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ORDINANCE 2024-40

**AN ORDINANCE AMENDING CHAPTER 41 ENTITLED "CIVILIAN PERSONNEL POLICY" OF
THE CITY OF AUBURN CODE OF ORDINANCES**

SUMMARY

This ordinance amends and restates Chapter 41 entitled "Civilian Personnel Policy" of the City of Auburn Code of Ordinances.

_____ Recorder's Office

_____ Auditor's Office

_____ x _____ Clerk's Office

_____ Other

_____ Publish Public Hearing

_____ Publish O/R after adoption

ORDINANCE 2024-40

**AN ORDINANCE AMENDING CHAPTER 41 ENTITLED “CIVILIAN PERSONNEL POLICY” OF
THE CITY OF AUBURN CODE OF ORDINANCES**

SECTION 1. That Chapter 41 entitled “Civilian Personnel Policy” of the City of Auburn Code of Ordinances is hereby amended, as follows, and restated in Exhibit “A”:

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41.00 CIVILIAN PERSONNEL POLICY INTRODUCTION

- This section applies only to the City of Auburn Civilian Employees, which are those employees who are not classified as Public Safety (law enforcement or fire protection).
- Civilians are also covered under additional provisions in Section 40.00.
- 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 40.00 to cover all other General Personnel Policies.
- 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.
- 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.

41.01 CITY EMPLOYMENT INTRODUCTORY PERIOD

It is the policy of the City of Auburn that all new employees and all present employees transferred or promoted to a new job should be carefully monitored and evaluated for an initial introductory period. After satisfactory completion of the introductory period, those employees will be evaluated for performance.

- A. Normally, the introductory period will be 90 calendar days. Department Heads, or their designee, shall observe carefully the performance of each employee in a new job position including employees who have been promoted or transferred. Where appropriate, weaknesses in performance, behavior, or development shall be brought to the employee's attention for correction.
- B. Department Heads, or their designee, shall prepare a written evaluation of the employee's job performance at the end of 90 calendar days on the new job. The evaluation should include a recommendation as to whether the employee should continue in the position. The original will be forwarded to the Human Resources Department for inclusion in the employees' personnel file.
- C. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the Department Head, or their designee, feels additional time is warranted in order to achieve acceptable job performance.
- D. Department Heads, or their designee, may recommend the termination of a newly hired employee at any time. A recommendation for termination should be submitted in writing to Human Resources for review and should include an evaluation and a list of actions taken to assist the employee. Action to terminate shall have the prior approval of Human Resources.
- E. Newly hired employees are eligible for employee benefits on the 91st day of employment with the exception of health/life insurance, which will be as stated in the current Plan Document.

F. Transferred or promoted employees, although evaluated according to this policy, remain eligible for all benefits while demonstrating their ability to perform their new jobs.

G. At the discretion of management and consultation with the human resources director, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

H. At all times, unless otherwise required by governing authority, including after successful completion of the introductory period, employment with the City of Auburn is considered to be "at-will," and the employment relationship may be terminated at any time for any lawful reason by either party.

I. Employees in the introductory period shall follow all other policies and procedures.

41.02 WORKING HOURS

A. Standard Work Period

1. Hourly Non-Exempt Employees

- a. The scheduled workweek will generally be no longer than 40 hours. The work week for all regular hourly employees will begin at 12:00 A.M. on Sunday of each week and conclude at 11:59 p.m. of the succeeding Saturday. It is intended that overtime for non-exempt employees will not begin until the employee has worked 40 hours in the work week except as provided for emergencies in Code Section 41.02 (Section 1.2.F.). The scheduled work day (time began and time ended) will be established by Department Head. All categories of benefit days are considered as workdays in calculating 40 hours.
- b. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency.

2. Exempt (Salary) Employees

- a. 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. However, exempt employees are expected to maintain an average of 45 hours per week to meet job performance expectations. As an exempt employee, hours of service to the City of Auburn will fluctuate depending upon service demands.
- b. Salary employees must track working hours on a daily basis. Exempt (salary) will document time away from work and the reasons for said time. Furthermore, said time off must be approved by the exempt (salary) employee's supervisor prior to said time off. Sick and emergency time off shall be documented with the supervisor as soon as practical.
- c. Exempt employees are expected to work the regular hours required to complete their job responsibilities. These hours may vary depending on the nature of the position and needs of the city. Exempt salary employees are expected to exercise professional judgement in determining the appropriate amount of time to complete their tasks. Salaried Exempt employees are classified as such under the federal and state labor laws and are not eligible for overtime pay.
- d. Exempt salary employees may have some flexibility in managing their hours, which allows their schedule to better meet the needs of the city and their personal lives. It is expected that all exempt salaried employees understand their roles may require work beyond regular business hours, requiring flexibility to meet job demands as necessary.

B. Lunch Break

A non-paid lunch period may be given to employees according to each Department Head. An unpaid lunch period shall consist of at least 30 minutes of consecutive time completely relieved from duties. A paid lunch period may be paid when an employee is required to remain at work and will vary according to daily circumstances.

C. Breaks

It is encouraged that two (2) fifteen (15) minute paid breaks may be permitted each day, one during each four (4) hour period, as such breaks minimize loss of efficiency according to the nature of the work, according to each Department Head, and the approval of the Supervisor under which the employee works. Certain State and Federal Laws governing Child Labor may be different and will prevail.

D. Clean-up Periods

Each employee, where deemed necessary, according to each department's rules and regulations will be paid for clean-up period prior to the lunch period and the end of the work day.

E. Overtime

- Overtime work must be pre-approved, except in instances of emergencies or special conditions. Overtime will be paid to non-exempt employees after the first forty (40) hours of work each week at the rate of time and a half for each hour over forty (40) hours in the time pay period from midnight Saturday to midnight the following Saturday. All categories of benefit days are considered workdays in calculating the forty-(40) hours worked.
- Non-scheduled work on Sundays and/or designated holidays will be paid at the rate of double the regular hourly rate. Holiday pay will be in addition to the regular time pay unless the holiday is a scheduled workday. If the holiday or Sunday is a scheduled workday then special criteria will apply as prescribed in each department.
 - In the case of an emergency situation, overtime pay may start after the regular eight (8) hour workday has been completed. The Mayor and/or Clerk-Treasurer will determine when an emergency exists to define this particular situation. For example: It is intended that emergency snow and ice removal done on non-scheduled work hours will be considered under this clause and overtime will be paid after the first eight (8) hours. If a Department Head decides that a rest period is needed because of long continuous hours of work, the Department Head may declare said rest period which will not be cause to interrupt the total number of hours used to calculate overtime. Rest time longer than twenty (20) minutes will not be counted as hours worked. An emergency situation will be handled on a situation by situation basis by the Mayor and Clerk- Treasurer.
 - Non-exempt employees may receive compensatory time in lieu of monetary compensation in lieu of overtime wages pursuant to Code Section 40.35 (Section 4.5.D.) Also, see Code Section 40.34 (Section 4.4) F. Stand-By Pay

Stand-by pay is established in the salary ordinance adopted annually by the Common Council.

41.03 LEAVES

(See CODE SECTION 40.00 for general information on leaves)

A. Vacation

The full time employee will receive paid vacation leave as follows:

Years of Service Completed	Weeks Per Year
<1 year	1 day every other month (6 days)
1 year	10 days
6 years	15 days
15 years	20 days
25 years	25 days
30 or more years	30 days

1. 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.

2. Vacation time (non-exempt (hourly) employees) must be taken in four (4) or eight (8) hour increments.
3. Vacation time (exempt (salary) employees) ~~must be taken in increments of whole days or one work week~~ may be requested in four (4) or eight (8) hour increments, up to a maximum of five consecutive business days off at one time, unless otherwise approved in writing by the Department Head.

Unless negotiated as a condition of their job offer, new full-time exempt and non-exempt employees will receive one (1) vacation day every other month during their first year of employment for a total of 6 days. The first day will accrue on the 1st day of the month following their hire date. If they are hired on the first of the month, they will immediately receive one (1) vacation day upon hire.

Subsequent vacation days will accrue on the 1st of months 3, 5, 7, 9 and 11 following their hire date. Vacation days must only be requested through the City's time keeping system after completing the 90-day introductory/probationary period and may not be carried over past the employee's one (1) year anniversary date.

From time to time, in order to recruit the highest caliber of professional talent, it may be necessary to negotiate vacation leave as a condition of the job offer process. The City Common Council gives Department Heads, in collaboration with executive management and the HR Director, the authority to make such negotiations in regards to vacation leave with the following guidelines: salary exempt positions/candidates only, based on their level education/certification/licensing, years of direct professional vocational experience and other unique skills, knowledge and abilities, 2 or 3 weeks (10 – 15 days) maximum vacation leave, with a 90 – 120 day waiting period prior to requesting leave.

(Amended 2023-28 passed 12/05/2023)

B. Sick Leave

The request for sick time to be taken must be made by the employee to his/her Department Head prior to the workday to be taken. Unforeseen circumstances or emergency time off shall be documented with the supervisor as soon as practical.

1. Full Time Non-Exempt (hourly) Employees
 - a. All full time non-exempt employees working a minimum 40-hour workweek will be awarded one (1) hour sick leave time for that week.
 - b. Benefit days count as paid time to meet the minimum of 40 hours toward award of sick time.
 - c. Sick leave time can be accumulated and is available to use the week after the pay period in which it is awarded.
 - d. For any week(s) the full-time non-exempt (hourly) employee has lost time they will not be awarded sick leave time.
 - e. New employees shall have a waiting period of ninety (90) days before they are eligible for sick leave pay, although the calculation of sick leave time will begin with their first full week of employment.
 - f. Sick leave may be accumulated to one hundred eighty (180) days. Thereafter, an employee's accrual of sick leave stops until the employee has used sick leave sufficient to bring them under one hundred eighty (180) days, at which time accumulation will recommence.
 - g. Sick leave may be taken according to the following limitations:
 - h. Sick leave can be used only for personal illness or family illness, which absolutely necessitates the employee's absence from their duties.
 - i. The presentation of a physician's written certification of illness will be required in the following cases:

- i. Three (3) or more consecutive sick leave days, (see FMLA Policy Code Section 40.36, . regarding more than 3 days are claimed); or
 - ii. Less than three (3) days are claimed and the Department Head deems a certificate necessary.
 - iii. All employees sick leave of more than three (3) consecutive days taken by an employee shall be reported to human resources as soon as knowledge of such leave is indicated prior to or at the time such leave occurs. (Also, see Code Section 40.36)
- j. Sick time must be taken in a minimum of one (1) hour increments.

2. Exempt (Salary) – Full Time

- a) Exempt (salary) full time employees will receive ten (10) days (80 hours) of sick leave time each calendar year. New exempt (salary) employees will receive a prorated number of sick leave depending on their hire date.
- b) Exempt (salary) full time employees will receive their regular pay for any work week whenever sick leave time has been taken.
- c) A maximum of ten (10) unused sick days (80 hours) may be carried over from one calendar year to the next. Sick leave can accumulate up to a maximum of 120 days (960 hours). Once an employee reaches 120 days of accrued sick leave, further accrual stops until they use enough sick leave to fall below the 120-day cap, at which point accrual will recommence.
- d) Unused sick leave time is not paid out upon termination for any reason.
- e) Sick leave may be taken according to the following limitations:
- f) Personal illness or injury, and family illness or injury, which absolutely necessitates the employee's absence from their duties,
- g) The presentation of a physician's written certification of illness or injury will be required in the following cases:
 - i. Three (3) or more consecutive sick leave days, (see FMLA Policy Code Section 40.36 regarding more than 3 days are claimed) or
 - ii. Less than three (3) days are claimed and the Department Head deems a certificate is necessary.
 - iii. Sick leave of more than three (3) consecutive days taken shall be reported to the Human Resources as soon as knowledge of such leave is indicated prior to or at the time such leave occurs. (See Code Section 40.36)
- h) Sick leave must be taken in eight (8) hour increments.

C. Personal Leave

- 1. Personal leave time for full time employees can be accumulated and is available to use the week after the pay period in which it is awarded.
- 2. New employees shall have a waiting period of ninety (90) days before they are eligible for personal leave pay, although the calculation of personal leave time will begin with their first full week of employment.
- 3. The request for personal time to be taken must be made by the employee to his/her Department Head prior to the workday to be taken. Unforeseen circumstances or emergency time off shall be documented with the supervisor as soon as practical.
- 4. Non-Exempt (hourly) – Full Time
 - a. Non-exempt (hourly) employees working a minimum 40-hour workweek will be awarded one (1) hour of personal leave time for that week.
 - b. Benefit days count as paid time to meet the minimum of 40 hours toward award of personal time.
 - c. For any week(s) the non-exempt (hourly) full time employee has lost time no personal time will be awarded.
 - d. Non-exempt (hourly) employees shall be paid his/her regular hourly rate according to their

regularly scheduled work hours per day.

- e. Non-exempt (hourly) employees may take personal time in a one (1) hour increments at a minimum.

5. Exempt (Salary) – Full Time

- a. Exempt (salary) full time employees will receive (6) days of personal leave time each calendar year. New salary employees will receive a prorated number of personal days depending on their hire, transfer, or promotion date.
- b. An additional 2 days (16 hours) of personal leave will be awarded after 4 years of completed service, after which a total of 8 days (64 hours) of personal leave will be awarded at the beginning of each calendar year.
- c. A maximum of two personal days (16 hours) may be carried over from one calendar year to the next.
- d. Unused personal time is not paid out upon termination for any reason.
- e. Exempt (salary) full time employees will receive regular pay for any work week whenever a personal day has been taken.
- f. Exempt (salary) full time employees may request personal time in four (4) or eight (8) hour increments.

D. Jury Duty

1. Leave shall be granted for jury duty upon prior notification to the Department Head.
2. The employee shall be paid the difference between jury duty pay and their regular workday pay.

41.04 BENEFITS

A. Workers Compensation

All accidents, on-the-job injuries, or near misses must be reported to human resources using the prescribed forms completed fully and accurately and filed according to guidelines set forth in Code Section 40.08 (Section 1.8).

B. Retirement (PERF-CIVILIAN)

The City of Auburn is a participant in the Public Employees' Retirement Fund (PERF), as established by the Acts of 1945, Chapter 340, and all Acts amendatory and supplemental thereto.

1. Employees of the city, who are covered by the Public Employees Retirement Fund, are so noted in Auburn City Code and filed with the PERF Board of the State of Indiana.
2. The City elects to enlarge its participation in the Public Employees' Retirement Fund by including additional classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, all Acts amendatory and supplemental thereto. This agreement supplements the original dated in the Ordinance 1046 adopted the 7th day of October 1969.
3. The City agrees to make the required contributions under the Public Employees' Retirement Fund Act, which is the Act of 1945, Chapter 340, And all Acts Amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefit Act.
4. The active participating membership of these added employees shall begin on the 1st day of January 1993.
5. This Resolution 15-92 shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participation membership shall begin on the date set forth in Section Five.

C. Health Insurance for Civilian Retiree

1. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- "DEPARTMENT"

Department from which an employee retires.

- "HEALTH INSURANCE"

Insurance policy in effect at the time an employee retires or a modified version thereof.

- "RETIREE"

An employee within the employment of the city who has met the requirements for retirement and is paid retirement benefits from the Public Employees Retirement Fund.

2. Civilian Retiree Benefits

- a. Health Insurance will be made available to Retirees until the retiree becomes eligible for social security benefits or Medicare disability.
- b. The level, extent, cost of benefits, and allocation of cost sharing between the city and retirees shall be determined by the Common Council and applicable to all retirees.
- c. The level and extent of benefits will not necessarily be identical to those benefits provided for non-retired employees.

This section shall have retroactive effect for those retirees who are qualified on January 1, 1989.

41.05 APPEAL PROCEDURE

A. The section does not apply to employees hired by or appointed by the Clerk-Treasurer or Mayor, as those employees are appointed at the elected official's pleasure.

B. It is the policy of the City of Auburn to offer to a City employee who feels they have been improperly demoted, suspended, dismissed or disciplined, or has any other valid complaint as to the application or interpretation of any personnel policies or work rules, an opportunity to voice their complaint and appeal decisions under certain guidelines.

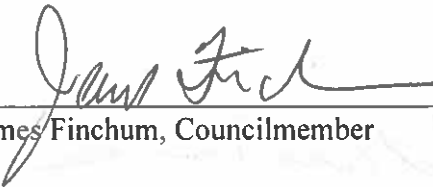
C. It is desired, whenever possible, to handle complaints, concerns and/or disagreements on an informal basis. Both, the Department Heads and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be situations and/or circumstances, which will be resolved only after formal appeal. It is the goal to resolve issues in a reasonable time frame. In such cases, employees and Department Heads and other officials shall follow the appeal procedures listed below:

1. Notify the department head within three (3) days regarding the complaint, issue, incident or problem on an informal basis (to include immediate supervisor if applicable) in an attempt to resolve the issue, mutually.
2. If not resolved, the employee must submit a written complaint to the Department Head with the following guidelines:
3. The written complaint must be submitted within three (3) working days after informal contact with Department Head.
4. The appealing employee must sign the appeal.
5. The appeal must be dated.
6. The appeal must contain the specific matters of the complaint and surrounding circumstances and how you wish the matter to be resolved.
7. The Department Head must send a written response or decision back to the employee within three working days of receiving the complaint. A conference between the employee and department head may be held at the department head's discretion.
8. If not resolved, the employee may make a written request to human resources for an administrative review (hearing) and/or investigation within three (3) working days of receiving the department head's written response by following the appropriate guidelines (i.e., for anti-harassment issues see Code Section 40.05 (Section 1.5).
9. Administrative Review Request must have employee name, date and signature;

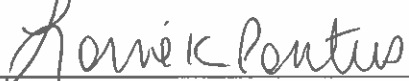
10. Copy of the employee original written complaint and other documents related to the issue;
11. Copy of the department head's written response.
12. The request must contain the specific matters of the complaint, surrounding circumstances and how the employee wishes the matter be resolved;
13. The Human Resource Director will provide findings of fact to the Board of Public Works & Safety Members at the next meeting following the week of receipt of said issue.
14. The Mayor of the City shall place the item on the agenda of the next meeting of the Board of Public Works and Safety.
15. The employee and Department Head must appear at such hearing along with any other person or persons having relevant information as to the matter.
16. The Board of Public Works and Safety shall give a written answer to the employee and Department Head within five (5) working days after the next regular meeting of the Board of Public Works and Safety.
17. The Board of Public Works and Safety's decision will be final and binding.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 17th day of December, 2024.


James Finchum, Councilmember


ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 17th day of December, 2024.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 17th day of December, 2024.


David E. Clark, Jr., Mayor

VOTING:

AYE

NAY

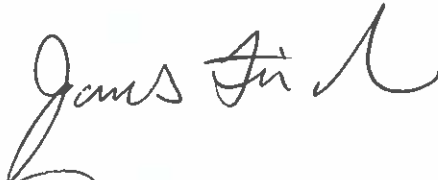
Natalie DeWitt



Rod Williams



James Finchum



Dan Braun



David Bundy



Kevin Webb



Emily Prosser



EXHIBIT "A"

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- B. Department Heads, or their designee, shall prepare a written evaluation of the employee's job performance at the end of 90 calendar days on the new job. The evaluation should include a recommendation as to whether the employee should continue in the position. The original will be forwarded to the Human Resources Department for inclusion in the employees' personnel file.
- C. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the Department Head, or their designee, feels additional time is warranted in order to achieve acceptable job performance.
- D. Department Heads, or their designee, may recommend the termination of a newly hired employee at any time. A recommendation for termination should be submitted in writing to Human Resources for review and should include an evaluation and a list of actions taken to assist the employee. Action to terminate shall have the prior approval of Human Resources.
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F. Transferred or promoted employees, although evaluated according to this policy, remain eligible for all benefits while demonstrating their ability to perform their new jobs.

G. At the discretion of management and consultation with the human resources director, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

H. At all times, unless otherwise required by governing authority, including after successful completion of the introductory period, employment with the City of Auburn is considered to be "at-will," and the employment relationship may be terminated at any time for any lawful reason by either party.

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41.02 WORKING HOURS

A. Standard Work Period

1. Hourly Non-Exempt Employees

- a. The scheduled workweek will generally be no longer than 40 hours. The work week for all regular hourly employees will begin at 12:00 A.M. on Sunday of each week and conclude at 11:59 p.m. of the succeeding Saturday. It is intended that overtime for non-exempt employees will not begin until the employee has worked 40 hours in the work week except as provided for emergencies in Code Section 41.02 (Section 1.2.F.). The scheduled work day (time began and time ended) will be established by Department Head. All categories of benefit days are considered as workdays in calculating 40 hours.
- b. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency.

2. Exempt (Salary) Employees

- a. 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. However, exempt employees are expected to maintain an average of 45 hours per week to meet job performance expectations. As an exempt employee, hours of service to the City of Auburn will fluctuate depending upon service demands.
- b. Salary employees must track working hours on a daily basis. Exempt (salary) will document time away from work and the reasons for said time. Furthermore, said time off must be approved by the exempt (salary) employee's supervisor prior to said time off. Sick and emergency time off shall be documented with the supervisor as soon as practical.
- c. Exempt employees are expected to work the regular hours required to complete their job responsibilities. These hours may vary depending on the nature of the position and needs of the city. Exempt salary employees are expected to exercise professional judgement in determining the appropriate amount of time to complete their tasks. Salaried Exempt employees are classified as such under the federal and state labor laws and are not eligible for overtime pay.
- d. Exempt salary employees may have some flexibility in managing their hours, which allows their schedule to better meet the needs of the city and their personal lives. It is expected that all exempt salaried employees understand their roles may require work beyond regular business hours, requiring flexibility to meet job demands as necessary.

B. Lunch Break

A non-paid lunch period may be given to employees according to each Department Head. An unpaid lunch period shall consist of at least 30 minutes of consecutive time completely relieved from duties. A paid lunch period may be paid when an employee is required to remain at work and will vary according to daily circumstances.

C. Breaks

It is encouraged that two (2) fifteen (15) minute paid breaks may be permitted each day, one during each four (4) hour period, as such breaks minimize loss of efficiency according to the nature of the work, according to each Department Head, and the approval of the Supervisor under which the employee works. Certain State and Federal Laws governing Child Labor may be different and will prevail.

D. Clean-up Periods

Each employee, where deemed necessary, according to each department's rules and regulations will be paid for clean-up period prior to the lunch period and the end of the work day.

E. Overtime

- Overtime work must be pre-approved, except in instances of emergencies or special conditions. Overtime will be paid to non-exempt employees after the first forty (40) hours of work each week at the rate of time and a half for each hour over forty (40) hours in the time pay period from midnight Saturday to midnight the following Saturday. All categories of benefit days are considered workdays in calculating the forty-(40) hours worked.
- Non-scheduled work on Sundays and/or designated holidays will be paid at the rate of double the regular hourly rate. Holiday pay will be in addition to the regular time pay unless the holiday is a scheduled workday. If the holiday or Sunday is a scheduled workday then special criteria will apply as prescribed in each department.
 - In the case of an emergency situation, overtime pay may start after the regular eight (8) hour workday has been completed. The Mayor and/or Clerk-Treasurer will determine when an emergency exists to define this particular situation. For example: It is intended that emergency snow and ice removal done on non-scheduled work hours will be considered under this clause and overtime will be paid after the first eight (8) hours. If a Department Head decides that a rest period is needed because of long continuous hours of work, the Department Head may declare said rest period which will not be cause to interrupt the total number of hours used to calculate overtime. Rest time longer than twenty (20) minutes will not be counted as hours worked. An emergency situation will be handled on a situation by situation basis by the Mayor and Clerk- Treasurer.
 - Non-exempt employees may receive compensatory time in lieu of monetary compensation in lieu of overtime wages pursuant to Code Section 40.35 (Section 4.5.D.) Also, see Code Section 40.34 (Section 4.4) F. Stand-By Pay

Stand-by pay is established in the salary ordinance adopted annually by the Common Council.

41.03 LEAVES

(See CODE SECTION 40.00 for general information on leaves)

A. Vacation

The full time employee will receive paid vacation leave as follows:

Years of Service Completed	Weeks Per Year
<1 year	1 day every other month (6 days)
1 year	10 days
6 years	15 days
15 years	20 days
25 years	25 days
30 or more years	30 days

1. 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.

2. Vacation time (non-exempt (hourly) employees) must be taken in four (4) or eight (8) hour increments.
3. Vacation time (exempt (salary) employees) may be requested in four (4) or eight (8) hour increments, up to a maximum of five consecutive business days off at one time, unless otherwise approved in writing by the Department Head.

Unless negotiated as a condition of their job offer, new full-time exempt and non-exempt employees will receive one (1) vacation day every other month during their first year of employment for a total of 6 days. The first day will accrue on the 1st day of the month following their hire date. If they are hired on the first of the month, they will immediately receive one (1) vacation day upon hire.

Subsequent vacation days will accrue on the 1st of months 3, 5, 7, 9 and 11 following their hire date. Vacation days must only be requested through the City's time keeping system after completing the 90-day introductory/probationary period and may not be carried over past the employee's one (1) year anniversary date.

From time to time, in order to recruit the highest caliber of professional talent, it may be necessary to negotiate vacation leave as a condition of the job offer process. The City Common Council gives Department Heads, in collaboration with executive management and the HR Director, the authority to make such negotiations in regards to vacation leave with the following guidelines: salary exempt positions/candidates only, based on their level education/certification/licensing, years of direct professional vocational experience and other unique skills, knowledge and abilities, 2 or 3 weeks (10 – 15 days) maximum vacation leave, with a 90 – 120 day waiting period prior to requesting leave.

(Amended 2023-28 passed 12/05/2023)

B. Sick Leave

The request for sick time to be taken must be made by the employee to his/her Department Head prior to the workday to be taken. Unforeseen circumstances or emergency time off shall be documented with the supervisor as soon as practical.

1. Full Time Non-Exempt (hourly) Employees
 - a. All full time non-exempt employees working a minimum 40-hour workweek will be awarded one (1) hour sick leave time for that week.
 - b. Benefit days count as paid time to meet the minimum of 40 hours toward award of sick time.
 - c. Sick leave time can be accumulated and is available to use the week after the pay period in which it is awarded.
 - d. For any week(s) the full-time non-exempt (hourly) employee has lost time they will not be awarded sick leave time.
 - e. New employees shall have a waiting period of ninety (90) days before they are eligible for sick leave pay, although the calculation of sick leave time will begin with their first full week of employment.
 - f. Sick leave may be accumulated to one hundred eighty (180) days. Thereafter, an employee's accrual of sick leave stops until the employee has used sick leave sufficient to bring them under one hundred eighty (180) days, at which time accumulation will recommence.
 - g. Sick leave may be taken according to the following limitations:
 - h. Sick leave can be used only for personal illness or family illness, which absolutely necessitates the employee's absence from their duties.
 - i. The presentation of a physician's written certification of illness will be required in the following cases:

- i. Three (3) or more consecutive sick leave days, (see FMLA Policy Code Section 40.36, . regarding more than 3 days are claimed); or
 - ii. Less than three (3) days are claimed and the Department Head deems a certificate necessary.
 - iii. All employees sick leave of more than three (3) consecutive days taken by an employee shall be reported to human resources as soon as knowledge of such leave is indicated prior to or at the time such leave occurs. (Also, see Code Section 40.36)
- j. Sick time must be taken in a minimum of one (1) hour increments.

2. Exempt (Salary) – Full Time

- a) Exempt (salary) full time employees will receive ten (10) days (80 hours) of sick leave time each calendar year. New exempt (salary) employees will receive a prorated number of sick leave depending on their hire date.
- b) Exempt (salary) full time employees will receive their regular pay for any work week whenever sick leave time has been taken.
- c) A maximum of ten (10) unused sick days (80 hours) may be carried over from one calendar year to the next. Sick leave can accumulate up to a maximum of 120 days (960 hours). Once an employee reaches 120 days of accrued sick leave, further accrual stops until they use enough sick leave to fall below the 120-day cap, at which point accrual will recommence.
- d) Unused sick leave time is not paid out upon termination for any reason.
- e) Sick leave may be taken according to the following limitations:
- f) Personal illness or injury, and family illness or injury, which absolutely necessitates the employee's absence from their duties.
- g) The presentation of a physician's written certification of illness or injury will be required in the following cases:
 - i. Three (3) or more consecutive sick leave days, (see FMLA Policy Code Section 40.36 regarding more than 3 days are claimed) or
 - ii. Less than three (3) days are claimed and the Department Head deems a certificate is necessary.
 - iii. Sick leave of more than three (3) consecutive days taken shall be reported to the Human Resources as soon as knowledge of such leave is indicated prior to or at the time such leave occurs. (See Code Section 40.36)
- h) Sick leave must be taken in eight (8) hour increments.

C. Personal Leave

- 1. Personal leave time for full time employees can be accumulated and is available to use the week after the pay period in which it is awarded.
- 2. New employees shall have a waiting period of ninety (90) days before they are eligible for personal leave pay, although the calculation of personal leave time will begin with their first full week of employment.
- 3. The request for personal time to be taken must be made by the employee to his/her Department Head prior to the workday to be taken. Unforeseen circumstances or emergency time off shall be documented with the supervisor as soon as practical.
- 4. Non-Exempt (hourly) – Full Time

- a. Non-exempt (hourly) employees working a minimum 40-hour workweek will be awarded one (1) hour of personal leave time for that week.
 - b. Benefit days count as paid time to meet the minimum of 40 hours toward award of personal time.
 - c. For any week(s) the non-exempt (hourly) full time employee has lost time no personal time will be awarded.
 - d. Non-exempt (hourly) employees shall be paid his/her regular hourly rate according to their regularly scheduled work hours per day.
 - e. Non-exempt (hourly) employees may take personal time in a one (1) hour increments at a minimum.
5. Exempt (Salary) – Full Time
- a. Exempt (salary) full time employees will receive (6) days of personal leave time each calendar year. New salary employees will receive a prorated number of personal days depending on their hire, transfer, or promotion date.
 - b. An additional 2 days (16 hours) of personal leave will be awarded after 4 years of completed service, after which a total of 8 days (64 hours) of personal leave will be awarded at the beginning of each calendar year.
 - c. A maximum of two personal days (16 hours) may be carried over from one calendar year to the next.
 - d. Unused personal time is not paid out upon termination for any reason.
 - e. Exempt (salary) full time employees will receive regular pay for any work week whenever a personal day has been taken.
 - f. Exempt (salary) full time employees may request personal time in four (4) or eight (8) hour increments.

D. Jury Duty

1. Leave shall be granted for jury duty upon prior notification to the Department Head.
2. The employee shall be paid the difference between jury duty pay and their regular workday pay.

41.04 BENEFITS

A. Workers Compensation

All accidents, on-the-job injuries, or near misses must be reported to human resources using the prescribed forms completed fully and accurately and filed according to guidelines set forth in Code Section 40.08 (Section 1.8).

B. Retirement (PERF-CIVILIAN)

The City of Auburn is a participant in the Public Employees' Retirement Fund (PERF), as established by the Acts of 1945, Chapter 340, and all Acts amendatory and supplemental thereto.

1. Employees of the city, who are covered by the Public Employees Retirement Fund, are so noted in Auburn City Code and filed with the PERF Board of the State of Indiana.
2. The City elects to enlarge its participation in the Public Employees' Retirement Fund by including additional classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, all Acts amendatory and

supplemental thereto. This agreement supplements the original dated in the Ordinance 1046 adopted the 7th day of October 1969.

3. The City agrees to make the required contributions under the Public Employees' Retirement Fund Act, which is the Act of 1945, Chapter 340, And all Acts Amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefit Act.
4. The active participating membership of these added employees shall begin on the 1st day of January 1993.
5. This Resolution 15-92 shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participation membership shall begin on the date set forth in Section Five.

C. Health Insurance for Civilian Retiree

1. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- "DEPARTMENT"

Department from which an employee retires.

- "HEALTH INSURANCE"

Insurance policy in effect at the time an employee retires or a modified version thereof.

- "RETIREE"

An employee within the employment of the city who has met the requirements for retirement and is paid retirement benefits from the Public Employees Retirement Fund.

2. Civilian Retiree Benefits

- d. Health Insurance will be made available to Retirees until the retiree becomes eligible for social security benefits or Medicare disability.
- e. The level, extent, cost of benefits, and allocation of cost sharing between the city and retirees shall be determined by the Common Council and applicable to all retirees.
- f. The level and extent of benefits will not necessarily be identical to those benefits provided for non-retired employees.

This section shall have retroactive effect for those retirees who are qualified on January 1, 1989.

41.05 APPEAL PROCEDURE

A. The section does not apply to employees hired by or appointed by the Clerk-Treasurer or Mayor, as those employees are appointed at the elected official's pleasure.

B. It is the policy of the City of Auburn to offer to a City employee who feels they have been improperly demoted, suspended, dismissed or disciplined, or has any other valid complaint as to the application or interpretation of any personnel policies or work rules, an opportunity to voice their complaint and appeal decisions under certain guidelines.

C. It is desired, whenever possible, to handle complaints, concerns and/or disagreements on an informal basis. Both, the Department Heads and employees are expected to make every effort to

resolve problems as they arise. However, it is recognized that there will be situations and/or circumstances, which will be resolved only after formal appeal. It is the goal to resolve issues in a reasonable time frame. In such cases, employees and Department Heads and other officials shall follow the appeal procedures listed below:

1. Notify the department head within three (3) days regarding the complaint, issue, incident or problem on an informal basis (to include immediate supervisor if applicable) in an attempt to resolve the issue, mutually.
2. If not resolved, the employee must submit a written complaint to the Department Head with the following guidelines:
3. The written complaint must be submitted within three (3) working days after informal contact with Department Head.
4. The appealing employee must sign the appeal.
5. The appeal must be dated.
6. The appeal must contain the specific matters of the complaint and surrounding circumstances and how you wish the matter to be resolved.
7. The Department Head must send a written response or decision back to the employee within three working days of receiving the complaint. A conference between the employee and department head may be held at the department head's discretion.
8. If not resolved, the employee may make a written request to human resources for an administrative review (hearing) and/or investigation within three (3) working days of receiving the department head's written response by following the appropriate guidelines (i.e., for anti-harassment issues see Code Section 40.05 (Section 1.5)).
9. Administrative Review Request must have employee name, date and signature;
10. Copy of the employee original written complaint and other documents related to the issue;
11. Copy of the department head's written response.
12. The request must contain the specific matters of the complaint, surrounding circumstances and how the employee wishes the matter be resolved;
13. The Human Resource Director will provide findings of fact to the Board of Public Works & Safety Members at the next meeting following the week of receipt of said issue.
14. The Mayor of the City shall place the item on the agenda of the next meeting of the Board of Public Works and Safety.
15. The employee and Department Head must appear at such hearing along with any other person or persons having relevant information as to the matter.
16. The Board of Public Works and Safety shall give a written answer to the employee and Department Head within five (5) working days after the next regular meeting of the Board of Public Works and Safety.
17. The Board of Public Works and Safety's decision will be final and binding.

