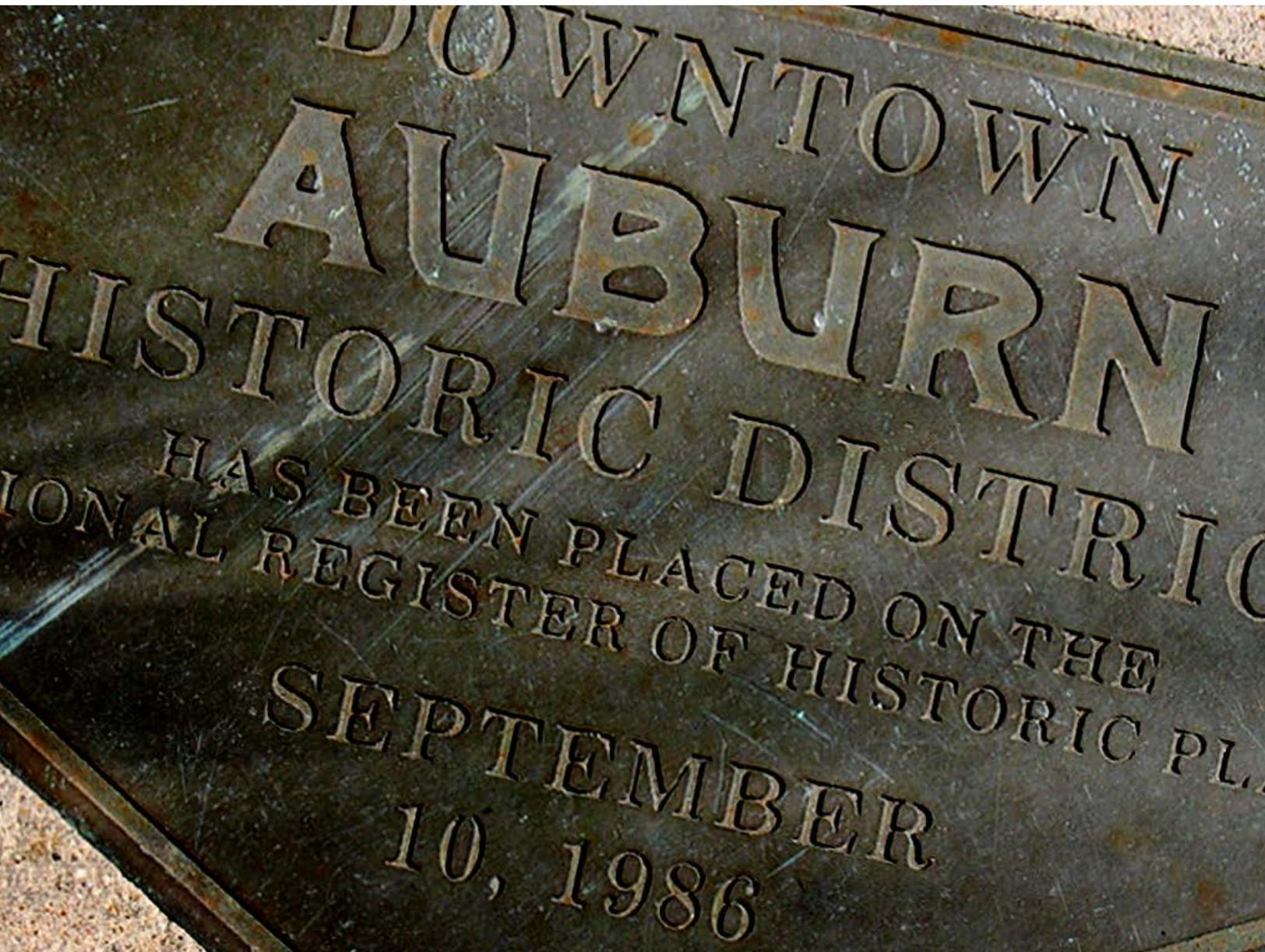




**Code of Ordinances**  
CITY OF AUBURN





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**General Personnel Policy**

CHAPTER

**40**

**AUBURN**



# Table of Contents

## **PREFACE**

## **ARTICLE 1 - PERSONNEL ADMINISTRATION**

- 40.01 MISSION STATEMENT
- 40.02 PREPARATION
- 40.03 POLICY ADMINISTRATION
- 40.04 NON-DISCRIMINATION

## **CITY SERVICE POLICY**

- 40.05 EMPLOYEE ANTI-HARASSMENT
- 40.06 NON-DISCRIMINATORY SERVICE POLICY
- 40.0 SAFETY
- 40.08 EMPLOYEE ACCIDENTS/WORKERS' COMPENSATION
- 40.09 WORKPLACE VIOLENCE

## **ARTICLE 2 - GENERAL INFORMATION**

- 40.11 ELECTRONIC INFORMATION SYSTEMS POLICY
- 40.12 COOPERATION WITH INVESTIGATIONS
- 40.13 PERSONAL APPEARANCE
- 40.14 SMOKING
- 40.15 ATTENDANCE/PUNCTUALITY
- 40.16 CELLULAR PHONE POLICY

## **ARTICLE 3 - DEPARTMENTS, UTILITIES & ADMINISTRATIVE DIVISIONS**

- 40.21 DEPARTMENTS
- 40.22 GENERAL DUTIES OF DEPARTMENT HEADS
- 40.23 ADMINISTRATIVE DIVISIONS

## **ARTICLE 4 - EMPLOYEES**

- 40.31 GENERAL RESPONSIBILITIES TO CITY
- 40.32 EMPLOYEE CLASSIFICATIONS
- 40.33 COMPENSATION POLICY
- 40.34 WORKING HOURS
- 40.35 COMPENSATION
- 40.36 LEAVES
- 40.37 BENEFITS



- 40.38 DRIVING AND USE OF CITY VEHICLES
- 40.39 DRUG AND ALCOHOL POLICY
- 40.40 EVALUATION OF WORK
- 40.41 PERSONNEL CONDUCT / RULES
- 40.411 NEPOTISM
- 40.42 APPEAL PROCEDURE

## ARTICLE 5 - COMMUNITY PUBLIC RELATIONS

- 40.51 PUBLIC RELATIONS RESPONSIBILITIES
- 40.52 SOCIAL NETWORKING / INTERNET USAGE

## ARTICLE 6 - AMENDMENT PROCEDURE

- 40.61 CHANGES IN POLICY



## PREFACE

This policy for the employees of the City of Auburn was adopted by the Auburn City Common Council on December 3, 2003, December 7, 2005 and amended on September 20, 2011. All or any part of this policy is subject to change by the City Common Council in accordance with Article 6 of this document.

Any provision in this policy which conflicts with State and/or Federal statutes is controlled by the State and/or Federal statutes. This policy supersedes all other policies prior to its adoption.

These policies and procedures do not create any form of contract of employment between the City of Auburn and any employee. These policies apply to all employees of the City of Auburn and employees of the City Utilities. Additional policy provisions are set forth in Code Sections 41.00, 42 .00 and 43.00 to cover specific Civilian, Fire Protection, and Law Enforcement employee policy.

It is the desire of the City Council that the policies be so expressed that they will not be misunderstood and at the same time will provide the flexibility under which the department heads, management and the city elected administration may implement and execute these policies for the betterment of the citizens of the City of Auburn and the employees of the City of Auburn.

Each individual employed by the City must comply, as a condition of employment, with the provisions of this Policy and any related procedures and work rules and must perform his/her assigned duties in a responsible manner creditable to the City. As such, all City employees are expected to become knowledgeable about the contents and abide by the policies set forth in this Policy. Any questions, concerns, or lack of understanding about a particular provision of this Policy should be promptly discussed with your Department Head or Supervisor or Human Resources Director.

## ARTICLE 1 - PERSONNEL ADMINISTRATION

### 40.01 MISSION STATEMENT

The mission of Auburn City Government is to enhance the quality of life for the citizens of Auburn by providing services of the highest quality that are both efficient and cost effective.

### 40.02 PREPARATION

City policy has been developed through discussions with and suggestions by the City of Auburn Employees; the City of Auburn Department Heads; the Human Resources Director; the Clerk-Treasurer; and the Mayor of the City of Auburn. This policy will serve as a guide to the rules, regulations, and procedures as they may relate to your employment.

Each employee shall read this policy in order to promote good working relationships within the department of their employment and between the various departments of the City.

### 40.03 POLICY ADMINISTRATION

In order to effectively implement the policies and procedures in this Policy and to oversee its administration on a day-to-day basis, the following procedures will be taken:

- A. A copy of this Policy shall be given to all current employees of the City and to all new employees. All employees who receive a copy of this Policy must, as a condition of employment, sign a document acknowledging that they received a copy of the Policy.



B. The policies and procedures in this Policy may be revised as the City deems necessary. Only the Common Council of the City of Auburn has the authority to revise these policies and procedures. See Article 6.

Employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be given in writing to a supervisor, department head, or human resources which should include an explanation of how such a change could benefit the City, department, employees and/or the public.

Note: The title of “Supervisor” and “Department Head” may be interchanged throughout the document. There may be a distinction in some departments, whereas in other departments the supervisor and department head may be the same person. The department’s SOP (Standard Operating Procedure) shall clarify the reporting structure.

#### 40.04 NON-DISCRIMINATION

The City of Auburn endorses the basic national policy on equal employment opportunities and affirmative action and all provisions of the Americans with Disabilities Act Amendments Act (ADAAA). The policies and law state that all citizens (employees or applicants for employment) are entitled to equal opportunities regardless of race, religion, color, age, gender, sex, disability (as defined in the Americans with Disabilities Act Amendments Act), genetics, national origin, ancestry, marital status, sexual orientation or any other legally protected status, in employment, compensation, promotion, upgrading, training and development, demotion, transfer, lay-off, termination, or hiring of personnel.

The City will make reasonable accommodations, upon request, wherever it does not cause undue hardship on the operation of the City of Auburn, to allow qualified individuals with disabilities to perform work for which they are otherwise qualified.

The City will abide by the rules of the Department of Homeland Security in the employment eligibility verification process.

### CITY SERVICE POLICY

The City is committed to ensuring that policies and the law for all citizens, visitors, contractors, suppliers, or other individuals who are served by the City of provide products or services to the City are treated with the highest regard irrespective of their race, sex, age, color, religion, national origin, ancestry, disability, or any other category protected by law. It is the responsibility of all managers and employees to treat all persons equally in providing a service to them.

All individuals will be provided the same rights, privileges, and a service, unless an individual poses a direct threat to the health and safety of themselves, employees, or the public, or disrupts the orderly flow the City’s business.

#### 40.05 EMPLOYEE ANTI-HARASSMENT

The City of Auburn is committed to providing a workplace free of harassment of any employee because of the employee’s race, sex, religion, age, national origin, disability, citizenship status, or any other category protected under federal, state or local law.

Harassing conduct may include, among other things,

1. epithets, slurs, stereotyping, or threatening, intimidating, or hostile acts that relate to race, sex, age, religion, national origin, disability, or sexual orientation; and (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race,



sex, age, religion, national origin, or disability. The City is committed to protecting employees from such harassment whether from other employees or non-employees such as vendors, contractors, visitors, citizens, or officials.

Specifically included in this policy is a commitment to provide a workplace free of sexual harassment. Sexual harassment may include but is not limited to:

- A. Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures, or displaying sexually explicit photographs or objects that might interfere with a reasonable person's work);
- B. Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters;
- C. An explicit or implicit promise of preferential treatment with regard to a person's employment in exchange for sexual favors or sexual activity; and
- D. The use of an employee's or applicant's submission to or rejection of sexual conduct as the basis for making, influencing, or affecting an employment decision that has an impact upon the terms and conditions of the individual's employment (for example, hiring, firing, promotion, demotion, compensation, benefits, or working conditions).

Given the nature of this type of conduct and the serious effects such conduct can have on the person harassed and the accused, the City treats alleged violations of this policy seriously and, to the extent possible, confidentially. The City expects all individuals to treat alleged violations in the same responsible manner.

If you believe you or any other employee is being subjected to conduct or comments that are harassing on the basis of your race, sex, sexual orientation, religion, national origin, color, disability, age, or any other legally protected status, you are encouraged to and have a responsibility to immediately report these matters to your supervisor, Department Head or the Human Resources Director or designee. If for any reason you do not feel comfortable reporting your concerns to your supervisor, the Department Head or Human Resources Director or designee, you may report the matter to the Clerk-Treasurer.

All complaints will be handled in a timely and confidential manner. In no event should the complaint, or information related to the complaint, be disclosed by the City of Auburn to any people or organizations not directly involved in the investigation. Of course, management personnel needed for participation in the investigation of your complaint, the alleged harasser, and possible witnesses may be contacted and will learn of the complaint. If a later appeal to the Board of Works occurs, the members of the Board shall also be informed of the complaint and the facts surrounding the complaint. However, no person will be permitted to discuss the complaint, the identity of the person complaining, or any other facts, except where necessary for investigating the complaint or deciding a dispute.

Confidentiality is preserved to the degree possible in order to encourage the filing of valid complaints by protecting the privacy of the complaining employee and to protect the reputation of any employee who might wrongfully be accused of harassment.

Upon filing the complaint, and throughout the investigation process the complaining employee should be assured that the City of Auburn policy and the law prohibit any retaliation for making a good-faith complaint of harassment, even if it is later determined that harassment did not occur. The Human Resource Director or designee shall promptly investigate the complaint by:



1. Confidentially informing the alleged harasser of the nature and substance of the complaint, and obtaining the alleged harasser's side of the story or explanation.
2. Obtaining additional evidence or facts by interviewing any possible witnesses, other alleged victims, and co-workers, while disclosing as little about the case as is feasible in order to preserve confidentiality.
3. Determining the validity of the complaint ordinarily within five working days of receiving the complaint. Exceptions to the five working days requirement shall apply only if the complainant, alleged harasser, or witnesses are unavailable for interview, and then only to the extent absolutely necessary to make a fair determination of the facts.

If the Human Resources Director or designee finds a lack of harassment, all parties shall be promptly notified of that fact. The parties to be notified include the complainant, the alleged harasser and each person known to have learned of the identity of the alleged harasser during the investigation of the complaint.

If the Human Resources Director or designee finds the complaint to be true, the Human Resources Director, Department Head, and/or other appropriate personnel as deemed appropriate shall determine the penalty to be imposed against the harasser, and any remedies to be given to the victim in order to cure the discrimination that occurred. The Human Resources Director, Department Head, or designee shall promptly notify all parties involved of the decision, penalty, and remedy.

Either the complaining employee or the alleged harasser has the right to appeal the decision of the Human Resources Director or designee by filing an appeal with the Board of Works within five days of receiving the decision of the Human Resources Director or designee. The City of Auburn Employee Complaint and Appeal Procedures will apply, including the right to an appeal hearing before the Board of Works.

Department Heads and Supervisors who become aware of any potential violation of this policy must report the potential violation to the Human Resources Director, Clerk-Treasurer, or their designee. Failure to report potential violations will result in appropriate discipline, up to and including discharge.

No action will be taken against any employee because he or she reports behavior, in good faith, believed to violate this policy. All employees are assured that action will be taken to investigate and resolve complaints and that the City is firm in its commitment to maintaining an environment free of discrimination and harassment.

If an employee believes there may be a conflict of interest in the investigation and/or the decision making process, an alternative process, agreeable to all parties, will attempt to be reached.

Violations of this policy will not be tolerated and will result in appropriate disciplinary action, up to and including termination.

## 40.06 NON-DISCRIMINATORY SERVICE POLICY

The City is committed to ensuring that all citizens, visitors, contractors, suppliers, or other individuals who are served by the City or provide products or services to the City are treated with the highest regard irrespective of their race, sex, age, color, religion, national origin, ancestry, disability, or any other category



protected by law. It is the responsibility of all managers and employees to treat all persons equally in providing service to them.

All individuals will be provided the same rights, privileges, and services, unless an individual's medical condition poses a direct threat to the health and safety of the individual, employees, or the public, or disrupts the orderly flow of the City's business.

## 40.0 SAFETY

The City of Auburn is dedicated to providing a safe and healthy work environment for all of our employees and citizens. The City will follow operating practices that will safeguard employees, the general public, and City operations.

While the City of Auburn will maintain its safety policy in fact and in force, each City department shall have on file a comprehensive and complete specific safety manual.

Each department shall originate its safety manual specific to their individual operation and shall appoint one person as the department "Safety Representative" to facilitate the procedures for safety in the workplace.

Each department shall enforce its safety policies and maintain accurate records of all safety activities.

### A. City Management (Mayor, Clerk-Treasurer, and Department Heads)

1. Provide staffing, funds, time, and equipment so that employees can work safely and efficiently.
2. Demand safe performance from each employee and express this demand periodically and whenever the opportunity presents itself.
3. Delegate the responsibility for a safe performance to the Safety Committee, Supervisors, and Employees, as appropriate.
4. Hold every employee accountable for safety and evaluate performance accordingly.
5. Advise management, supervisors and employees on safety policies and procedures.
6. Coordinate with Human Resources to assure enforcement of the City's drug/alcohol testing program.
7. Assist Human Resources in the review of job specifications and job analysis to determine physical factors for specified job classifications and job descriptions.
8. Seek out alternative work so that injured employees can return to work in a modified duty job.
9. Post signs, notices, and instructions as needed or required.
10. Periodically review Safety Program effectiveness and results.

### B. Safety Committee / Department Representative

1. Provide resources, direction, and audits to integrate safety into the management system.
2. Establish and maintain a safety education and training program.
3. Periodically conduct safety surveys, meetings, and inspections.
4. Assure that all newly hired employees have been given a thorough orientation concerning his/her department and the City's overall Safety Program in coordination with Human Resources.
5. Prepare and maintain safety records, analysis, evaluations, and reports to improve the City's safety performance and comply with all insurance regulations and internal procedures.



6. Work with management, supervisors, and employees to maintain & implement new and ongoing safety programs and comply with recommendations provided by outside consultants and insurance companies.
7. Review all accidents with management, supervisors, and/or employees and ensure that corrective action is taken immediately.

### C. Supervisors

1. Establish and maintain safe-working conditions, practices, and processes.
2. Observe work activities to detect and correct unsafe actions.
3. Ensure that all injuries are reported promptly and cared for properly.
4. Ensure proper completion of "First Report of Injury" and process as indicated in Code Section 40.08 Section 1.8.
5. Review all accidents with the Safety Committee Representative and the employee to correct the causes immediately.
6. Investigate all accidents promptly using the prescribed investigation form.
7. Consistently enforce safety rules/regulations, programs, and protective measures (i.e. use of personal protective equipment, machine guarding, proper clothing, etc.)
8. Brief employees of any new hazards before they start work and host periodic brief safety meetings to discuss safety practices related to job hazards and safe work behavior specific to your department.
9. Work with management, safety committee and employees to maintain & implement new and ongoing safety programs and comply with IOSHA regulations and recommendations provided by outside consultants.

### D. Employees

1. Comply with all City of Auburn safety programs, rules, regulations, procedures, and instructions that are applicable to his/her own actions and conduct.
2. Refrain from any unsafe act that might endanger him/herself or fellow workers.
3. Use all safety devices and personal protective equipment provided for his/her protection.
4. Report all hazards, incidents, and near-miss occurrences to their immediate supervisor and/or Safety Committee Representative, regardless of whether or not injury or property damage was involved.
5. Promptly report all injuries and suspected work related illnesses, however slight, to his/her immediate supervisor.
6. Participate in safety committee meetings, training sessions, investigations, and surveys as requested and provide input into how to improve safety.
7. Notify your Supervisor, Department Head or Safety Committee representative immediately of any change in physical or mental condition or use of prescription drugs that would affect your job performance or the safety of yourself or others.
8. Notify the Department Head and/or Human Resource Director or designee within five days of any serious driving, drug/alcohol, or criminal convictions.
9. Be a safe worker on (and off) the job. Help coworkers do their job safely. Come to work every day with a safe attitude.

Everyone is accountable for safety. Management, Supervisors and the Safety Committee will establish safety objectives and develop accident prevention activities. All employees should strive to reach those objectives.

Safety suggestions from employees are welcomed and encouraged. To make a safety suggestion, obtain a suggestion form from your Safety Committee Representative or the City's Intranet, complete the form, and



return it to your Safety Committee Representative. The suggestion will be reviewed by the Safety Committee at their next meeting. Responses to suggestions will be discussed with the employee and documented by the Safety Committee and maintained on file.

E. Personal Protective Equipment:

1. In accordance with the Occupational Safety and Health Administrator rules, the City of Auburn is responsible for providing all necessary personal protective equipment (PPE).
2. The department head shall determine what personal protective equipment is necessary and provide the proper fit and training.

## 40.08 EMPLOYEE ACCIDENTS/WORKERS' COMPENSATION

All accidents, which include any event that is not expected, foreseen, or intended, must be reported immediately to your supervisor. The accident must be reported whether or not there is personal or physical damage involved. A near miss, where the potential for injury or damage exists, is to be reported as well. Accidents and near misses are investigated to eliminate unsafe conditions and unsafe acts.; If your supervisor is not available, report the accident or near miss to the Department safety representative, your Department Head, or Human Resources. The employee then must provide a written statement as to the facts and circumstances surrounding the accident or injury.

Any injury that happens on the job or on City property or while conducting City business, no matter how slight, must be, reported immediately to your department head, assistant superintendent, or their designee, so you may receive prompt and proper medical attention. The supervisor must promptly report the accident to the Department safety representative, your Department Head, or Human Resources. You may be required to go to a City-chosen physician for initial treatment and any City-required follow-up examination. If supervision determines that medical attention is needed, you must comply with the supervisor's decision. Refusal to have medical attention will result in possible discharge.

If an injury requires you to be absent from work or to incur medical costs, you must contact your department head or designated safety representative for the appropriate forms to be completed and processed for worker's compensation. The Indiana Worker's Compensation First Report of Employee Injury/Illness (State Form No. 34401) must be completed on the same day as the injury. Updated forms are kept on the city networking system and/or in a department location designated by the department head i.e., break room, front office, etc.

This form must be completed in its entirety and must be detailed as to the place (including address), time, date, and circumstances surrounding how the injury occurred. This form must be submitted to the Department Head or Assistant Superintendent or person designated by the department head, such as the department safety representative.

The form must be faxed, hand delivered or a delivery method that ensures receipt by Human Resources within 24 hours or less. This report must be completed immediately if the injury results in death of an employee on the job if this means phoning or paging management at home. The Department Head will make sure the form is forwarded to the proper persons.

All non-life-threatening injuries that you feel need medical attention need to be treated at the City's designated medical facility. In case of a medical emergency i.e. life threatening injury; you are to go to the DeKalb Memorial Hospital Emergency Room, or other appropriate facility.

Please understand that it is very important that you fill out a workman's compensation claim any time you think you have been injured or have become ill and it was caused by a circumstance of your work. Even if you do not seek immediate medical attention you must still fill out a report. It is better to fill out a worker's



comp form and not need to use it than it is not to fill one out and then find out that you in fact have been injured.

Failure to fill out a report in a timely manner or filling out a claim several days after you realize that you in fact injured yourself and now need medical attention could cause a denial of the worker's compensation claim. Also failure to follow policy and procedures could result in denial of the worker's compensation claim and/or disciplinary action, up to and including termination.

(Please see Code Section 40.07 (Section 1.7) Safety and your department's Safety Standards and Procedures Manual)

Any deliberate, misleading and/or false reporting of a work related injury could result in immediate termination from employment with the City of Auburn.

## **40.09 WORKPLACE VIOLENCE**

The City of Auburn has a policy of zero tolerance for violence. If you engage in any violence in the workplace, or threaten violence in the workplace, your employment can be terminated immediately for cause. No talk of violence or joking about violence will be tolerated.

"Violence" includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with the city, including employees, vendors, visitors and citizens, never feels threatened by any employee's actions or conduct.

The purpose of this policy is to minimize the potential risk of personal injuries to employees or to others and to reduce the possibility of damage to City property in the event someone, for whatever reason, may be unhappy with a City decision or action by an employee or member of management.

The City will initiate a decisive and appropriate response to inappropriate behavior. This response may include, but is not limited to, suspension and/or termination of a business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.

All employees are responsible for notifying their Department Head, Supervisor or Human Resources of any possible violations of this policy. Possible violations include threatening, intimidating, malicious, or violent behavior of which an employee has been the target, has witnessed, or has heard about from another individual if the behavior is job-related or has been or might be carried out on City property. Employees are responsible for making this report regardless of the relationship between the individual who initiated the inappropriate behavior and the person who was the target of the behavior.

If you receive or overhear any threatening communications from an employee or outside third party, report it to your supervisor at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or anyone else on our premises, contact an emergency agency (such as 911) immediately.

All reports of work-related threats will be kept confidential to the extent possible, investigated, responded to, and documented. Employees are expected to report and participate in an investigation of any suspected or actual cases of workplace violence.

The City expects all employees to help create a safe and secure work environment and reduce the risk of threatening, intimidating, malicious, or violent behavior that may affect the City's employees and those who interact with its employees by complying with the letter and spirit of this policy.



A. Workplace security measures

In an effort to fulfill this commitment to a safe work environment for employees, citizens, vendors and visitors, all visitors and visitor vehicles must register with the office of the department or city facility and display identification while on the property.

B. All weapons banned

The City of Auburn specifically prohibits the possession of weapons on the person of any employee while on the work premises with only exception being job-related requirements. Employees are also prohibited from carrying a weapon while performing services off the city business premises

Weapons include guns, knives, explosives, and other items with the potential to inflict bodily harm. Employees who are required to carry common or reasonable pocket knives, cutting tools, etc., in furtherance of their job duties shall not be in violation of this policy.

This policy shall comply with and be applied consistently with Indiana Code provisions regulating the possession of firearms in accordance with Indiana Code 34-28-7 et al. as from time to time amended.

C. Training programs

As part of its commitment to preventing workplace violence, the City has established training programs for all employees. Training will be included as part of your orientation. Thereafter, you will be scheduled for periodic refresher training.

Please be advised that training is mandatory and attendance will be taken. If you fail to attend training or make-up sessions, you will be subject to suspension without pay until training is completed.

D. Education offerings

In order to promote a peaceful working environment, we encourage supervisors and employees to enroll in courses/seminars to learn more about working with each other. Courses covering communication, problem solving, building effective working relationships, stress management, and related or similar course topics may be offered in house through IPTV or outside seminars where appropriate.

E. Violence prevention

If you have suggestions for ways to improve the safety and security at work, please complete an employee suggestion form and send to Human Resources for processing. The Department Head or Safety representative will work with Human Resources to address suggestions and/or concerns.

## ARTICLE 2 - GENERAL INFORMATION

### 40.11 ELECTRONIC INFORMATION SYSTEMS POLICY

- A. E-mail, computer, and voice mail systems are City property and are intended for business, not personal, use. The systems are not to be used for personal use unless specifically authorized. Employees have no right of privacy as to any information or file maintained in or on City's property or transmitted or stored through City's electronic information systems or other technical resources.
- B. The City strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees and customers. Therefore, the City prohibits the use of its electronic information systems in ways that are unlawful, disruptive, offensive to others, or harmful to morale. For example, the display or transmission of images, messages, and cartoons that may offend others because of their sex, race, age, national origin, disability, or religion is prohibited. Such misuse



includes, but is not limited to, ethnic or racial slurs, racial or sexual comments or jokes, or any other communication that shows disrespect for others on the basis of sex, race, national origin, disability, religion, or age.

- C. Employees should remember that when they are using the City's electronic information systems, they are creating City documents by using City property. These documents are not private and may be read by others at the City and, under some circumstances, by others outside the City.
- D. Employees should also be aware that even though a message may be deleted from the system, a record of it may remain either on the daily backups of all data or in other ways. It is possible to re-create a "deleted" message. Therefore, ultimate privacy of messages is not assured to anyone.
- E. Violations of this policy may result in disciplinary action up to and including termination. Employees learning of any misuse of the City's electronic information systems or a violation of this policy must notify the City of such misuse or violation immediately.
- F. For related and additional information, please see the City's Network Policies and Procedures.

## 40.12 COOPERATION WITH INVESTIGATIONS

From time to time when problems such as theft, dishonesty, violence, safety violations and accidents, destruction of property, or alcohol or drug use, or other matters of concern arise, the City may require your full cooperation in an investigation. All employees requested to cooperate in such an investigation are expected, as a condition of employment, to cooperate fully. Such cooperation may include but not limited to submitting to searches for cause of your personal property while at work such as a personal vehicle. Note there is no reasonable expectation of privacy regarding city property. This rule is for the protection of employees, the City, and the Citizens of Auburn.

## 40.13 PERSONAL APPEARANCE

The City believes that appropriate dress and personal grooming create a favorable image for the City. You are expected to maintain high standards of personal cleanliness and attire. Personal cleanliness includes regular bathing, dental hygiene, and freshly laundered clothing. The City reserves the right to determine that particular attire is inappropriate for its business and to inform you of this and ask that your attire be changed if it is not appropriate.

Those employees working in departments or areas with a prescribed uniform must wear such uniforms at all times while on-duty unless specifically excused by the Department Head.

## 40.14 SMOKING

In order to provide a smoke-free workplace in all City of Auburn buildings and city owned vehicles, smoking will not be allowed except in designated outdoor areas. There shall be no smoking in the city buildings, city vehicles, or any indoor areas.

## 40.15 ATTENDANCE/PUNCTUALITY

The City requires employees to report for work punctually as scheduled by their supervisor and to work all scheduled hours and any required overtime. Excessive or habitual tardiness and poor attendance will not be tolerated.

- A. Employees should not clock in prior to the scheduled work period. Employees who clock in after the scheduled work time will be considered tardy.
  - 1. Excused Absence



For any absence to be considered “excused,” you must notify your supervisor PRIOR to the starting time of your regular shift or at a time established by the supervisor. Exceptions will be made only in unusual or extenuating circumstances. If your immediate supervisor is not available, another member of management must be contacted.

Excused absences require prior supervisor approval except in unusual or extenuating circumstances. Excused absences include generally:

- a. Family and Medical Leave
  - b. Military service
  - c. Jury service
  - d. Sick leave
  - e. Bereavement leave
  - f. Personal leave
  - g. Vacation
  - h. Approved Unpaid Leave
  - i. Any absence excused by a particular State or Federal law
2. Unexcused Absence

An unexcused absence occurs when you fail to notify your supervisor you will be unable to work or your absence is unapproved. You will not be paid for unexcused absences.

- B. If you are absent from work for three consecutive days with an unexcused absence and without notification, you will be considered as having voluntarily quit. At that time, the City will advise the employee of the termination of the employment relationship by certified mail.

## 40.16 CELLULAR PHONE POLICY

This policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of cell phones by employees while driving.

### A. Personal Cellular Phones

1. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of other City of Auburn phones. Excessive personal calls, text messaging, and mobile web use during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the City of Auburn encourages is to limit personal calls during work time. Employees are therefore asked to make any other personal calls to non-work time where possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention.
2. The City of Auburn will not be liable for the loss of personal cellular phones brought into the workplace.

### B. Personal Use of City of Auburn-Provided Cellular Phones

1. Where job or business needs demand immediate access to an employee the City may issue a business cell phone to an employee for work-related communications. In order to protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred. The department head is responsible for monitoring usage of department cellular phones.



2. Employees in possession of City of Auburn equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (i.e. 24 hours) may be expected to bear the cost of a replacement.
3. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will agree to reimburse the city or authorize a payroll deduction from his/her last paycheck for the loss. Otherwise the employee will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

C. Safety Issues for Cellular Phone Use

1. Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic; inclement weather or the employee is driving in an unfamiliar area.
2. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use or use of a personal cell phone while on city work time, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.
3. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.
4. Violations of this policy will be subject to discipline up to and including termination.

D. Special Responsibilities for Managerial Staff

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

## ARTICLE 3 - DEPARTMENTS, UTILITIES & ADMINISTRATIVE DIVISIONS

### 40.21 DEPARTMENTS

- A. The departments in the City of Auburn include;
  1. Engineering;
  2. Legal;
  3. Police;
  4. Fire;
  5. Building, Planning and Development;
  6. Parks & Recreation Superintendent;
  7. Street/Recycling;
- B. The City of Auburn operates the following utilities;
  1. Electric;
  2. Water;



3. Water Pollution Control.

**40.22 GENERAL DUTIES OF DEPARTMENT HEADS**

The department head serves as the chief administrator of that particular department. Supervisors and Administrative staff may assist the department head. Some of the general duties of all department heads include:

- A. To become informed or aware of Federal, State, and local laws, and/or regulations affecting their department;
- B. To assume control of their department and its activities;
- C. To function as a team with Human Resources to interview, recommend, and/or hire, as the case may be, candidates for employment to fill any vacancies that exist within their department;
- D. To serve as an instructional leader in training employees in the department;
- E. To work with the supervisory staff in performing their duties;
- F. To maintain all records requested by law, rule, regulations, or request of Human Resources, the Mayor and Clerk-Treasurer,
- G. To maintain good working relationships with the employees in the department in order to promote good morale and incentives for good workmanship;
- H. To attend all meetings and activities as required by law or request of the Mayor and Clerk-Treasurer;
- I. To provide information needed for the purpose of purchasing necessary equipment and supplies for their department and to promote bulk purchasing to save city funds when possible by working with other departments as a team effort.
- J. To supervise office personnel in their department;
- K. To keep all personnel informed on City matters;
- L. To submit budget needs to the Mayor and Clerk-Treasurer;
- M. To maintain the department within the fiscal bounds of the annual adopted budget for their department;
- N. To cooperate with all City of Auburn departments, administrative division, and assist other department heads in performing the duties necessary;
- O. To promote positive public relations between the City of Auburn and the citizens of Auburn;
- P. To see that all City policies are followed;
- Q. To promote all safety measures to insure the health and welfare of the employees in the department;
- R. To evaluate the performance of all employees in the department and make recommendations to Human Resources concerning promotion, classification, suspensions, demotions, and/or dismissals;
- S. To promote the philosophy of the "Management Team Concept."

**40.23 ADMINISTRATIVE DIVISIONS**

- A. PURCHASING



As set forth by I.C. 5-22. The purchasing agency ensures that the City of Auburn follows requirements set forth by I.C. 5-22. The agency provides for the protection of offers, status of documents as public records, allows for unobstructed evaluation of offers, provides public records status of bids, and prepares a register of proposals.

## B. HUMAN RESOURCES

The purpose is to provide effective Human Resource Management by developing and implementing policies and procedures, programs and services which contribute to the attainment of City of Auburn Government and employee goals by:

1. Properly balancing the needs of the employees and the needs of the City.
2. Ensuring a diverse workforce in a safe and discrimination/harassment free environment by: maintaining compliance with all local, state and federal employment laws and government regulations; providing management and employee training;
3. Providing training and development in areas of: effective leadership and career development of employees, employment law and government regulation.
4. Facilitate the process of hiring the most qualified employees by: preplanning staffing needs; ensuring an effective internal interview process; increasing city visibility in the employment marketplace; identifying the best and most cost effective recruitment sources; and conducting thorough reference checks.
5. Retaining our valued employees by: assuring effective leadership qualities in our managers; providing competitive wages and benefits; furnishing technical, interpersonal and career development training and coaching; conducting exit interviews and supplying relevant feedback to management; and enhancing two-way communication between employees and management.
6. Ensure an active safety and loss prevention program is in place.

## C. INFORMATION SYSTEMS (IS)

Information Systems exists to identify, design, implement, support and maintain the technology and systems used in the delivery of city services. The primary systems include:

1. Voice/Video/Data Network Infrastructure;
2. Geographic Information Systems;
3. Computing;
4. Internet/Intranet Websites;
5. Telephony and Messaging; and
6. Electronic Security Systems

IS provides technical support and training for users of City systems. IS also works with departments to evaluate and redesign processes that can benefit from properly applied technology.

## ARTICLE 4 - EMPLOYEES

### 40.31 GENERAL RESPONSIBILITIES TO CITY

Some of the Responsibilities City employees have is:

- A. Be polite and courteous in their professional contacts with the public;
- B. Understand the job for which they have been hired;
- C. Be punctual in their working hours;
- D. Have respect for their Supervisors, Department Heads, and fellow employees;



- E. Fulfill their duties to the best of their ability;
- F. Be reliable and on the job every day if able;
- G. Be honest and trustworthy;
- H. Treat confidential information appropriately;
- I. Abide by all of the City's applicable policies and procedures.

## 40.32 EMPLOYEE CLASSIFICATIONS

It is the policy of the City of Auburn to classify employees as full-time, part-time, or temporary/seasonal and as exempt (salary) or nonexempt (hourly) for the purposes of compensation administration. In addition, the City of Auburn may supplement the regular workforce, as needed, with other forms of flexible staffing.

- A. Human Resource Director is responsible for classifying employees.
- B. Employees generally may be categorized as follows:
  - 1. A full-time employee is an individual who works a normal 40-hour workweek. A full-time employee may be classified as either exempt (salary) or nonexempt (hourly).
  - 2. A part-time employee is an individual who is regularly scheduled to work less than a normal workweek. A part-time employee may be classified as either exempt (salary) or nonexempt (hourly).
  - 3. A temporary employee generally is an individual who is hired either part-time or full-time for a specified, limited period of time, such as seasonal or occasional. A temporary employee may be classified as either exempt (salary) or nonexempt (hourly).
  - 4. A nonexempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
  - 5. An exempt (salary) employee is exempt from the provisions of the FLSA and is not entitled to overtime pay. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, and certain highly skilled computer professionals.
  - 6. Other flexible staffing classifications or arrangements may be added as needed.

All employees, regardless of classification, and unless otherwise required by governing authority, are generally considered to be employed "at-will" and may quit or may be terminated at any time and for any lawful reason.

- C. Employees are further assigned to pay classifications as follows:
  - 1. Exempt Salary Employees:

There four (4) classifications of exempt salary employees: Executive, Administrative, and Professional, and Learned Professional. These employees are exempt from the overtime requirements of the Fair Labor Standards Act. Other employees may be classified as exempt salaried employees on a case-by-case basis. Exempt salary employees are expected to work a regular schedule of five workdays, without regard to the number of hours per day or per week. As an exempt employee, hours of service to the City of Auburn will fluctuate depending upon service demands.

    - a. Executive:

Those employees who have as their primary duty the management of the city itself or a particular department within the city. Exempt employees regularly direct the work of two or more full-time employees which may include: interviewing, selecting, training and evaluating, handling



complaints, and imposing discipline; planning and assigning work; and determining the techniques to be used.

b. Administrative:

Those employees who have as their primary duty the performance of office or non-manual work directly related to management policy or general city operations; and customarily and regularly have the day-to-day authority to make independent choices from immediate direction of supervision with respect to matters of significance.

c. Professional:

Those employees who have as their primary duty work requiring advanced knowledge of a type required through specialized study; and their work requires the consistent exercise of discretion and judgment.

d. Learned Professional:

Those employees who have as their primary duty work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.

2. Administrative Non-Exempt Employees:

Those employees whose positions are part time or full time administrative, clerical, or support staff in nature and who are paid based on an established per hour basis. These employees are not exempt from the Fair Labor Standards Act, and do receive overtime pay at the rate of time and one-half for all hours worked in excess of 40 per week.

3. Hourly Employees:

Those employees who are part time or full time and paid based on an established per hour basis. These employees are not exempt from the Fair Labor Standards Act, and do receive overtime pay at the rate of time and one-half for all hours worked in excess of 40 per week.

4. Law Enforcement & Fire Protection Employees:

Those employees who are paid according to special rules under the Fair Labor Standards Act and defined as Public Safety and Emergency Personnel.

5. Others: Those individuals who are not full-time, but are paid a nominal payment. These individuals may include, but are not limited to Volunteer Firefighters, Police Reserves, and Board Members.

### 40.33 COMPENSATION POLICY

#### Establishment of Pay System

- A. City of Auburn compensates employees in accordance with decisions by the City of Auburn Common Council, as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period. The department head or administrator may make suggestions about salary compensation and other pay system concerns. The Common Council, pursuant to Indiana Law, shall adopt a salary ordinance annually.
- B. Compensation ranges fixed under this law may not be increased during the budget year to which it is fixed.



- C. City of Auburn reserves the right to change compensation for any reason deemed appropriate by the City of Auburn Common Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent City of Auburn budget.
- D. The Clerk-Treasurer may, pursuant to the Salary Ordinance, fix the salaries of deputies and employees appointed by the Clerk; and
- E. The Mayor may, pursuant to the Salary Ordinance, fix the salaries of Department Heads and employees appointed by the Mayor.

**40.34 WORKING HOURS**

**A. EMERGENCIES:**

All employees are subject to be called to duty and must respond to emergency calls, in a reasonable time, unless physically unable to do so.

**B. STAND-BY**

- 1. Scheduling of stand-by employees shall be established by the Department Head.
- 2. The rate of pay is established by the City Common Council.

**C. BREAKS**

**Workplace Accommodations for Nursing Mothers**

The City of Auburn will make a reasonable effort to provide employees who are nursing mothers a private place to express breast milk, as well as, an appropriate place to store expressed milk.

The City of Auburn shall:

- 1. Provide a reasonable paid break to an employee who needs to express breast milk for her infant child; the break time must, if possible, run concurrently with any break time already provided by city policy;
- 2. Make a reasonable effort to provide a private space, other than a toilet stall, in close proximity to the work area, for nursing mothers to express breast milk; and
- 3. Make reasonable efforts to provide a refrigerator or other cold storage space for expressed breast milk.

**40.35 COMPENSATION**

**A. PAY PERIOD**

The pay period is every two-weeks as established by the Clerk-Treasurer. Employees will be paid on Thursday for the two-week period ending on the previous Saturday. Honesty in the use of reporting time is absolutely essential. Falsification of reported time will result in discipline up to and including termination.

**B. PAY SCHEDULE**

Paychecks are issued by the office of the Clerk-Treasurer.

**C. REPORTING HOURS WORKED**

- 1. Employees will use the prescribed time keeping system to properly record the time that he/she has worked during a payroll period and any lunch period as prescribed by the State Board of Accounts.



2. No employee shall record time in or out at any time for another employee without the approval of the department head.
3. At the end of each pay period, the employee will review and approve his or her time report and verify as accurate.
4. The department head or designated supervisor will also verify and approve the time reports indicating that the hours claimed were actually worked. Reports may also be verified by electronic technology.
5. Employee shall be ready for work at the regular scheduled work time.

#### D. COMPENSATORY TIME

Wherever compensatory time is referred to in this policy the following procedure will be used.

1. The section is in accordance with 29 USC 207(0).
2. The City of Auburn may provide compensatory time in lieu of monetary compensation at the rate of one and one-half times the overtime hours worked.
3. Compensatory time shall be taken within a reasonable time, generally not to exceed three months, so long as it will not be disruptive to the orderly administration of the City.
4. All compensatory time earned and used shall be recorded and reported to the Clerk-Treasurer
5. Unused compensatory time will be compensated upon resignation, termination, and retirement.

#### E. PAYROLL DEDUCTIONS

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address or other information that could affect the amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support and any other deductions required by law. Additionally, deductions may be authorized for employee contribution to benefit plans if applicable such as supplemental health insurance, supplemental insurance and deferred compensation plans requested by the employee.

#### **Exempt (Salary) Pay Policy**

In accordance with the Fair Labor Standards Act regulations, exempt (salary) employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed. Employees who feel their pay has been improperly reduced should report this immediately following the procedures specified below.

1. Exempt (salary) employees normally must receive their full salary for any work in which they perform any work, without regard to the number of days or hours worked. However, exempt (salary) employees need not be paid for any work week in which they perform no work at all for the city.
2. Deductions from pay cannot be made as a result of absences due to the circumstances listed below.
  - a. Jury duty.
  - b. Attendance as a witness.
  - c. Temporary military leave.
  - d. Absences caused by the city operating requirements.
  - e. Partial day amounts.
3. Deductions from pay may occur as a result of the following, as long as the deductions are consistent with other city policies and practices



- a. Absences of one or more full days for personal reasons other than sickness or disability when all vacation and personal time has been exhausted.
- b. Fees received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due to the employee for the week.
- c. Penalties imposed by infractions of safety rules of major significance.
- d. Unpaid disciplinary suspensions of one or more full days in accordance with the city disciplinary policy (Does not apply to discipline for performance or attendance issues).
- e. Deductions for the first and last week of employment, when only part of the week is worked by the employee, as long as this practice is consistently applied to all exempt (salary) employees in the same circumstances.
- f. Deductions for unpaid leave taken in accordance with a legitimate absence under the Family and Medical Leave Act (See Code Section 40.36 – Leaves – F. Family Medical Leave Act.)

## F. VACATION PAY

- 1. Vacation pay is money paid for a day of vacation used in place of a regular workday. These days are granted according to the vacation leave schedule found in Sections 41.00, 42.00 and 43.00 of this policy.
- 2. All vacation pay is calculated from work time reported by each employee pursuant to the prescribed time keeping system. When an employee takes vacation leave in place of “clocking in” the time report should reflect this.
- 3. Vacation pay is not calculated separate from nor in advance of the regular pay dates, except when an employee is terminated.

## G. HOLIDAY PAY

- 1. The City of Auburn designates certain days to be observed as paid holidays. Temporary, seasonal, occasional part-time or full time employees, regularly scheduled technical assistants and interns do not qualify for paid holidays or any other fringe benefits afforded to full time employees. However, regularly scheduled part-time employees will receive holiday pay calculated by the average hours per day worked.
- 2. The following days shall constitute paid holidays:
  - a. New Years' Day;
  - b. Memorial Day;
  - c. Independence Day;
  - d. Labor Day;
  - e. Thanksgiving Day;
  - f. Day following Thanksgiving;
  - g. Christmas Day; and
  - h. Floating Holiday to be determined by the Mayor at the beginning of each calendar year.
- 3. To be eligible to receive holiday pay, the employee must be present on their scheduled working day preceding the paid holiday and on their first scheduled working day following the paid holiday. All categories of benefit days will count as being present the day before and/or after a holiday.
- 4. If any holidays fall on a Saturday, the preceding Friday shall be the observed holiday. If any holiday falls on a Sunday the following Monday shall be the observed holiday. This practice may be altered if designated by the Mayor. A final designation of the holiday schedule shall be filed with the Office of the Clerk-Treasurer, the City Departments, and the Board of Public Works and Safety prior to the first meeting of each year. Said holiday schedule shall include the designation of January 1 in the year after the upcoming year, so as to provide at least a year's



notice of the January 1 holiday designation, if said holiday falls on a weekend. Once set the schedule shall be a binging schedule and not be altered. Said schedule shall be announced at the Board of Public Works and Safety, posted in a conspicuous place at City Hall and also be listed on the City of Auburn, Indiana municipal website at [www.ci.auburn.in.us](http://www.ci.auburn.in.us).

(Ordinance 2021-25 passed 01/04/2022)

## H. EMPLOYEE TRAVEL AND/OR BUSINESS EXPENSE REIMBURSEMENT

The Department Head is authorized to evaluate requests from employees (other than the Department Head) to attend conferences or educational training sessions, and/or meetings, and will approve or reject said requests. Requests shall be in writing and approval/denial shall be in writing. Approval or denial shall be made on the basis of:

1. The Department Head's opinion as to the value of the request to the City of Auburn.
2. Adequate funds being available in the current budget appropriation to cover said expenses. Expenses covered by said approval shall be as follows:
  - a. The employees of the City shall be reimbursed for mileage traveled on business on behalf of the City or its several departments in a sum equal to that allowed by the Internal Revenue Service for business travel purposes as from time to time amended. Any change in mileage allowance rates shall become effective at such time as they are published as regulation of the Internal Revenue Service, or the actual costs of public transportation whichever is less if public transportation is used. (This section does not apply when a City owned vehicle is used).
  - b. Actual cost of lodging at the rate of a single person for that particular lodging;
  - c. Registration/conference fees charged for the conference or meeting;
  - d. Actual cost of meals charged by the conference;
  - e. Per diem for meals shall be actual costs as per receipts not to exceed \$50.00 per person, per day, including tips and gratuities. This per diem are subject to any further restrictions placed by department heads.
  - f. Miscellaneous expenses which would include, but not limited to:
    - i. Toll costs;
    - ii. Communication costs;
    - iii. Parking costs;
    - iv. Other;
  - g. Alcoholic beverages shall not be submitted for reimbursement.
3. Proper receipts must be filed with the Clerk-Treasurer's Office together with a properly signed claim; and
4. All requests for trip reimbursement must have prior approval of the Department Head.
5. Requests for reimbursement by Department Heads must be submitted to, and approved by the Mayor.

## 40.36 LEAVES

### A. GENERAL INFORMATION

1. The Clerk-Treasurer will be responsible for maintaining permanent records available for public inspection for all leaves within this policy that has been earned or accumulated and the leave time requests granted or denials of leave days and absences due to use of leave.



2. If an employee has accrued paid time off under this policy at the time he or she requests a leave under the Family and Medical Leave Act of 1993 (“FMLA”), and if the requested leave would otherwise qualify for paid time off under this policy, the employee will receive paid time off accrued under this policy at the same time as FMLA leave. In that event, the employee's available time off under this policy, as well as the employee's FMLA leave entitlement, will be reduced by the period of the leave. After an employee requests an FMLA leave, the Employer will notify the employee that paid time off under this policy will be provided during the employee's FMLA leave. For a further explanation of this coordination, see Code Section 40.36 (Section 4.6.F.7) “Substitution of Paid Leave” in the FMLA policy.

## B. VACATION

1. The official vacation period is calculated on date of hire.
2. During subsequent years of continuous full time employment, the employee receive paid vacation under the guideline set forth in Sections 41.00, 42.00 and 43.00.
3. Vacation time must be taken in the year when the employee is eligible. Except for special circumstances approved by the Board of Public Works and Safety, vacations must be actually taken. Vacation time does not accumulate from year to year, and unused time is lost at anniversary year's end. Any special requests to the Board of Works and Safety to carry over vacation into a new anniversary year must be before the year ends in which it was earned. The City Board of Public Works and Safety may consider vacation carry over that has been filed after the anniversary date only after good cause has been shown as to why the request has been delayed. All special requests for carry overs of vacation time are only granted for good cause regardless of when requested and are in the discretion of the City Board of Public Works and Safety. City employees receive no vacation time during the first year of employment. The first year that vacation is available to employees is in year two (2) of employment.
4. Vacation leave will be granted at a time, which is mutually acceptable to the employee, and the Department Head, consistent with the nature of the service provided by the department in which the employee is employed.
5. An employee's vacation time shall be considered as hours worked for the purpose of determining vacation leave eligibility.
6. An employee who has vacation benefits and has not received them because of resignation, termination, death, or other reason shall receive benefits upon separation. In case of death, benefits shall be paid to the estate of the employee as may be appropriate by the statutes of the State of Indiana.

(Ordinance 2021-24 passed 01/04/2022)

## C. SICK LEAVE

1. Sick leave is a benefit granted to an employee as a protection in the event of personal illness or family illness.
2. The employee or someone on their behalf shall notify the department head of the absence of the employee prior to the scheduled start time of the employee's shift.
3. Upon separation from the employment of the City for any reason, Employees will not be compensated for accumulated sick leave.

## D. PERSONAL LEAVE

1. At the end of the calendar year, for non-exempt (hourly) employees, up to 16 hours maximum of accumulated personal leave time will be carried over to the next year's personal leave time. Any hours remaining greater than 16 shall be converted to sick leave time and accumulated as per the policy on sick leave time. If an employee already has 180 days of sick leave accumulated,



or if the conversion of personal leave causes an employee to reach 180 days, any excess personal time is lost.

2. Employees who resign or are terminated in any way will not be compensated for personal leave not used.

## E. BEREAVEMENT LEAVE

1. In the event of a death in the immediate family, the full time non-exempt employee will receive up to three (3) working days leave with their regular pay rate and hours. Salary exempt employees will receive up to three days leave toward the week worked.
2. Immediate family shall be defined as:
  - a. Spouse;
  - b. Son/Daughter or stepson/stepdaughter;
  - c. Mother/Father or stepmother/stepfather;
  - d. Any family member residing in the same household;
  - e. Grandparents of the employee;
  - f. Mother-in-law or Father-in-law;
  - g. Son-in-law or Daughter-in-law;
  - h. Brother or Sister;
  - i. Grandchildren;
  - j. Anyone who has stood in loco parentis to the employee or to whom the employee stands or has stood in loco parentis.
3. In the event of a death of any other relative or close friend, a personal or vacation day privilege should be utilized.
4. Additional time without pay may be granted after all benefit days have been used upon request to the Department Head. (See Code Section 40.36 "Leave Without Pay".
5. Bereavement Leave time off will be considered as workdays in calculating hours worked, the same as other benefit days.

## F. FAMILY MEDICAL LEAVE

### 1. Policy

The City of Auburn complies with all applicable federal and state labor laws, including the Family and Medical Leave Act (FMLA) of 1993. Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to leave for certain family and medical reasons. This policy covers all eligible employees of the City of Auburn.

### 2. FMLA Leave Eligibility

To be eligible, under the FMLA must meet all of the following conditions:

- a. The employee must have worked for the City of Auburn for 12 months, or 52 weeks. The 12 months, or 52 weeks, need not have been consecutive.
- b. The employee must have worked at least 1,250 hours during the twelve-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. However, the City of Auburn does count vacation, personal and sick paid time toward hours worked for overtime under the FLSA. These hours will be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

### 3. Reasons for FMLA Leave



To qualify as FMLA leave under this policy; an employee must be taking leave for one of the following reasons:

- a. Parenting Leave: for the birth of a child and to care for the newborn child; or a child newly placed in the employee's custody through adoption or foster care, for a period of up to one year after such birth or adoption;
- b. Family Medical Leave: to care for the employee's spouse, child, or parent who has a serious health condition; or
- c. Employee Medical Leave: due to the employee's own serious health condition, if that condition renders the employee unable to perform his/her job functions. This would include conditions covered by both Worker's Compensation and Sickness and Accident leaves.

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.

#### 4. Serious Health Condition

For the purpose of determining whether an eligible employee or his or her spouse, child, or parent has a serious health condition, such a condition includes any illness, injury, or physical or mental condition that requires either in-patient care in a medical facility, i.e., hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care or a condition, which requires continuing care or treatment by a licensed health-care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

#### 5. Continuing treatment by a health care provider is defined as:

- a. Any period of incapacity that is more than three consecutive days in duration and requires two or more treatments by a health care provider or one treatment by a health care provider followed by a regimen of continuing treatment.
- b. Any period of incapacity due to pregnancy, or for prenatal care.
- c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. (A chronic serious health condition involves periodic visits to a health care provider for treatments, continues over an extended period of time and may cause episodic periods of incapacity such as occurring with diabetes, asthma, and epilepsy.)
- d. A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective (i.e., Alzheimer's disease).
- e. Any period of absence necessary to receive multiple treatments by a health care services provider under orders of, or on referral by, a health care providers, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Human Resource Director or designee.

#### 6. Duration of Leave

An eligible employee is entitled to take a total of 12 weeks of leave (based on the employee's normal hours per week) during a 12-month period.



If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City of Auburn may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

The City of Auburn will measure the twelve-month period as a rolling 12-month period measured backward from the date an employee uses any leave for reasons set forth under this policy. An employee may only take Parenting Leave during the 12-month period that begins on the date of the birth, adoption or placement, and the leave must be continuous. Each time an employee takes leave, the City of Auburn will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

If two parents of a child both work for the City of Auburn, and each wishes to take either parenting or Family Medical Leave, the parents of the child may only take a combined total of 12 weeks of leave.

## 7. Use of Unpaid or Substitution of Paid Leave

Generally, FMLA leave is not paid. If however, an eligible employee also has accrued or earned paid leave of other types from the City, and if the employee's leave request meets the requirements of that paid leave program, the employee will receive paid leave benefits at the same time as he/she is receiving FMLA leave benefits. Generally, an employee will use sick, personal and vacation time in that order. Similarly, if an employee properly requests leave available under a paid leave program for a purpose that is also covered by FMLA leave, the employee will receive FMLA leave benefits at the same time as paid leave benefits. The City will “substitute” paid leave for FMLA leave by counting the paid leave toward FMLA leave entitlement.

If FMLA leave lasts only as long as an employee's substituted paid leave, then the employee needs only to meet the notice and certification requirements of that leave plan. If the paid leave is followed by an unpaid FMLA leave, however, the employee must fulfill all the requirements for taking FMLA leave.

An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be substituted for unpaid FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Parenting leave and leave for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave. For example, if an employer provides six weeks of parenting leave, the six weeks can be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave.

Any paid time must be used concurrent with FMLA until exhausted, except, FMLA prohibits the substitution of paid leave for leave covered by temporary disability plans or workers' compensation. However, leave time will be counted toward the FMLA 12-week entitlement.

## 8. Intermittent or Reduced Schedule Leave



An employee, under certain circumstances, may take intermittent or reduced schedule leave in increments of no less than one hour. If an employee takes a Parenting Leave, the employee is not entitled to take leave intermittently or on a reduced schedule. For Family Medical or Employee Medical Leave, the employee may take an intermittent or reduced schedule leave if it is medically necessary. An employee must provide to the City certification (forms available from Human Resources) that a medical need for leave exists and that the medical need can best be accommodated through an intermittent or reduced schedule leave. Employees needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the City's operations. In addition, if an employee requests intermittent or a reduced schedule leave, the City may require the employee to transfer temporarily to an available alternate position, with equivalent pay and benefits, for which the employee is qualified and which better accommodates intermittent or reduced schedule leaves.

## 9. Procedure for Requesting Leave and Notification Requirements

An employee must notify the City of his/her desire to take FMLA leave at least 30 days before the date FMLA leave is to begin by requesting and completing a Request for Leave form (except in cases of medical emergency or unexpected changed circumstances, in which case the employee must give notice as soon as practicable after the employee is aware that he or she needs to take FMLA leave). Request for Leave forms can be obtained from the Human Resources Department. At the time an employee obtains a Request for Leave form, the City will provide the employee with notification explaining certain rights and responsibilities of the employee regarding FMLA leave.

If an employee request Family Medical or Employee Medical Leave, the employee must submit a medical certification from the employee's or family member's health care provider within 15 days after employee receives notification and the proper certification form from the City, or provide a reasonable explanation for the delay.

Certification of the serious health condition shall include: the date when the condition began, its expected duration, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires assistance and that the employee's presence would be beneficial or desirable.

If an employee requests to take intermittent leave or work a reduced schedule, the certification must also include dates, the duration, and schedule of treatment, as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If an employee fails to give 30 days' notice for a foreseeable leave with no reasonable excuse for the delay, the City may deny FMLA leave until at least 30 days after the date the employee provides notice of the need for FMLA leave. After an employee submits a medical certification, the City may require an employee to obtain a second opinion from a provider of the City's choice and at its expense. In some cases, the City may require a third opinion from a provider selected jointly by the employee and the City. The third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

The City of Auburn has the right to contact the employee's health care provider, with the employee's permission, to clarify or authenticate the medical certificate, but will not request additional information.



During FMLA leave, an employee will be required to report periodically on his or her status and intent to return to work. Medical re-certification may be required under certain specific circumstances, for example, when an Employee requests an extension for a leave, when circumstances under an initial certification have significantly changed, or when an employee is unable to return to work after FMLA leave.

Upon the conclusion of an Employee Medical Leave, the employee must present certification to the City from his or her health care provider that he or she is able to return to work. Unless and until an employee provides this fitness-for-duty certification, the employee will not be able to return to work.

## 10. Continuation of Benefits

As a general rule, FMLA leave is unpaid leave. The City will maintain an employee's coverage under the City of Auburn Health Plan on the same conditions during FMLA leave as if the employee had been employed continuously during the FMLA leave period. An employee may choose not to continue coverage. Even if an employee does not continue health coverage during FMLA, the City will restore regular coverage if the employee returns to work.

## 11. Right to Job Restoration

Upon return from FMLA leave, employees will generally be restored to the same or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. Certain salaried, key employees of the City may be denied restoration if their reinstatement would cause substantial and grievous economic injury to the City. If, during FMLA leave, a layoff or other event occurs that would have changed, or even eliminated the employee's job had he or she not taken leave, the returning employee will have no greater rights, than if the employee had been continuously employed during FMLA leave. The City will determine whether an employee will be restored to the same position or to an equivalent position.

If an employee chooses not to return to work after his/her FMLA leave expires, the City may recover its share of health insurance premiums paid on the employee's behalf during the period of FMLA leave. The City will seek to recover those premiums unless the employee fails to return because of (1) the continuation, recurrence, or onset of a serious health condition that would otherwise entitle the employee to FMLA leave; or (2) other circumstances beyond the employee's control. If an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, the employee must provide a medical certification of his or her serious health condition. The employee must provide the certification within 30 days from the date the City requests it. If the employee does not provide the certification in a timely manner, the City may recover its share of the health insurance premiums paid for the employee during the entire period of FMLA leave.

## 12. Other Employment

An employee is not permitted to hold other full-time employment while on FMLA leave. If it is determined that an employee has other full-time employment while on FMLA leave, they will be considered to have voluntarily terminated their employment with City of Auburn.

## 13. Armed Forces Medical Leave

The employee will be permitted to take up to 26 work weeks (or 14 weeks beyond the traditional 12 weeks of FMLA) of leave to care for a spouse, son, daughter, parent, or next of kin that is a member of the Armed Forces, including 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.

## 14. Active Duty



Employee will be permitted to take leave for “any qualifying exigency” arising from the employee’s spouse, son, daughter, or parent on active duty, or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

15. Any qualifying exigency as defined by the Secretary of the Department of Labor.

## G. MILITARY LEAVE

1. The City encourages employees to serve their country by participating in the uniformed services. If you are called upon to perform military service, whether it involves active duty or annual training requirements for the National Guard or U.S. Military Reserves, you may be entitled to reinstatement/reemployment and other rights under the Uniform Services Employment and Reemployment Rights Act of 1994 (“USERRA”). To qualify for benefits under USERRA, your separation from military service must be under honorable conditions and you must comply with the following requirements:

### a. Eligibility

This policy applies to any employee who must be absent from employment to perform a duty, either voluntary or involuntary, in the uniformed services. To qualify under the City’s military leave policy, an employee requesting leave must provide advance written notice to the department head as soon as possible, and furnish a copy of his/her military orders which identifies as specifically as possible the time period for the leave.

### b. Reinstatement

To be eligible for USERRA benefits upon returning from a military leave lasting fewer than 31 days, an employee must report back to work at the beginning of the first full regularly scheduled work day following the completion of the military service.

### c. Reemployment

To be eligible for USERRA benefits following a military leave lasting:

- i. more than thirty (30) days, but less than 181 days, an employee must submit an application for reemployment before the expiration of fourteen (14) days after the completion of the military service.
- ii. longer than 181 days must submit an application for reemployment before the expiration of ninety (90) days after the completion of the service.
- iii. more than thirty (30) days must provide official military documentation identifying the period of military service to establish that the application for reemployment was timely and the character of discharge was honorable.

### d. Benefits

Upon reemployment, an employee will be restored to the level of benefits attained had he/she provided continuous service to the City. As a result, rights and benefits determined by length of service such as paid time off and longevity pay will reflect continuous employment. In addition, an employee on military leave will continue to be eligible for health benefits for up to 18 months, so long as he/she continues to pay a monthly premium according to the following schedule:

- i. For leaves of less than 31 days, an employee will be required to pay the normal employee share of the premium.
- ii. For leaves of more than 31 days, an employee will be required to pay the full premium under the plan.



- e. The health insurance premiums will be billed to the employee on a monthly basis. An employee will have ten days from the date of mailing within which to submit payment of the amount owed. Failure to make the monthly premium payment in a timely manner shall result in the cancellation of benefits. Upon reemployment, benefits will be restored.
- f. If you have any questions regarding your rights surrounding military leave, please contact human resources.

## 2. Military Training Leave

- a. An Employee who is a member of the Reserves or the National Guard will receive fifteen (15) working days per calendar year with no deduction of pay or vacation leave, so as to enable him/her to fulfill military training obligations.
- b. Leave not consumed during the two (2) week training assembly may be applied to weekend exercises in the same calendar year up to the total of fifteen (15) working days. If more time is needed, it can be obtained through vacation leave.
- c. Written leave requests by the employee are to be made to the Department Head. Upon return from training, certification from the employee's commanding officer of performance of duty in accordance with the terms of the orders must also be filed.

In the event that an employee receives official military orders for full-time active duty, the employee will be entitled to the difference between their military pay and their civilian pay through the City of Auburn for a period of up to twelve months. Appropriate documentation must be submitted by the employee to verify active duty status and compensation rate by the military prior to compensation from the City of Auburn.

If an employee elects to join one of the armed services divisions after their date of hire with the City of Auburn, the time required for basic/initial training will be treated the same as established in Code Section 40.36 (Section 4.6) Leaves I. Leave without Pay.

## H. COURT APPEARANCE / WITNESSES

Any employee who is required to appear in court because of a matter involving City business will be given time to appear without a loss of pay.

## I. LEAVE WITHOUT PAY

- 1. Leave without pay may be granted as a protection for City employees should a need arise for extended time off work.
- 2. Leaves without pay may be granted for any reason. However, the employee should understand that such leaves will be granted rarely.
- 3. Employees may be granted leave without pay only if they have exhausted all FMLA leave, or otherwise have no leave available pursuant to the City's policies.
- 4. Written notification of requested leave must be made by the requesting employee to the Department Head prior to the leave, stating:
  - a. The reasons for the leave, and
  - b. The anticipated duration with approximate beginning and ending dates.
- 5. The maximum time an employee may be on leave is six (6) months.
- 6. Leaves without pay pursuant to this section shall only be granted at the discretion of the Department Head.
- 7. An employees' return to work to the same job level, job, or salary level cannot be guaranteed, but the department which grants the leave has the responsibility of trying to reinstate the employee to a position as near to the one vacated for the leave, to the extent possible.



8. An employee on leave may be required to give progress reports to the status of their condition throughout the duration of leave.
9. Leave without pay will not count toward the accumulation of vacation days, sick days, paid holidays, nor will insurance benefits continue.

**40.37 BENEFITS**

**A. HEALTH INSURANCE**

1. The City of Auburn will provide a health insurance plan for all full-time employees, subject to the terms and conditions of the plan. Said plan may change from time to time.
2. The level, extent, cost of benefits, and allocation of cost sharing between the city and employee shall be determined by the Common Council and applicable to all including retirees.
3. Cost sharing schedule applies to all covered employees and retirees based on projected utilization charges, which are established by the Auburn Common Council.

Retirees hired after January 1, 2004 will share 50% of the cost\*.

\* Percentage based on projected utilization charges, which is a percentage of overall plan charges.

4. The City hereby appoints the Clerk-Treasurer as Administrator of the Plan, and authorizes him/her to make deductions from the pay of employees, who voluntarily participate, and to make any other arrangements necessary to implement the Plan.
5. The City of Auburn adheres to all state and federal guidelines regarding the privacy of employees' health with protection of health information with limited access.

**B. LIFE INSURANCE**

The City of Auburn will provide a term life policy for each full-time employee, subject to the terms and conditions of the plan. Said policy may change from time to time.

**C. WORKERS' COMPENSATION INSURANCE**

The City of Auburn will provide Workers Compensation as prescribed by law. All accidents, on-the-job injuries, or near misses must be reported and complete prescribed forms accurately and promptly filed according to guidelines set forth in Code Section 40.08 (Section 1.8). Refer to applicable Code Sections 41.00, 42.00 and 43.00.

**D. DEFERRED COMPENSATION PLAN**

The City has a Deferred Compensation Plan as allowed by Indiana Code. Compensation Plan is repeated here for information purposes only.

1. The Common Council hereby established the City of Auburn Deferred Compensation Plan (hereafter referred to as the Plan) for the voluntary participation of all eligible employees and elected officials.
2. The City will operate the Deferred Compensation Plan(s) service providers approved and accepted by the city of Auburn Board and public Safety to perform service, management, and enrolment functions.
3. The City appoints the Clerk-Treasurer as Administrator of the Plan, and authorizes him/her to make deductions from the pay of employees and elected officials who voluntarily participate, and to make any other arrangements necessary to implement the Plan(s). It is understood that, other than the incidental expenses of collecting the employees' deferrals and other minor administrative matters, there is to be no cost or contribution by the City to this Plan.



E. JOB-RELATED EDUCATION

1. The City may provide education costs reimbursement for job related education.
2. A request in writing for education costs reimbursement shall be made to the Department Head.
3. The Department Head, after consulting with Human Resources and with the approval of the Mayor, shall decide:
  - a. If the education relates to the job.
  - b. If the education will be beneficial to the City.
  - c. If the education cost can be paid for within the adopted budget for that department.

- Post-Secondary

Upon approval the employee may pay for the tuition cost and complete the education requested. Upon successful completion of said education with a final grade of “C” or better the employee may submit a claim for reimbursement. The cost shall be itemized or a statement from the educational entity can be used.

Other educational programs offered from time to time will be reviewed by the city administration to determine which program will be endorsed. Programs available and utilized by employees for higher education will be considered first.

- Seminars & Conferences

Registration, books and/or materials and mileage may be reimbursable if the City requests the employee to attend or with prior approval.

- Professional / Vocational Certifications

Upon approval the employee's job related certifications may be paid for by the city to include registration program, books and/or materials and mileage will be reimbursable for work related certifications.

**40.38 DRIVING AND USE OF CITY VEHICLES**

A. GENERAL PROVISIONS

1. It is the policy of the City of Auburn to permit certain vehicles to be used for commuting between personal residence and place of employment, as well as to allow certain employees the use of vehicles in furtherance of their employment with the City.
2. Each employee of the City of Auburn who is authorized to operate a City vehicle is expected to utilize that vehicle for official City business exclusively, except when the employee is on call.
3. Except for emergency vehicles on an emergency call, speed limit and motor vehicles statutes and ordinances shall be followed at all times and places.
4. Each employee who is authorized the use of a City vehicle is required to report any criminal or non criminal conviction(s) of a traffic violation to Human Resources upon returning to work at the beginning of the next work shift.

B. DEFINITIONS

- “REGULATED DRIVER”

Federally regulated as a protection against the potential for catastrophic harm to the public's safety by “The Federal Motor Carrier Safety Regulations” for Commercial Drivers Licensed Drivers (often referred to as “CDL drivers”) as regulated by the United States Department of Transportation (USDOT) and administered by the Federal Motor Carriers Safety Administration (FMCSA) an agency within the DOT.



- “NON-REGULATED DRIVER”  
Licensed driver of a motor vehicle who must drive a city vehicle as part of carrying out the duties of their job functions or a driver who is authorized or otherwise permitted the use of a city vehicle during the course of their employment, or while operating City and/or personal equipment in pursuit of City business.

### C. DRIVER QUALIFICATIONS & STANDARDS FOR DRIVING CONSIDERATIONS

1. A proper valid driver's license must be in the employee's possession at all times.
2. No employee shall drive a city vehicle before a motor vehicle record (MVR) check or any other local, state, or federal mandate has been reviewed and approved by Human Resources. Motor Vehicle Records shall be audited on occasion for compliance.
3. Any employee considered or authorized for driving privileges shall meet the standards set forth, as provided for insurance coverage.
4. When a job description states a person will operate a city vehicle or equipment requiring a license or certification, the driver must not:
  - a. have more than three moving violations in the last three years; or
  - b. have more than one moving violation in the past year; or
  - c. have a moving violation suspension or revocation of his/her license in the last five years.
  - d. have any substance or alcohol-related traffic convictions in the last five years.
  - e. have habitual traffic convictions within the last five years.

### D. DISQUALIFICATION OF A DRIVER: SERIOUS “TRAFFIC” VIOLATIONS

1. In the event a driver becomes disqualified and the employee's job description requires a valid driver licenses to carry out the duties of the primary job hired for [non-regulated or regulated CDL license] the employee may be terminated from his/her employment with the City of Auburn according to policies herein and any federal or state regulations governing the use of motor vehicles. [Examples: FMCSA, DOT, IOSHA, BMV]
2. Serious Traffic Violations that shall disqualify an employee from driving a city vehicle include: [DOT REGS: Person lose license]
  - a. Driving any commercial or non-commercial motor vehicle while intoxicated or under the influence of an illegal, non-prescribed, mind altering substance or refuses to be tested;
  - b. Driving any commercial or non-commercial motor vehicle with a driver's license that is suspended or revoked;
  - c. Causing a fatality through the negligent or criminal operation of any commercial or non-commercial motor vehicle;
  - d. Other serious traffic violations while driving a city vehicle:
    - i. Excessive speeding.
    - ii. Reckless driving.
    - iii. Traffic offenses committed in connection with fatal traffic accidents.
3. Other violations that shall subject the driver to disciplinary action up to and including termination of employment with the City include:
  - a. Driving a commercial or non commercial motor vehicle without having obtained the proper license, classification and endorsements.
  - b. Driving a commercial motor vehicle without a CDL in his/her possession;
  - c. Any unauthorized use of a City vehicle.
4. Unauthorized use of vehicles may be construed as a misappropriation of City property subjecting the violator to criminal sanctions.



## E. COMMERCIAL DRIVER RECORDS REQUIREMENTS / INFORMATION PROCESSING

1. Human Resources will maintain files/records of Commercial Driver's Licensed (CDL) drivers as determined by rules and regulations of DOT's Federal Motor Carrier Safety Administration.
2. The driver shall be responsible for providing the state and Human Resources any necessary and required forms or CDL related records to include a current Medical Examination Report for Commercial Driver Fitness Determination (CDL-PHY State Form No. 469867).
3. Any work related physicals, such as Medical Examination Report for Commercial Driver's fitness can be processed according to the current insurance plan document or method prescribed. CDL Medical Certification documents are CONFIDENTIAL and shall be treated as any other medical information with limited access.
4. Commercial Driver's License renewals may be paid for by the City of Auburn Department for which the employee works when the license is required of the job the employee is currently holding at the time and is a listed requirement in the job description, or is otherwise indicated in part of cross-training and job sharing efforts. Prior approval of department and reviewed by the Human Resource Director or designee is required for cross-training and job sharing.
5. Complete valid medical certification w/card shall be carried at all times along with the valid Commercial Driver's License while driving a city vehicle.
6. It is the driver's responsibility to maintain the qualifications required by USDOT and shall not operate a City owned vehicle that requires a Commercial Driver's License without the proper license and valid Medical Certification.

### 40.39 DRUG AND ALCOHOL POLICY

#### A. DRUG FREE WORKPLACE GENERAL INFORMATION

1. The City recognizes that the use and abuse of drugs and alcohol can seriously impair an employee's ability to perform his/her duties safely and efficiently. Drug and alcohol use and abuse not only jeopardize the public's and co-workers' safety, they undermine the public's confidence in the City, our services, and its people. Because a drug or alcohol impaired employee can pose a significant threat to the safety of the public and coworkers, as well as the employee's own safety, the City has established this policy as part of its ongoing efforts to maintain a drug- and alcohol-free workplace.
2. The provisions of this policy are established to address the use and possession of alcohol, controlled substances, physician-prescribed medications and over-the-counter medications by employees in positions that have been classified as regulated and non-regulated safety-sensitive. However, all employees are expected to report to work free from the influence of alcohol and illegal drugs and not to sell, distribute, dispense, possess, or use or conspire to sell, distribute, dispense, possess, or use an illegal drug or alcohol on the City's premises or during working time. Likewise, all employees are expected not to misuse or abuse any prescription or nonprescription medications.
3. Employees using a prescription drug which may impair mental or motor functions so as to affect the employee's ability to safely perform his/her duties must report the use of that prescription drug to a Supervisor prior to reporting to work after its use. For the safety of all employees, the City may place persons using such prescription drugs in a less hazardous job assignment, provided such assignment is available, or place them on temporary medical leave until released as fit for duty by the prescribing physician. The City reserves the right to have a physician of its choice determine if a prescription drug produces hazardous effects or to restrict the quantity the employee is allowed to bring to the workplace.



4. The City looks to all its employees to support this policy to better the overall safety, health, productivity, and welfare of all employees. Employees are asked to discourage co-workers from violating this policy and are expected to cooperate in the City's efforts to enforce this policy and in any investigation of its violation.
5. The City of Auburn is committed to providing a healthy, safe, efficient, and productive work environment for all employees and safety of the public. Employees carrying out lawful duties are exempt from this policy.

## B. DRUG AND ALCOHOL TESTING

This Policy Section shall apply to all employees of the city with specific noted areas of those employees required to hold and maintain a commercial driver's license (CDL) in order to operate a vehicle or equipment as part of his/her employment with the City and for those employees occupying safety sensitive positions.\

In keeping with this commitment, employees and job applicants will be requested to provide body substance samples (e.g., blood, urine, hair or other body substances) to determine the prohibited use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP).

Results of any drug testing shall remain in the employee's confidential medical or legally designated file.

### 1. GENERAL PROVISIONS

#### a. CDL (Safety Sensitive)

- i. In accordance with DOT/FHWA regulations, included in this classification of safety-sensitive positions are all positions that require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license.
- ii. It is the policy of the City of Auburn to comply with and abide by all laws and regulations for driver's holding the Commercial Driver's License (CDL) established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations (FMCS) administered by Federal Highway Administration (FHWA), an agency under the U.S. Department of Transportation (DOT).
- iii. In complying with these regulations, the City hereby institutes a comprehensive controlled substance and alcohol testing, training and record keeping program for employees in positions that have been classified as CDL/safety sensitive employees and supervisors as indicated in the requirements of the Federal Motor Carrier Safety Regulations 382.601.

#### b. OTHER CITY SAFETY SENSITIVE POSITIONS

- i. Law Enforcement, Fire Protection, Public Safety Dispatch Personnel, Meter Readers, Heavy Machinery or Equipment Operators, Chemical Handling, Park Maintenance, Life Guards, Building Inspectors, or those who drive on behalf of the City as part of carrying out their job duties and responsibilities and those employees with take home city vehicles.
- ii. "Safety sensitive" duties are such that even a momentary lapse of attention could have disastrous consequences (results or risk) to themselves, a co-worker, or the general public.

#### c. NON-REGULATED JOB POSITIONS

Those employees not listed in a. and b. sections above are covered within except the random selection for testing.



## C. TRAINING

1. City shall ensure supervisors designated to determine whether reasonable suspicion exists to require an employee to undergo testing receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.
2. The materials supplied to employees may include information on additional employer policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for an employee found to have a specified alcohol or controlled substances level based on the policy herein.
3. City shall ensure that each employee is required to sign a statement certifying that he/she has received a copy of these materials.

## D. GENERAL PROHIBITED CONDUCT

The following shall be considered “prohibited conduct” for purposes of this policy:

### 1. REFUSAL TO TEST

A refusal to test is defined to be conduct, which would obstruct the proper administration of a test. A delay in providing a urine or breath sample could be considered a refusal. If an employee cannot provide a sufficient urine specimen or adequate breath sample he/she will be evaluated by a physician of the City's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen, either urine or breath test, it will be considered a refusal to test. In that circumstance, the employee has violated the policy.

2. Substitution, adulteration, or refusal to submit to the types of drug and alcohol tests employed by the City will be grounds for refusal to hire employee/applicants and to terminate employment of existing employees.

### 3. ALCOHOL PROHIBITIONS

- a. No person subject to this policy shall report to duty or remain on duty while having a blood alcohol concentration of 0.0200 to 0.0399.
  - b. No person subject to this policy shall be on duty performing safety sensitive functions or operate a motor vehicle while using alcohol.
  - c. No person subject to this policy shall operate a vehicle or perform a safety sensitive function within eight hours after using alcohol.
  - d. No person subject to this policy and involved in an accident during working hours shall use alcohol within eight (8) hours after the accident or until tested.
4. No employee shall refuse to submit to a post-accident, a random, a reasonable suspicion, return-to-duty, follow-up, or post-injury breath alcohol or urine drug test.

### 5. GENERAL DRUG PROHIBITIONS

- a. No use of illegal controlled substances (and prescription drugs specifically designated by any federal or state agency) shall occur at any time during or outside of working hours.
- b. No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle or perform a safety sensitive function.

## E. TYPES OF TESTS



The City has implemented six circumstances for drug and alcohol tests: (1) pre-employment testing, (2) reasonable suspicion, (3) random testing, (4) post-accident testing, (5) return-to-duty testing, and (6) follow-up testing.

## 1. PRE-EMPLOYMENT TESTING

- a. Each individual who is offered and accepts employment must successfully pass a drug and/or alcohol test as a condition of employment.
- b. CDL additional information
  - i. Within 14 days of performing a safety- sensitive function, federal regulations require that the City obtain certain drug and alcohol testing records from employee's previous employers for the previous two years of employment.
  - ii. As a condition to employment, the employee shall provide the City with a written authorization for all previous employers within the past two years to release such drug and alcohol testing records as are required under federal regulation.

## 2. REASONABLE SUSPICION TESTING

Reasonable suspicion is when a trained supervisor observes behavior or appearance that is characteristic of alcohol or substance abuse and therefore a test shall be performed.

- a. Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical or behavioral symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such employee conduct must be witnessed by at least one supervisor who has been formally trained in Reasonable Suspicion.
- b. All employees of the city shall be requested to submit to a drug or alcohol test when either the department head or other trained supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during his/her employment with the City.
- c. In the event that an employee is requested to submit to a drug test, the elected official, department head, or trained supervisor shall complete the appropriate form provided by Human Resources setting forth the observations leading to the determination of reasonable suspicion including the following:
  - i. Observation of drug or alcohol use;
  - ii. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
  - iii. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs and alcohol;
  - iv. A pattern of abnormal or erratic behavior by the employee; or,
  - v. Information provided by reliable or credible sources of the above.

## 3. RANDOM TESTING

Tests shall be performed on a random unannounced basis just before, during or just after driving or performing duties of employment. Employees shall be selected from a pool, dates unannounced, and tests performed with unpredictable frequency and the number of tests performed.

### a. CDL-REGULATED

- i. The City will random drug test, at a minimum, 50 percent of the average number of safety sensitive/mandated positions in each calendar year. The City will select, at a minimum, 25 percent of the average number of safety sensitive/mandated positions for



random alcohol testing. The random selection, by its very nature, provides an equal chance for each employee to be selected each time random selection occurs in a calendar year. Alternatively, some employees may not be selected in a calendar year. Random selections will be reasonably spread throughout the year.

- ii. Alternatively, some employees may not be selected in a calendar year. Random selections will be reasonably spread throughout the year.
- iii. If an employee is selected at random, for either drug or alcohol testing, human resources, a member of management, or other official of the City official will notify the employee. Once notified, every action the employee takes must lead to a collection. If the employee engages in conduct that does not lead to a collection as soon as possible after notification on, such conduct may be considered a refusal to test.

b. NON-CDL REGULATED

- i. Non-regulated employee random testing will occur in “safety sensitive occupations,” including Law Enforcement, Fire Protection, Public Safety Dispatch Personnel, Meter Readers, Heavy Machinery or Equipment Operators, Chemical Handling, Park Maintenance, Life Guards, Building Inspectors, or those who drive on behalf of the City as part of carrying out their job duties and responsibilities and those employees with take home city vehicles.
- ii. The random selection, by its very nature, provides an equal chance for each safety sensitive employee to be selected each time random selection occurs in a calendar year. Alternatively, some employees may not be selected in a calendar year. Random selections will be reasonably spread throughout the year. Unlike CDL regulated, non CDL regulated testing percentages may vary dependent upon testing results and overall city drug free work environment.

4. POST-ACCIDENT / INJURY TESTING

Post-accident tests shall be conducted after accidents on employees whose performance could have contributed to the accident and other criteria.

- a. Post-accident or injury alcohol and drug testing shall be required when any city employee is involved in an accident or injury on City property, during the course of their employment, or while operating City and/or personal equipment or vehicles in pursuit of City business which results in:
  - i. Accident results in a fatality; or
  - ii. Injuries requiring medical treatment other than minor first aid or
  - iii. damages to vehicle or equipment that require the city to pay for repairs;
  - iv. A driver is involved in a recordable accident and receives a citation for a moving violation arising from the accident; or
  - v. Accident results in one or more vehicles being disabled to the extent that it must be towed from the scene.
  - vi. Post-accident tests may include screens for both drugs and alcohol.
- b. Following any accident, the employee must contact the department head and/or human resources immediately or as soon as able as testing will be required as soon as possible following the accident.
- c. If no alcohol collection can be made within eight (8) hours, attempts to collect a sample shall cease and human resources or designee will document reasons and consequences, if applicable.



- d. If no urine collection can be obtained for purposes of post-accident drug testing within thirty-two (32) hours, attempts to make such a collection shall cease and human resources or designee will document reasons and consequences, if applicable. All attempts documented shall be reviewed by human resources for the appropriate action or non-action as applicable.
- e. In the event an employee is so seriously injured that the employee cannot provide a urine specimen or breath sample at the time of the accident, the employee must provide necessary authorization for the City to obtain hospital records or other documents that would indicate whether there were controlled substances or alcohol in the employee system at the time of the accident.
- f. In the event that federal, state, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests shall be considered to meet the requirements of this section, provided the tests conform to a applicable federal, state, or local requirements. The employee will sign a release allowing the City to obtain the test results from federal, state, or local officials.

## 5. RETURN TO DUTY TESTING

Following evaluation and treatment, if any, an employee cannot be returned to duty until he/she has been evaluated by a substance abuse professional, has complied with recommended rehabilitation and has a negative result on a return to work test.

## F. MANDATORY SANCTIONS BASED ON POSITIVE TEST RESULTS

- 1. If the employee subject to this policy tests positive, that person must be removed from duty. A 0.04 blood alcohol content or greater is considered positive and subject to disciplinary action and up to termination. The employee will be provided the opportunity to seek a substance abuse evaluation.
- 2. If the employee has an alcohol test result between 0.200 and 0.399, the employee shall be removed from safety-sensitive functions for 24 hours without pay.

## G. SUBSTANCE ABUSE EVALUATION

- 1. Any employee who engages in prohibited conduct shall be provided with names, addresses, and telephone numbers of qualified substance abuse professionals. If the employee desires to become re-qualified, the employee must be evaluated by a Substance Abuse Professional (SAP) and submit to any treatment prescribed by the SAP. Following evaluation and treatment, if any, in order to become re-qualified the employee must submit to and successfully complete a return-to-duty drug and/or alcohol test.
- 2. Such an employee is also subject to follow-up testing.

## H. FOLLOW-UP TESTING

- 1. Follow-up testing is separate from and in addition to the City's reasonable suspicion, post-accident, post-injury, property damage and random testing procedures.
- 2. CDL - Follow-up testing shall be on a random basis and be in accordance with the instructions of the Substance Abuse Professional. Follow-up testing may continue for a period of up to 60 months following the employee's return to duty. No fewer than six tests shall be performed in the first 12 months of follow-up testing, i.e., CDL regulations.
- 3. Other Safety Sensitive positions. Follow-up testing shall be on a random basis and be in accordance with the instructions of the Substance Abuse Professional. Follow-up testing may continue for a period of up to 60 months following the employee's return to duty.
- 4. The costs of any SAP evaluation or prescribed treatment and follow up testing shall be borne by the employee.



## I. HOW TEST CONDUCTED

### 1. ALCOHOL TESTS

The City will perform alcohol tests using an evidential breath-testing device. The City may provide use of an evidential breath-testing device through a vendor or agent. The employee shall report to the site as notified by human resources, a member of management, or other official of the City. A breath alcohol technician will operate the evidential breath-testing device. The employee shall follow all instructions given by the breath alcohol technician.

### 2. DRUG URINALYSIS

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: (1) marijuana, (2) cocaine, (3) opiates, (4) amphetamines, (5) phencyclidine (PCP).

The Urinalysis procedure starts with the collection of a urine specimen. Urine specimens will be submitted to a SAMHSA-certified laboratory for testing. As part of the collection process, the specimen provided will be split into two vials: a primary vial and a secondary vial. The SAMHSA-certified laboratory will perform initial screenings on all primary vials. In the event that the primary specimen tests positive, a confirmation test of that specimen will be performed before being reported by the laboratory to the MRO as a positive.

All laboratory results will be reported by the laboratory to a Medical Review Officer (MRO) designated by the City. Negative test results shall be reported by the MRO to the human resources director or designated management personnel indicated in advance by the human resource director. Before reporting a positive test result to the human resources director, the MRO will attempt to contact the employee to discuss the test result.

If the MRO is unable to contact the employee directly, the MRO will contact the human resources director or designated management personnel indicated in advance by the human resources director, who shall in turn contact the employee and direct the employee to contact the MRO.

Upon being so directed, the employee shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. In the MRO's sole discretion, a determination will be made as to whether a result is positive or negative.

Pursuant to FMCSA/DOT regulations, individual test results for applicants and employees will be released to the human resources director or designee and will be kept strictly confidential unless consent for the release of the test results has been obtained. Any individual who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

An individual testing positive may make a request of the MRO to have the secondary vial tested. A different SAMHSA-certified laboratory will test the secondary vial than tested the primary specimen. The individual making the request for a test of the second specimen must pre-pay all costs associated with the test. The request for testing of a second specimen must be made to the MRO within 72 hours of the individual being notified by the MRO of a positive test result.

- a. A laboratory certified by the Department of Health and Human Services must perform analysis.
- b. Split Specimen must be taken for each test.
- c. If the first sample shows drugs, the employee can demand analysis of the second sample by an independent laboratory of the specimen within 72 hours.



- d. All results must be reviewed and interpreted by a Certified MRO before being reported to the human resources director or designee.
- e. If there is a positive result, the physician must contact the employee to determine if there is an alternative medical explanation for the result before reporting a “positive” result.
- f. The test may be conducted during any time of employment, not just immediately before, during or after driving or performance of duties of employment.

## J. CONSEQUENCES OF POLICY VIOLATION

Any employee who becomes unqualified or engages in prohibited conduct as set forth herein will be subject to discipline and/or up to termination of employment depending upon the employee’s eligibility for employee assistance program for alcohol and controlled substance program; and complies with all policies herein to include, but not be limited to, follow-up testing.

## K. EMPLOYEE ASSISTANCE PROGRAM - ALCOHOL & CONTROLLED SUBSTANCES PROGRAM.

### 1. City of Auburn recognizes the policy:

- a. To establish and maintain a safe, healthy, working environment for all employees;
- b. To insure the reputation of the City of Auburn and its employees as good, responsible citizens worthy of public trust;
- c. To reduce the incidents of accidental injury to person or property;
- d. To reduce absenteeism, tardiness, and indifferent job performance;
- e. To provide assistance toward rehabilitation for any employee who seeks the City's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.

### 2. DEFINITIONS

- a. Designated Employee Representative (DER) is the Human Resource Director or designee who administers the Employee Drug & Alcohol program and is the city's primary contact regarding the program, policy, training & education, etc.
  - b. Employee Assistance Program means Employee Assistance Program provided by the Board of Public Works and Safety of the City of Auburn.
3. Entrance into the Assistance Program can occur by self referral, independent recommendation, or referral by a Department Head.
  4. Request for assistance through “recommendation” or “Department Head referral” will be treated as confidential. “Self referral” confidentiality will be maintained between the individual seeking help and employee assistance personnel.
  5. Employee progress will be monitored by the Designated Employee Representative, in accordance with all applicable state and federal legislation and ADA confidentiality regulations
  6. Rehabilitation itself is the responsibility of the employee. For employees enrolled in a formal treatment program coverage is provided as set forth in the prescribed Health Plan Document.
  7. To be eligible for continuation of employment, the employee must have been employed at least one year; must maintain regular contact with the Designated Employee Representative; and must provide certification that he or she is continuously enrolled in a treatment program and actively participating in that program.
  8. Upon successful completion of treatment, the employee will be returned to active status without reduction of pay or seniority.
  9. No employee will be eligible for the Employee Assistance Program more than one time, unless additional participation would be a reasonable accommodation, not cause an undue burden to the City of Auburn, and be within business necessity.



## 40.40 EVALUATION OF WORK

- A. The Department head shall complete formal written evaluations of each employee's job performance at least once a year. This may be done more often than once a year at the discretion of the Department Head.
- B. The Department Head will provide each employee a copy of the evaluation form at least one week prior to the time of the formal evaluation meeting.
- C. The written evaluation form will be placed in the employee's personnel file and a copy will be given to the employee.
- D. Official employee files will be kept CONFIDENTIAL. Access shall be limited by, federal and/or state statute.
- E. An employee shall have the right to enter a written statement into his/her personnel file on any matter in the file that they consider to be inaccurate or irrelevant. If the request for correction or addition of information is denied, then the employee shall have the right to appeal.
- F. The Department Head and Supervisor of the employee are responsible for completion of timely and accurate evaluations of employees.
- G. Evaluations may not always be tied to an increase in pay or intended to be done for an increase in pay. Evaluations are encouraged as a coaching and learning tool for employees.

## 40.41 PERSONNEL CONDUCT / RULES

The City of Auburn wishes to create a work environment that promotes job satisfaction, respect, responsibility, and value for all of our employees, citizens, vendors and other stakeholders. Every employee at City of Auburn has a shared responsibility toward improving the quality of the work environment.

- A. By agreeing to work at the City of Auburn, the employee agrees to follow the City of Auburn's rules and to refrain from conduct, which is detrimental to our goals. The prohibited conduct that is listed below is not an inclusive list, as the City of Auburn cannot, with foresight, determine what inappropriate conduct under every circumstance is. Moreover, the City of Auburn does not limit its right to discipline or discharge employees to the prohibited conduct listed below.
- B. Violation of the prohibited conduct set forth below, or any other conduct deemed inappropriate by management, may subject you to disciplinary action, including oral or written warnings, suspension without pay, transfer or possible termination. If you have any questions about your personal conduct or that of any fellow employee, immediately consult your department head, supervisor, or human resources if needed for clarification.

The following list contains examples of conduct considered improper which may result in discipline, including termination. Again, note this is not a complete list and understand that other behaviors may also result in discipline or termination.

1. Possessing, using, selling, negotiating the sale of a controlled substance at any time, or being under the influence of alcohol, drugs or other controlled substances on City of Auburn property (including City of Auburn vehicles), in City of Auburn uniform or on City of Auburn business. Any Department Head or Supervisor, who does not relieve an employee, suspected of being under the influence of alcohol, drugs, or chemicals, will be subject to disciplinary action.
2. Falsification of the hours worked by you or any other employee. Falsification of any other employment related document including, but not limited to, personnel files, employment review documents, intra-City of Auburn communication, communications with those outside the City of Auburn, expense records, etc.



3. Theft or destruction of City of Auburn property or that of visitors, citizens or fellow employees.
4. Possession of potentially hazardous or dangerous property, such as firearms, weapons, chemicals, etc., without prior authorization or job duties .
5. Fighting with, or harassment of, any fellow employee or citizen.
6. Unauthorized or excessive use of City of Auburn property or property of any visitors, citizens, fellow employees, including but not limited to, vehicles, supplies, telephones, mail, credit/debit cards, tools, equipment and computers.
7. Disclosure of City of Auburn confidential or proprietary information of the City of Auburn, its citizens or fellow employees.
8. Insubordination, including but not limited to, refusal to perform a requested or required job task.
9. Failure to follow, or general neglect of, safety rules and procedures.
10. Excessive tardiness or absences.
11. The taking of unauthorized overtime.
12. Solicitation of fellow employees while on the job (during work time).
13. Failure to dress appropriately as defined by the department standard operating procedures and guidelines set forth for job responsibilities. For example, a uniform provided by the city must be worn during working hours, proper safety attire, etc. (See Code Section 40.13.Section 2.3)
14. Failure to keep your workplace in a neat and sanitary condition.
15. Use of obscene or otherwise inappropriate language or conduct in the work place.
16. Failure to provide medical authorizations for medical absences upon request.
17. Inappropriate horseplay which is either distracting to fellow employees or which could create dangers to others.
18. Criminal activity at, or outside of, the workplace.
19. Off-duty conduct that does not serve the best interest of the city's credibility.
20. Outside employment which interferes with your ability to perform your job at this City of Auburn including, but not limited to, that which could be a conflict of interest that may require approval of the Board of Works and a Conflict of Interest and Disclosure statement.
21. Gambling on City of Auburn premises.
22. Sleeping or neglect of job duty.
23. Taking unauthorized gratuities of more than a \$50.00 value in connection with City of Auburn.
24. Lending keys to City of Auburn property to unauthorized persons or allowing duplicate keys to be made.
25. Being away from the work area without prior authorization.
26. Harassment of, or discrimination against, an employee, citizen or visitor because of that person's race, religion, color, sex, sexual orientation age, disability, national origin, or sexual orientation.
27. Slanderous or libelous statements.

A. Disciplinary Action

Violation of City of Auburn policies or procedures may result in disciplinary action, including but not limited to, demotion, transfer, suspension with or without pay, or termination. The City of Auburn encourages a system of “progressive” discipline depending on the type of prohibited conduct. The City of Auburn is not required to engage in progressive discipline and may discipline or terminate an employee where he or she violates the rules of conduct, or where the quality or value of their work fails to meet expectations. Again, our attempt at progressive discipline does not imply a contract with you or that your employment is anything other than on an “at will” basis. Unless otherwise required by governing authority, all City of Auburn employees are employed “at will.” This means that both the City of Auburn and the employee may terminate the employment relationship at any time, for any reason, or no reason at all.



As part of a Progressive Disciplinary System, and based on the nature of the employee violation, management will attempt to provide the employee first with a verbal warning, then one or more written warnings, and if the conduct is not sufficiently altered, eventual demotion, transfer, forced leave or termination. Your supervisor will make every effort possible to allow you to respond to any disciplinary action taken.

Non-compliance of Policy & Procedures shall be reported to Human Resources as soon as practical, the next work day, or no later than 48 hours, whichever comes first. Management shall discuss and work with human resources with disciplinary issues and any potential termination must be reviewed by and processed with the human resources director or designee. The consequence for not following proper procedure could result in disciplinary action up to and including termination of employment.

### 40.411 NEPOTISM

- A. This Chapter applies to all employees of the City of Auburn, Indiana.
- B. An individual who is employed by the City of Auburn on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the City. The following are not considered a break in employment:
  - 1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
  - 2. The individual's employment with the unit is terminated followed by immediate reemployment by the City of Auburn, Indiana, without loss of payroll time.
- C. For purposes of this chapter, the performance of the duties of:
  - 1. A precinct election officer (as defined in IC 3-5-2-40.1) or
  - 2. A volunteer firefighter; is not considered employment by the City of Auburn, Indiana.
- D. As used in this chapter, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The terms do not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary. As used in this chapter, "employed" means an individual who is employed by the City of Auburn on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit.
- E. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.
- F. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.
- G. As used in this chapter, "relative" means any of the following:
  - 1. Spouse.
  - 2. A parent or stepparent.
  - 3. A child or stepchild.
  - 4. A brother, sister, stepbrother, or stepsister.
  - 5. A niece or nephew.
  - 6. An aunt or uncle.
  - 7. A daughter-in-law or son-in-law.
  - 8. A brother-in-law or sister-in-law.



- H. For purposes of this section, an adopted child of an individual is treated as a natural child.
- I. For purposes of this section, the terms “brother” and sister” include a brother or sister by the half blood.
- J. An annual report filed by the City of Auburn, Indiana with the state board of accounts under IC 5-11-13-1 must include a statement by the executive unit stating whether the City of Auburn, Indiana has implemented a policy under this chapter.
- K. Individuals who are relatives may not be employed by the City of Auburn, Indiana in a position that results in one (1) relative being in the direct line of supervision of the other relative.
  - 1. This section applies to an individual who:
    - a. Is employed by the City of Auburn on the date the individual’s relative begins serving a term of an elected office of the City; and
    - b. Is not exempt from the application of this chapter.
    - c. An individual may remain employed by the City of Auburn and maintain the individual’s position or rank even if the individual’s employment would result in the relative being in a direct line of supervision of the other relative
- L. An individual described in this chapter who is a relative may not:
  - 1. Be promoted to a position; or
  - 2. Be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department. if the new position would result in the direct line of supervision of a relative as defined herein.
  - 3. This chapter does not abrogate or affect an employment contract with the City of Auburn that:
    - a. An individual is a party to; and
    - b. Is in effect on the date the individual’s relative begins serving a term of an elected office of the City.
- M. Each elected officer of the City of Auburn shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the City of Auburn not later than December 31 of each year
- N. Failure to properly administer this policy will result in the state board of accounts finding that the City of Auburn has not implemented or does not maintain a nepotism policy.
- O. If the City of Auburn fails to implement a nepotism policy, the department of local government finance may not approve:
  - 1. The City’s budget; or
  - 2. Any additional appropriations for the City; for the ensuing calendar year until the state board of accounts certifies to the department of local government.

## 40.42 APPEAL PROCEDURE

See Sections covered 41.00; 42.00; and 43.00

## ARTICLE 5 - COMMUNITY PUBLIC RELATIONS

### 40.51 PUBLIC RELATIONS RESPONSIBILITIES



- A. The City Administration shall plan, stimulate, and organize a continuous program of accurate and reliable public information which will define and explain the activities of the City to the public, in order that the citizens of Auburn will fully understand the city's needs and programs.
- B. Complaints from citizens should be handled by the Department Head in charge of the department involved. However, such complaints may be carried to the Mayor if they cannot be solved at the department level.
- C. All public News Releases should be cleared through Department Heads, and/or the Mayor, and/or Clerk-Treasurer, prior to their release.
- D. Each employee is a good-will ambassador for the City of Auburn and as such should promote the welfare of the City to the public.
- E. Each employee should inform their Department Head of any public problem, which comes to their attention in order for the City to solve problems.

## 40.52 SOCIAL NETWORKING / INTERNET USAGE

The City of Auburn recognizes that Social Networking (such as personal web sites, blogs, Facebook, MySpace, Twitter, online group discussion, text messaging, message boards, chat rooms, etc.) can be used by employees for City business purposes. The City also understands how the use of internet social network sites and blogs can shape the way the public views our services, employees, vendors partners and citizen customers. The City respects the right of any employee to maintain a blog or post a comment on social networking sites. However, the City is also committed to ensuring that the use of such communications serves the needs of the city business and the citizens by maintaining the City's identity, integrity, and reputation in a manner consistent with our values and policies. Therefore, the City of Auburn has established the following rules and guidelines for communicating City-related information over Social Networking forums:

- A. Personal Blogging or Social Networking while at work on City work time.  
Working time is your scheduled time of work, not including lunch hour, breaks or time prior to or after your shift. The City prohibits use of social networking sites during working time, unless said networking is par of an official City function.
- B. Legitimate Business Purposes  
Any employee engaging in Social Networking of Blogging for legitimate business purposes on behalf of the City of Auburn, Indiana must receive express approval of all content with the appropriate supervisor before posting. Employees engaged in blogging or networking for legitimate business purposes on behalf of the City of Auburn, Indiana are responsible for complying with all City of Auburn policies.
- C. Discrimination and Harassment  
The City of Auburn is firmly committed to its equal employment opportunity policies and does not condone or tolerate discrimination. The City of Auburn also prohibits all forms of unlawful harassment. Employees are prohibited from engaging in any conduct, activities, communication or postings that violate City of Auburn policies regarding discrimination and harassment. No messages with derogatory or inflammatory remarks about any legally protected characteristic shall be transmitted or retrieved. No abusive, profane or offensive language is to be transmitted. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through blogs, social networks, text messages or other electronic means.
- D. Right to Monitor



The City of Auburn reserves the right to monitor all City of Auburn, Indiana sponsored business blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with City of Auburn policies. If activity is found to be compromising, insubordinate or adverse to the City of Auburn's legitimate business interests, the City of Auburn may require cessation and removal of any detrimental commentary or postings. The City of Auburn reserves the right to access any City of Auburn computers and electronic communication devices to monitor blogs and on-one websites. Employees should not maintain any expectation of privacy with respect to information transmitted over, received by, or posted on such sites.

E. Reporting

If an employee believes that a blog or other online communication violates any City of Auburn policy, the employee should immediately report the blog or online communication to the department of human resources. The City of Auburn may investigate the matter, determine whether such blog, posting, website, or communication violate the City of Auburn policies, and take appropriate action.

F. Violations of Policy

Any employee who violates this policy may be subject to disciplinary action, up to and including termination. Additionally, violations of this policy may result in criminal prosecution, reimbursement of expenses incurred as a result of the violation, and additional legal action.

## ARTICLE 6 - AMENDMENT PROCEDURE

### 40.61 CHANGES IN POLICY

Amendments may be made to any part of this personnel policy through the regular ordinance amendment procedure, as prescribed by law. Suggestions for amendments may originate from employees, the Clerk-Treasurer, the Mayor, or members of the Common Council of the City of Auburn.