, assuring that all segments of our society have opportunities to seek employment with the City on the basis of open competition and advancement according to personal abilities and qualifications. The City maintains a current affirmative action program.

Potential employees may be recruited through advertisements, referrals, private employment agencies, schools, colleges, special organizations, and associations with access to particular segments of society. The Human Resources Department shall be responsible for personnel recruiting. Applications received by the Human Resources Department are referred to the appropriate Department head/Manager to review, screen, and interview qualified candidates. A complete check of qualifications and references will be made. The applicant will authorize a report from the Department of Motor Vehicles to insure they have a safe driving record and valid driver's license, if the position requires it. Applicants are required to submit to post-offer substance abuse testing as a condition of employment. When in receipt of a negative test result from the testing site, an orientation meeting will be scheduled with the Human Resources Department to discuss benefits, policies, and complete the employment process.

Applications are accepted at any time and remain active for one year from receipt. After that time, applicants who wish to be considered for employment must reapply and/or update their application.

HIPAA

- A The City has adopted a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by City representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs.
- B PHI refers to individually identifiable health information received by the City's group health plans and/or received by a health care provider, health plan or health care clearinghouse that relates to past or present health of an individual or for payment of health care claims. PHI information includes medical conditions, health status, claims experience, medical histories, physical examinations, genetic information and evidence of disability.
- C The City has designated the City's Staff Attorney as the HIPAA Compliance Officer (HCO), and any questions or issues regarding PHI should be presented to the HCO for resolution. The HCO is also charged with the responsibility for a) issuing procedural guidelines for access for PHI; b) developing a matrix for personnel who will need access to PHI; and c) developing guidelines for describing how and when PHI will be maintained, used, transferred

or transmitted.

- D Annually or as necessary, the company performs enrollment, changes in enrollment and payroll deductions, provides assistance in claims problem resolution and explanation of benefits issues, and assists in coordination of benefits with other providers. Some or all of these activities may require the use or transmission of PHI. Thus, all information related to these processes will be maintained in confidence and employees will not disclose PHI from these processes for employment-related actions, except as provided by administrative procedures approved by the HCO. General rules follow:
- E Disclosures that do not qualify as PHI-protected disclosures include: disclosure of PHI to the individual to whom the PHI belongs, requests by providers for treatment and/or payment, disclosures requested to be made to authorized parties by the individual PHI holder, disclosures to government agencies for reporting or enforcement purposes, disclosures to workers' compensation providers and those authorized by the workers' compensation providers. Information regarding whether an individual is covered by a plan for claims processing purposes may be disclosed.
- F Information external to the health plan is not considered PHI if the information is being furnished for claims processing purposes involving workers' compensation and/or short- or long-term disability and medical information received to verify ADA or FMLA status.
- G Technical safeguards include limiting access to information by creating computer firewalls. Computer firewalls will ensure that only authorized employees will have access to PHI. Physical safeguards include locking doors or filing cabinets when the work areas housing PHI will be unoccupied. Sanctions for using or disclosing PHI in violation of this HIPAA Privacy Policy will be imposed in accordance with the appropriate discipline policy, up to and including termination. Human Resources will maintain a copy of the HIPAA policy for review.

JURY DUTY

The City recognizes jury duty as a civic responsibility and will grant leave for employees who provide a copy of their jury summons to Human Resources prior to the first day the employee is required to report. The employee will be paid his/her standard compensation for the course of the jury service, up to a maximum of fifteen (15) working days. The amount of any compensation the employee receives from the court for that period will be deducted from the employee's paycheck (The employee shall furnish a copy of the check or check stub from the court for this purpose). The employee may use available leave time if jury service extends beyond fifteen (15) working days. During such leave, payments for the employee's health, dental and vision insurance, as well as disability and other benefits, will continue to be paid by the City and subtracted from the employee's pay upon return from leave.

If called to court for jury duty and released by the court prior to the conclusion of the employee's normal work day, the employee is required to report to work for the remainder of his/her shift. Jury service by an employee will not result in any adverse employment action against the employee.

LACTATION

As part of our family-friendly policies and benefits, the City supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

Any full time employee who is breastfeeding will be provided up to two break periods of 20 minutes each plus an additional 20 minutes during her lunch period to express breast milk for her newborn. The employee and her immediate supervisor will agree on the times for these breaks. The City will provide a secure, private room at each facility, as needed, for this purpose. Refrigeration for expressed breast milk will be provided as needed.

LIFE INSURANCE

This benefit covers salaried full-time non-seasonal City employees not covered by collective bargaining agreements.

The Board of Public Works and Safety is authorized to negotiate and purchase life insurance with death benefits of not more than \$15,000.00 per employee for all City employees.

LONG TERM DISABILITY (LTD) LEAVE

- A In recognition of the fact that employees may become disabled and may not be able to perform their normal duties, due to a long-term illness or injury (whether occupational or otherwise), the City has established a Long Term Disability (LTD) leave program for all regular, salaried full-time employees not covered by collective bargaining agreements except public safety. LTD will become effective after the 90-day introductory period.
- B LTD leave will not begin until a five (5) working day waiting period has elapsed. Employees must bridge this waiting period with FTO days and then any combination of leave time available to them at the start of the leave period.
- C The LTD leave period shall be for a maximum of fifty-two (52) weeks. While on leave, employees will be paid all or part of their regular approved base salary, according to the following schedule:
- D For each complete year of service, one (1) week LTD benefits at one hundred percent (100%) of pay, to a maximum of twenty-six (26) weeks, after the waiting period has expired.
- E Then, sixty-seven percent (67%) of pay through the twenty-sixth (26th) week following the waiting period.
- F Then, fifty percent (50%) of pay through the fifty-second (52nd) week following the waiting period.
- G Then, no benefit (0%).
- H The LTD benefit paid to an employee on LTD leave will be reduced or replaced entirely by any amount of Workers' Compensation or Social Security Disability pay received by the employee, including waiting period reimbursement. It is the employee's responsibility to make timely application for such benefits if physically possible.
- I Any wage increases scheduled to occur during disability will not become effective until returning to work. Benefits, such as group medical and group life insurance, and FTO day accrual, will continue during LTD leave.

- J The employee must provide medical documentation as to proof of his/her physical disability to qualify for LTD leave and proof of his/her ability to return to work following LTD leave. The City retains the right to request an independent medical examination by a physician of the City's choice. Additionally, the City may require subsequent proof of continued disability, obtained at City expense, at intervals of not less than two (2) months during a disability period. Failure to comply with this provision on a timely basis, or failure to return to work as soon as possible may result in termination.
- K No employee will be entitled to LTD leave for a disability resulting from the use of alcohol or drugs, for injury during the commission of a crime, or for disabilities occurring in the course of employment for other than the City or for remuneration through self-employment, for injury occurring while performing any outside work for remuneration or profit, or while on official Leave of Absence.
- L If the employee returns to work and becomes disabled again within six (6) months from the same injury or illness, the disability is considered a continuation. In this event, no new waiting period will be required. The employee will resume the LTD schedule where he/she left off upon returning to work.
- M A new disability period, including the requirement for a waiting period, shall begin if the employee returns to work for at least six (6) months and becomes disabled again from the same injury or illness, or returns and becomes disabled due to an unrelated injury or illness.
- N An employee returning to work following LTD leave shall return to his/her regular work, if so released by a physician. If requested by the physician, light duty work may be arranged on a temporary basis by the City, if such light duty work is available and practical with reasonable accommodation. An employee declared by a physician to be incapable of returning to his/her regular work may be placed in any available job for which the employee is declared by a physician to be physically fit. The employee's rate of pay following retrogression will be the greater of 1) the rate of pay for his/her new job classification, or 2) two-thirds (2/3) of his/her prior position's pay. In case of the latter, the employee shall remain at this rate of pay, without periodic salary increases, until the rate of pay for his/her new classification equals or exceeds his/her retrogression rate of pay.

OUTSIDE EMPLOYMENT

The City does not prohibit outside employment; however, employment with the City is considered to be each employee's primary employment; therefore, any outside employment must be reported to the appropriate department head. Outside employment will not conflict with the duties, responsibilities, or expectations for employment with the City.

PATIENT PROTECTION AFFORDABLE CARE ACT

The City will comply with the Patient Protection and Affordable Care Act of 2010 (PPACA). The PPACA is intended to provide health care coverage for all eligible employees of the Employer.

PROCEDURES:

- A An eligible employee is full-time who works 30 hours per week, per year on average.
- B The Employer will use the "look-back" method to average hours over a 12 month period.

- C Seasonal employees working fewer than 120 days per year are excluded from participation.
- D If an employee is hired for other than a full time basis, they will not be offered health insurance coverage.
- E If an employee is hired for or promoted to a full-time position the employee will be eligible for the health plan.
- F The Employer will provide health insurance to at least 95% of eligible employees as required by the Act.
- G The Employer will offer guaranteed issue policies regardless of medical condition.
- H The Employer will establish minimum standards for health coverage and annual and lifetime coverage caps will be banned.
- I Co-payments, co-insurance and deductibles are to be eliminated for benefits considered to be part of an essential benefits package for preventative care.
- J Dependent children will be permitted to remain on their parents' /legal guardians' insurance plan until the end of their 26th birthday year. This includes dependents that no longer live with their parents and are not dependent on a parents' tax returns, are no longer a student or married.
- K The employer must disclose the value of the benefits provided for health care coverage on an employees' W-2.

As PPACA is amended, the Employer reserves the right to amend this policy.

TOBACCO USE

PURPOSE

The purpose of this policy is to promote a healthy, tobacco-free and smoke-free environment for City employees and visitors to City facilities. This policy applies to all employees of the City.

POLICY

A DEFINITIONS

1. "Enclosed Area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways), which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.
2. "Place of Employment" means any enclosed area under the control of the City where employees or volunteers normally frequent during the course of employment or volunteering, including, but not limited to, works areas, private offices, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways.
3. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted.
4. "Service Line" means any indoor or outdoor area line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.
5. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other lighted tobacco product or smoking equipment, including electronic cigarettes or other smoking simulation devices.
6. "Tobacco Use" means placing a smokeless tobacco substance in one's mouth and spitting, chewing on a cigar or other tobacco product, or other activity with any tobacco product.

7. "Park" means all municipally-owned and/or operated parks and recreational areas, including swimming pools, ice rinks, and softball diamonds.

B RULES & REGULATIONS

1. Smoking shall be prohibited by all persons in places of employment, service lines, public places or parks owned or operated by the City.
2. Smoking shall be allowed in outdoor parking lots, except on a sidewalk or walkway entrance to a doorway. Smoking shall be prohibited by all persons within such distance of a building entrance, window, ventilation system or other opening that could allow the smoke to enter a restricted area.
3. State statute prohibits smoking within 8 feet of all public entrances to public buildings.
4. Although the City will make an attempt to place "No Smoking" signs in conspicuous places, the lack of a sign does not permit smoking to occur in restricted locations.
5. No smoking or tobacco use shall be allowed at any time in any City-owned vehicle.
6. No smoking or tobacco use shall be allowed at any time by a City employee in a place of employment.

C VIOLATIONS

Violations of this policy by any City employee will result in disciplinary action in accordance with the applicable rules or collective bargaining agreement. This shall be separate from any penalty issued by any other entity for violation of an ordinance.

TRAVEL

INTRODUCTION AND SCOPE

This document contains policies and procedures for employees, non-employees appointed by the Mayor, and elected and appointed officials for travel and reimbursement expenses while traveling on business for the City.

- A All persons seeking reimbursement should incur the lowest reasonable travel expense and should exercise care to avoid impropriety or the appearance of impropriety. Public funds should never be used for personal gain.
- B Occasionally an employee may take a trip that includes both personal time and business travel. A combination trip benefits the employee to some extent. Employees should exercise special care not to seek reimbursement for expenses that could be construed to be personal. Under no circumstances is an employee to be paid for compensatory time while on travel status, including time beyond the normal workday.
- C Each person requesting reimbursement for travel expenses must submit a claim covering only his (her) own expenses. No reimbursement will be made for the expenses of another person, including family members or other travel companions.
- D If a circumstance arises which is not specifically covered, employees should either adopt the most conservative course within the "spirit" of this policy or consult with his/her immediate supervisor.

TYPES OF TRAVEL

A. **Local** Local travel includes all travel within a fifty-mile radius of Mishawaka. Although certain expenses, like lodging, will not normally be reimbursed for local travel, other expenses, like compensation for privately owned automobiles used in City

business, parking, etc. will be reimbursable. Reimbursement for meals, if not included in registration fees, will be reimbursable while attending pre-approved seminars, meetings, conferences or schools in the "local" area.

B. Outside Any travel outside a fifty-mile radius of Mishawaka must be authorized in advance by the employee's Department Head. Any travel outside a 150 mile radius of Mishawaka must be authorized in advance by the employee's Department Head and the Mayor, or Department Head and General Manager for Mishawaka Utilities employees, including approval of the mode of transportation to the destination. Outside travel by the City Clerk and staff or the City Council and Council Attorney shall be presumed to be with authorization of the City Clerk or Council President, and shall not require authorization by the Mayor.

TYPES OF REIMBURSABLE EXPENSES

A Allowable Following are examples of reimbursable expenses:

1. Conference/seminar registration fees.
2. Auto rental (with prior approval only).
3. Taxicab/shuttle fares.
4. Parking and tolls (whether using a personal or a City vehicle).
5. Telephone calls/facsimile for official City business.
6. Airport parking. (Although if most economical, employees should use long-term parking lots).
7. Fuel costs for City-owned vehicles¹
8. Lodging - for employee only. If traveling with a companion, the City will reimburse an amount not to exceed the single room occupancy charge, including taxes.
9. Meals - for employee only, if traveling with a companion.
10. Mileage - when using privately-owned automobile. For travel 500 miles and under, employees will be reimbursed at the established per mile rate¹. For travel between 500 and 2,500 miles, employees will be reimbursed at fifty percent (50%) of the established per mile rate¹, and twenty-five percent (25%) of the established per mile rate thereafter. Mileage should be calculated beginning at the employee's place of employment. Miles from home to the workplace are not eligible for reimbursement.
11. Commercial air/train/bus fares.
12. Reasonable gratuities to restaurants and taxicabs/shuttle fares.

B Not Allowable Following are examples of non-reimbursable expenses:

1. Personal entertainment.
2. Business entertainment or expenses for non-City employees.
3. Fines for parking, traffic violations, etc.
4. Alcoholic beverages.
5. Valet, laundry, dry cleaning and other personal services.
6. Air travel insurance.
7. Expenses for travel companion(s) of City employees.
8. Purchase of personal items, including personal phone calls.
9. Gratuities to hotel or airport porters, parking attendants, etc.

MODE OF TRANSPORTATION

If the employee's travel will be by vehicle, City vehicles shall be used when available and practical. Employees traveling to the same destination shall travel together whenever possible.

Employees traveling to locations within four hours' drive time are generally expected to travel by automobile. However, individual circumstances, including airport meetings and time commitments before and/or after travel may necessitate airline use. Airline use in these circumstances must be with prior approval.

¹ Mileage reimbursement will be the rate as of April 1st. This rate will remain fixed through March 31st of the following year, or until replaced by a new rate published by the City Controller.

If an employee uses a privately-owned vehicle in lieu of a City-owned vehicle, the employee will be reimbursed in the amount equivalent to the gas receipt submitted or actual mileage, whichever is less.

If an employee, for convenience, prefers to use a privately-owned vehicle in lieu of rail, bus or air travel, the employee will be reimbursed in the amount equivalent to the coach air fare for the same trip, or the mileage expense as computed in III. (J), whichever amount is less.

Coach or Tourist class costs of travel by commercial air carrier will be reimbursed. The cost of travel by rail or bus may be reimbursed but must not exceed an amount equal to what airfare to the destination would have been.

MEAL ALLOWANCE

- A The reimbursable meal allowance, including gratuities, will be the set April 1st each year and will remain at that rate until March 31st of the following year, or until replaced by a new rate published by the City Controller. These rates will be reviewed and updated by the Controller each year, based on current IRS standards. Current City of Mishawaka meal allowances, along with locations eligible for higher rates are attached. To be eligible for a breakfast allowance, travel must begin before 7:00 a.m. in Mishawaka. To be eligible for the dinner allowance, travel must extend past 6:00 p.m. in Mishawaka. When travel takes an employee 50 miles outside of Mishawaka, he/she will not be reimbursed for meals purchased within 50 miles of Mishawaka City limits.
- B In any event, individual meal reimbursements will be allowed only upon presentation of a valid itemized receipt(s), showing the name of the restaurant, the date of the meal(s), a list of each item purchased, and the total cost of the meal(s), including gratuities². Each person seeking reimbursement shall produce a receipt. Group receipts; tear off tabs and unitemized charge slips will not be accepted as meal receipts.

LODGING

- A An employee may claim lodging expense (and meal allowance) for Saturdays, Sundays or holidays, even though the employee is not conducting City business on those days, in order to reduce the total cost of travel, including airline fare. The savings must be documented and approved in advance by the Mayor or General Manager. Neither lodging expenses nor meal allowance may be claimed for that portion of time during travel when the employee is using vacation or personal leave time.
- B If two (2) or more employees in travel status share a room, and each seeks reimbursement, they must request separate receipts.
- C An employee may not claim reimbursement for lodging when the lodging was provided by another person who is not in the business of providing lodging.

- D Employees are urged to stay in hotels offering government rates. These reduced rates usually must be requested of the hotel in advance. Employees who secure luxury hotel accommodations out of preference rather than necessity will not receive full lodging reimbursement. In those cases, the reimbursement amount will be equal to the rate from reasonably available hotels offering government discounts.

² *The maximum reimbursement for gratuities will be fifteen percent (15%) rounded up to the nearest dollar.*

When checking out of lodging facilities, employees must obtain a check out bill from the front desk. This bill is to be turned in whether or not reimbursement is requested.

RECORD KEEPING/CLAIMS PROCEDURE

- A A completed Request for Travel form approved by appropriate personnel as applicable.
- B If applicable, airline, seminar/conference, hotel reservations made by designated City staff person; paperwork processed for direct prepayment.
- C While in travel status, employee retains receipts for reimbursable expenses.
- D Employee completes approved Travel and Expense Voucher, itemizing each allowable expense; receipts are attached to the Voucher.
- E Department Head signs Voucher, approving of the expenses claimed.
- F Employee completes approved Claim Form and presents with Voucher and receipts for payment.

CREDIT CARD CHARGES

- A Since Indiana law prohibits the payment of interest for employee expenses, only the face value of a purchase on an employee's personal credit card will be reimbursed. Late fees or interest charges will not be reimbursed regardless of the reason. Whenever an employee uses a credit card during business travel he/she must also provide an itemized receipt.
- B Each Department must keep a record of all approved travel. The record must include a summary that shows the travel date, employee's name, a brief description of the reason for the travel, the total expended from City funds, the year-to-date travel expenditure by the department and a comparison of budget and actual expenses.
- C The Department Head has the responsibility to assure that travel expenses do not exceed amounts budgeted for his/her department. It is the responsibility of the Department Head to ensure that employees who travel are familiar with this travel policy and that reimbursed travel expenses on behalf of his/her department are in compliance with this policy document.

EXCEPTIONS

- A Any exception to this Policy granted as described below shall be subject to applicable laws and regulations.
- B The Mayor or City Controller may authorize exceptions to this Travel Policy for employees of the City. The Mayor, General Manager or City Controller may authorize exceptions to this Travel Policy for employees of Mishawaka Utilities. An employee requesting an exception must state the request in writing.
- C The City Clerk may approve exceptions to this Travel Policy for the City Clerk and City Clerk's staff. The President of the Common Council may approve exceptions to this Travel Policy for all members of the Common Council and the Council Attorney. The signing of a Claim by the City Clerk or Council President shall constitute approval of any exception.

WORKPLACE ENVIRONMENT

The City of Mishawaka promotes a safe, hospitable work environment for the effective and efficient conduct of City business and personal and professional growth of its employees.

POLICY AGAINST WORKPLACE VIOLENCE

- A Workplace safety and security of City employees, vendors and contractors, and members of the public who conduct business with the City is of vital importance.
- B Acts of intimidation, threatening language or behavior, or violence that involves or affects City employees or that occur on City property or in the process of performing City business, are not acceptable and will not be tolerated.
- C Any person who makes threats, exhibits threatening behavior, carries a weapon or engages in violent acts in the workplace or at a site where City business is being conducted may be removed from the premises.
- D Except as provided herein, weapons of any kind are not allowed in the workplace. No employee of the City is permitted to carry a weapon of any type on his or her person during working hours or at any time where City business is being conducted or in a City vehicle, nor may any employee carry or store a weapon in any vehicle on city property (this does not apply to sworn police officers on active duty).
- E All employees are responsible for maintaining a safe work environment. This policy covers acts of physical violence, intimidation and threatening or other disruptive aggressive behavior. This policy covers incidents involving co-workers, employees of companies who do business with the City, and other individuals perpetrating violence. All rules that apply to employees also refer to visitors. Nothing in this policy shall prevent employees from reasonably protecting themselves against bodily harm through self-defense.
- F “Weapons” are defined as objects that can cause harm or injury to another. This includes firearms, cutting tools, and other items that could be dangerous or intimidating when not used for their intended purpose. Weapons shall not include any item issued or approved by the City when used for its intended purpose.

RESPONSE

- A An employee shall notify his or her supervisor, department head, Human Resources, the legal department, or police of any threats or incidents of which they are aware. All reports will be appropriately investigated and information will be kept confidential to the extent possible. Each employee who receives a protective or restraining order which includes City-owned or leased premises as a protected area is required to provide the Department Manager or Human Resources a copy of such order.
- B Violations of this policy will result in disciplinary action up to and including termination in accordance with the applicable law, rule, or collective bargaining agreement. If the source of such inappropriate behavior is a member of the public or a contractor or business, the response may also include barring the person(s) from City-owned premises, termination of business relationships with that individual, and/or prosecution of the person(s) involved.
- C Any employee who feels he or she has reasonable cause to carry a personal defense object not issued or approved by the City must first request the approval of the department manager. Prior approval must be made in writing and signed by the department manager, and a representative from the legal department and Police Chief or designee.

RESOURCES

- A An Incident Management Team may be called upon to investigate and respond to incidents to ensure the safety of employees and the workplace. This team may consist of the department head and representatives of Human Resources, EAP, the legal department, the EMS division of Mishawaka Fire Department, the Mishawaka Police Department, and applicable labor union. This team will have access to all applicable records.
- B An employee exhibiting warning signs, symptoms and risk factors may self-refer or be referred to the City's Employee Assistance Program for evaluation and follow-up. If appropriate, fitness for duty will be determined prior to return to work.
- C The City will provide opportunities for all employees to be trained in the risk factors associated with workplace violence and proper handling of emergency situations, in order to minimize the risks of violence in the workplace, including the duty of retreat or self-defense.
- D The Department of Human Resources shall generate and promulgate such forms and instructions as the Director deems necessary to effectively implement and enforce this policy.

POLICY AGAINST WORKPLACE BULLYING

- A Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale, and create legal risks. City managers and supervisors must ensure a work environment free of bullying.
- B The City encourages all employees to report workplace bullying. The City has grievance and investigation procedures in place to address incidents of workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.
- C Disciplinary action will be taken against anyone who bullies a co-employee, including a warning, transfer, counseling, demotion, or dismissal, as appropriate.

POLICY AGAINST SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
- C such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- D All forms of sexual harassment are prohibited whether verbal, nonverbal or physical.
- E Sexual harassment includes, but is not limited to, repeated offensive sexual flirtations; advances or propositions; continued or repeated commentaries about an individual's body, offensive language; and the display in the work place of sexually suggestive pictures or objects.
- F Employees who believe they have been sexually harassed should follow the steps outlined in the Problem Solving Procedure approved by the Board of Public Works and Safety.

WORKSITE SAFETY

The City is committed to maintaining the safety of all worksites conducted or contracted by the City. To achieve this objective, this policy shall apply to all City employees and all contractors and subcontractors employed by or contracted by the City.

- A Before beginning an assignment, each employee shall review work rules and safety procedures applicable to the particular construction assignment. Each employee is responsible for his or her own safety as well as the safety of his or her own actions.
- B Each employee will follow established work and safety rules, including but not limited to the Drug-Free Workplace and safety equipment requirements for his or her department and the job he or she is performing.
- C The assigned crew leader/supervisor on site for each assignment will be responsible for establishing, setting and maintaining an appropriate “safety zone.” If there is no assigned crew leader or supervisor on site, the most senior employee on site shall designate the safety zone. The safety zone should be a size and location sufficient to allow all employees to have enough space to perform the necessary work without interference or distraction. No person shall be allowed inside that safety zone at any time without complying fully with this policy.
- D The safety zone shall be maintained as necessary
- E If the safety zone cannot be established or maintained, the responsible on-site employee should call his or her supervisor, department manager, or the City’s Safety Coordinator to analyze the situation and assist with the safety zone. If necessary, the responsible on-site employee shall cease work and remain on the scene until the safety zone is established or re-established.