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## **SECTION 1.00 PURPOSE AND AUTHORITY FOR PERSONNEL POLICIES AND PROCEDURES**

### **1.01 POLICY**

It is the policy of the City to set forth policies and procedures to serve as guidelines to both employees and management for the administration of the City's personnel program. The intent of these policies and procedures is to promote uniform, consistent, and equitable treatment of all employees and to ensure, insofar as possible, that employees have notice of the City's standards and expectations. **However, these personnel policies and procedures do not create a contract of employment between the City and any employee and may be amended by the City at any time. Further, except for any contractual rights of union-eligible employees, the employment of City employees is at will, and these policies do not alter the at will nature of employment for City employees. At will employment may be terminated by either employer or employee at any time, for any reason that is not unlawful.**

These policies and procedures are established under the authority of Chapter 2.22 of the Bloomington Municipal Code and shall apply to all City and Utilities employees, both union and non-union eligible, and both city and county central emergency dispatch center employees. Sworn police officers and firefighters are specifically included in the application of this Personnel Manual, except to the extent that any portion of this Personnel Manual is in conflict with standard operating procedures established by management or by collective bargaining agreement. Provisions applying to the Police and Fire Departments include, but are not limited to, policies addressing prohibiting harassment in the workplace, conflict of interest, and information technology services. Further, for purposes of paid benefit time, police and fire chiefs hired under the waiver provisions of IC 36-8-4-6 or 36-8-4-6.5 shall be subject to this Personnel Manual.

### **1.02 STATEMENT OF AUTHORITY**

By adoption of this Personnel Manual, the Mayor of the City of Bloomington has vested in the Human Resources Director the authority and responsibility to create, implement, evaluate, ensure compliance, and amend this manual related to personnel management of the city.

It shall be the responsibility of the Human Resources Director to interpret these policies and procedures and to insure that they are administered in a consistent and impartial manner.

### **1.03 GENERAL PROVISIONS**

(A) These policies and procedures and any modification thereof shall become effective when approved by the Human Resources Director upon consultation with the Mayor.

- (B) Policies or procedures found to be in violation of federal, state, or local law by a court of competent jurisdiction shall be null and void.
- (C) Policies or procedures that are found to conflict with a current agreement, negotiated by the City and a recognized bargaining unit, shall not apply to employees represented by that bargaining unit.
- (D) Personnel policies and procedures are subject to modification and revision to meet the needs of both management and employees as new conditions arise. Supervisors are instructed to make the necessary changes in their manuals when such changes are received from the Human Resources Department and shall notify employees of the changes.
- (E) Policies and procedures relating to a safe and healthful workplace can be found in the City of Bloomington's Occupational Safety and Health Manual.

## **SECTION 2.00 DEFINITIONS**

Active Paid Status—An employee shall be in an active, paid status when he/she is drawing earned compensation for employment, Paid Time Off, Sick Bank time, or any other form of paid time off.

Common Law Employees—Includes those employees who occupy job positions that may, from time to time, be created as a result of the increased workload requirements of a special project; to conduct research, as interns; for seasonal programs; or for other related purposes. Common Law Employees are not eligible for the following paid benefits with the City: Sick Bank time, Paid Time Off, bereavement leave, paid holidays, family leave, or group insurance.

Exempt Employees—includes those employees whose position is classified as exempt from the overtime requirements of the Fair Labor Standards Act (FLSA). A list of exempt positions is on file in the Human Resources Department, and, in addition, the exempt status is identified in the job description.

Mate—An individual who is in a committed relationship of indefinite duration with a City employee, with an exclusive, mutual commitment similar to that of marriage. The partners share the necessities of life and agree to be financially responsible for each other's well-being, including basic living expenses. The individuals reside within the same residence, are not married to anyone else, do not have another mate or domestic partner, and are not related by blood.

Non-exempt Employees—Includes those employees whose position is classified as non-exempt and is, therefore, subject to the overtime requirements of the Fair Labor Standards Act (FLSA). A list of non-exempt employees is on file in the Human Resources Department, and, in addition, the non-exempt status is identified in the job description.

Registered Domestic Partner—An individual who is in a committed relationship of indefinite duration with a City employee, with an exclusive, mutual commitment similar to that of marriage and who have registered as partners with the City's Human Resources Department in accordance with the City's Domestic Partnership Policy. The partners share the necessities of life and agree to be financially responsible for each other's well-being, including basic living expenses. Domestic partners are not married to anyone according to the laws of the State of Indiana. Under the City's Domestic Partnership Policy, the domestic partners must declare under oath that they are not related by blood closer than permitted under marriage laws of the State of Indiana; that they are not married according to the laws of the State of Indiana; that they are at least eighteen (18) years of age and have the capacity to enter into a contract; that they have no other domestic partner; that they share a household; and that they are jointly responsible to each other for the necessities of life. The City may require documentation substantiating these declarations in accordance with the City's Domestic Partnership Policy.

Regular Full-time (RFT)—Includes all employees who are regularly scheduled to work a minimum of thirty-five (35) hours per calendar week in the same position and whose term of employment is intended to exceed nine (9) consecutive months. These employees are subject to all provisions and benefits of this manual.

Regular Part-time with Benefits (RPB)—Includes all employees who are regularly scheduled to work between twenty (20) hours per calendar week and thirty-four (34) hours per calendar week in the same position and whose term of employment is intended to exceed nine (9) months. These employees are subject to all provisions and benefits of this manual.

Seasonal—This term shall be synonymous with temporary full and part time as defined below.

Temporary Full-time—Includes all employees who are regularly scheduled to work a minimum of thirty-five (35) hours per calendar week in the same position and whose term of employment is intended to expire on or before the last calendar day of the ninth (9<sup>th</sup>) consecutive month of employment, except when management determines that a longer term is necessary because of business needs; the employee is an intermittent temporary employee who remains on the payroll but works sporadically throughout the

year; or, the temporary employee is replacing a Regular Full-time employee on a leave of absence longer than nine (9) months. Employees in this classification are not eligible for the following paid benefits: Sick Bank time, Paid Time Off, bereavement leave, paid holidays, any other paid time off, or group insurance with the City. These employees are subject to all other provisions of this manual.

Temporary Part-time—Includes all employees who are regularly scheduled to work between twenty (20) hours per calendar week and thirty-four (34) hours per calendar week in the same position and whose term of employment is intended to expire on or before the last calendar day of the ninth (9<sup>th</sup>) consecutive month of employment, except when management determines that a longer term is necessary because of business needs; the employee is an intermittent temporary employee who remains on the payroll but works sporadically throughout the year; or the temporary employee is replacing a Regular Part-time employee on a leave of absence longer than nine (9) months. These employees are not eligible for the following paid benefits: Sick Bank time, Paid Time Off, bereavement leave, Worker’s Compensation, paid holidays, any other paid time off, or group insurance with the City. These employees are subject to all other provisions of this manual.

## **SECTION 3.00 EQUAL EMPLOYMENT OPPORTUNITY**

### **3.01 NON-DISCRIMINATION**

The City of Bloomington is an equal opportunity employer. It is the City’s policy to treat all employees and applicants for employment equally according to their individual qualifications, ability, experience, and other employment standards. The City does not discriminate on the basis of race, sex, color, ancestry, national origin, citizenship status, religion, disability, age, marital status, sexual orientation, number of dependents, gender identity, or any other legally protected classification. This policy of non-discrimination applies to all terms and conditions of employment, including, but not limited to, recruiting, hiring, promotion, training, compensation, and discharge. It is equally the policy of the City to comply with all applicable federal, state, and local laws governing employment.

### **3.02 AFFIRMATIVE ACTION**

The City shall affirmatively act to hire and promote women and minorities, in accordance with the City’s Affirmative Action Plan, to the extent permitted by law.

### **3.03 ADA COMPLIANCE NOTICE**

It is the policy of the City of Bloomington not to exclude qualified individuals with disabilities from participation in or benefiting from the services, programs, or activities of

the municipality. The City of Bloomington shall not discriminate against a qualified individual with a disability in its job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; or any other terms, conditions, and privileges of employment. It is the intention of the City of Bloomington to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

### **3.04 POLICY PROHIBITING HARASSMENT IN THE WORKPLACE**

(A) It is the policy of the City of Bloomington to maintain a workplace free of harassment on the basis of race, sex, color, ancestry, national origin, citizenship status, religion, disability, age, sexual orientation, gender identity, marital status, or number of dependents. Harassment, as defined herein, is strictly prohibited in the workplace and is punishable by appropriate discipline, up to and including termination.

(B) Harassment means any unwelcome or offensive conduct, whether written, verbal, or physical, that is:

- (1) Directed at or to an employee because of his/her race, sex, color, ancestry, national origin, citizenship status, religion, disability, age, sexual orientation, gender identity, marital status, number of dependents, or opposition to prohibited discrimination or participation in the statutory complaint process; or
- (2) Directed toward any person concerning an individual or class of individuals because of their race, sex, color, ancestry, national origin, citizenship status, religion, disability, age, sexual orientation, gender identity, marital status, number of dependents, class, opposition to prohibited discrimination, or participation in the statutory complaint process. For example, racial or ethnic slurs or derogatory epithets are prohibited in the workplace, regardless of whether a member of the racial or ethnic group is present when the statement is made.

Harassment does not refer to occasional compliments or other statements of a socially acceptable nature. Harassment refers to behavior that is unwelcome and that is so offensive and/or persistent as to create, or have the potential of creating, an intimidating, hostile, or offensive working environment for any employee. Harassment includes unwelcome sexual advances or requests for sexual favors, and unwelcome and/or offensive sexual comments, jokes, or materials.

The City takes this harassment policy seriously and will make every reasonable effort to educate its employees about this policy. Every new employee will be

given a copy of this policy when hired and will be trained on this policy during orientation. A copy of the policy will be posted in conspicuous sites. As the policy is amended, copies will be given to all employees. Finally, a memo reiterating the City's commitment to this policy will be distributed to employees on a regular basis, and training beyond that received in orientation will be offered periodically.

- (C) This policy applies to all full-time, part-time, permanent, and temporary City of Bloomington employees, including supervisor and department heads, and to volunteers.
- (D) It is a violation of this policy to use an individual's submission to or rejection of harassing conduct as the basis for any employment decision affecting such individual.
- (E) An employee who believes he/she has been subjected to harassment or discrimination as defined in this policy shall report said conduct to the department head and/or the Human Resources Director or his/her designee. The City will not retaliate against anyone who complains of harassment or who provides information related to such complaints. The City encourages employees to report harassment before the situation becomes severe or pervasive. When appropriate, the employer shall make reasonable efforts to insure that a Human Resources representative of each gender is available to receive such complaints. The City will protect the confidentiality of harassment and discrimination complaints to the extent possible. The Human Resources Department shall conduct a thorough, prompt, and impartial investigation and, if appropriate, take disciplinary action against any offender, including, but not limited to, discharge.

After a final decision is rendered by the Human Resources Department, the employee may take his/her grievance directly to Step 3 as provided in the City's grievance policy outlined in Section 12.00, provided the grievance is filed within ten (10) calendar days of notice of the Human Resources Department's final decision under this provision.

- (F) All supervisory personnel who observe or otherwise learn of or have reason to suspect any conduct that may violate this policy shall promptly report such facts to the Human Resources Director or his/her designee and shall cooperate fully in any investigation or disciplinary action undertaken pursuant to this policy. Failure to comply with this section shall be grounds for appropriate disciplinary action, up to and including termination.

### **3.05 EEO COMPLAINTS**

City employees who believe that they have been denied equal employment opportunity on account of race, sex, color, ancestry, national origin, citizenship status, religion, disability, or age may file a complaint with the Equal Employment Opportunity Commission (EEOC) or the Indiana Civil Rights Commission (ICRC). Complaint forms are available from the Legal Department. Complaints must be filed with the EEOC or the ICRC within one hundred eighty (180) calendar days of the alleged discriminatory conduct.

## **SECTION 4.00 RECRUITMENT, SELECTION, AND HIRING**

### **4.01 POLICY**

It is the policy of the city to set forth uniform guidelines to be followed with regard to the selection of new employees.

### **4.02 POSITION REQUISITION**

When a vacancy occurs, the department head or supervisor shall complete a Personnel Requisition and forward it to the Human Resources Department.

### **4.03 RECRUITING**

When a position requisition is approved, the Human Resources Department will initiate the following procedure:

- (A) All regular position vacancies for non-appointed positions shall be sent out electronically via email to all city employees with email accounts and will be posted in the Human Resources Department and in each work unit, except that hard copies of internal postings will not be posted in the Human Resources lobby to avoid confusion on the part of the public. Additionally, copies shall be sent to the Union Executive Board. Externally posted positions shall also be sent to all agencies on the Equal Employment Opportunity mailing list, including WorkOne.
- (B) All position vacancies for non-appointed positions shall be posted for a minimum of three (3) working days, and notices of openings in union-eligible positions shall be posted for a minimum of seven (7) calendar days.
- (C) Job notices shall contain the following information:
  - Where to apply
  - Length of time applications will be accepted
  - Pay range

- Duties and responsibilities
- Minimum education and experience requirement
- Statement that the City of Bloomington is an Equal Opportunity Employer
- Statement that the City of Bloomington verifies employment eligibility through eVerify upon hire
- Other pertinent data

(D) External applicants for previous vacancies may request that their application be updated. An application shall be kept in the Human Resources Department for a period of at least six (6) months following the date it was filed unless it is withdrawn by the applicant or the Human Resources Department is unable to locate the applicant.

(E) Vacancies shall be advertised using any means reasonably expected to make the public aware of the job opening unless the opening is to be filled by internal promotion or transfer or where extraordinary circumstances preclude such use. The following sources may be utilized where deemed necessary by the Human Resources Department: newspaper advertising, local technical schools, schools of higher education, trade journals, professional associations, the Internet, or other appropriate recruiting resources.

(F) All job notices, postings, ads, recruiting literature, etc., shall contain the phrase “AN EQUAL OPPORTUNITY EMPLOYER.” Job postings will include the statement “The City of Bloomington validates authorization to work using eVerify. The City will provide the Social Security Administration and, if necessary, the Department of Homeland Security, with information from each new employee’s I-9 form to confirm work authorization.”

(G) When hiring Common Law employees and certain classifications of Seasonal employees, Section 4.00 may not necessarily be followed, but such employees are hired using applicable fair employment procedures.

#### **4.04 SCREENING AND INTERVIEWING APPLICANTS**

The City shall screen each applicant for a particular position based on the applicant’s knowledge, skills, abilities, and experience relevant to competencies and job specifications necessary to perform the essential functions of the position.

It shall be the responsibility of the department head or designated supervisor, with the advice of the Human Resources Director, to select for interview a reasonable number of applicants based on the foregoing criteria.

#### **4.05 UNION VACANCIES**

When a vacant position is covered by the union agreement, the procedures in the Work Agreement governing vacancies shall be followed.

#### **4.06 APPLICATION**

All applicants, with the exception of internal applicants, will be required to complete the standard application form and/or submit a résumé, as specified in the job notice. Internal applicants shall complete the Inter-Departmental Transfer Application and submit it to the Human Resources Department on or before the closing date and time listed in the notice of vacancy.

#### **4.07 REFERRAL**

When the job posting period is closed, the Human Resources Department will notify the appropriate department head or designated supervisor of all the candidates for screening and interview.

#### **4.08 REFERENCES**

Professional references shall be checked by the hiring supervisor using standard forms and process provided by the Human Resources Department.

#### **4.09 SELECTION AND JOB OFFER**

Department heads or designated supervisors shall select the best suited and best qualified applicant for each vacancy. Prior to making a job offer, the department head or designated supervisor shall complete the Interview and Request for Hire Form and submit it to the Human Resources Department. After receiving approval from the Human Resources Director or his/her designee, the job offer may be made by the hiring department or by the Human Resources Director, if so requested by the hiring department. The job offer may be made verbally by the department head or designated supervisor and will be confirmed by a letter from the Human Resources Department. All applicants interviewed and all internal applicants shall be notified that the position has been filled. Such notifications shall be the responsibility of the hiring department, unless the Human Resources Department agrees to handle notification.

#### **4.10 ALTERNATES**

One (1) or more alternates may be selected when filling any non-union vacancy. If, within one hundred twenty (120) calendar days of selection, the new employee resigns or

is terminated, then, with the advice of the Human Resources Director, the alternate may be offered the position. Within one hundred twenty (120) calendar days of the initial selection, if an identical non-union position or one with similar essential duties and specifications within the same department becomes vacant, that position may be offered to the alternate with the approval of the Human Resources Director.

#### **4.11 PREFERENCE FOR CITY EMPLOYEES**

In filling non-union vacancies, employer shall give preference to applicants who are current City employees and whose knowledge, skills, experience, abilities, and personal qualifications are at least equal to those of the best qualified applicant.

#### **4.12 EMPLOYMENT OF FAMILY MEMBERS**

Members of an employee's family (including, but not limited to, mother, father, child, sister, brother, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, stepparent, stepchild, spouse, registered domestic partner, mate, niece, nephew, aunt, uncle, cousin, daughter-in-law, son-in-law, and grandparent) may not be hired, promoted, or transferred if it creates a circumstance in which one member is in a position to affect the terms and conditions of the other member's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

For Regular Full-Time and Regular Part-Time employees, family members may not be hired to work within the same division of a City department, irrespective of reporting lines. In the case of departments without multiple divisions, family members may not be hired to work within the same department. As long as the Police and Fire Departments otherwise comply with state law and with the first paragraph of this policy, the Police and Fire departments are not subject to the aforementioned restrictions on family members working within the same city department or division. Hiring the family member of a City employee to work outside of the incumbent employee's division or department requires approval of the Human Resources Director and the Mayor or their designees. In extenuating circumstances, where deemed beneficial to the City, the Mayor may approve exceptions to the aforementioned unless otherwise prohibited by state or federal law.

#### **4.13 APPOINTED POSITIONS**

Department heads shall be excluded from these Sections 4.00 and 6.03, such that those positions shall be appointed by the Mayor. The Mayor, in his/her discretion, may choose, but is not required, to follow some or all of the requirements of this Section 4.00. In addition, deputies, assistant directors, and division heads, however denominated, shall be excluded from these Sections 4.00 and 6.03 such that those positions shall be appointed by the department head. The department head, in his/her discretion, may choose, but is

not required to, follow some or all of the requirements of these Sections 4.00 and 6.03. For purposes of this provision, department heads shall include the following positions: Director of Public Works, Director of Community and Family Resources, Director of Parks and Recreations, Human Resources Director, Controller, Planning Director, Director of Housing and Neighborhood Development, Deputy Mayor and Administrative Assistant to the Mayor, Corporation Counsel, Director of Utilities, Director of Information and Technology Services, Economic and Sustainable Development Director, Police Chief, Fire Chief and such other positions reporting directly to the Mayor as may hereafter be created.

Additionally, exclusions to Sections 4.00 and 6.03 shall include placement of qualified individuals in open positions for purposes related to reasonable accommodation of a disability, reassignment in the event of position elimination, or other similar, yet unique, circumstances. Such exceptions require approval of both the relevant department head(s) and the Human Resources Director.

## **SECTION 5.00 ORIENTATION**

### **5.01 POLICY**

It is the policy of the City to insure that all new employees are adequately oriented to City operations and personnel policies.

### **5.02 ORIENTATION**

On or near his/her first (1<sup>st</sup>) day of employment, the new employee shall report to the Human Resources Department to complete all appropriate new hire forms. On or soon after his/her first (1<sup>st</sup>) day of employment, a Human Resources representative will meet with the new employee to go over in detail an orientation packet containing information on the City's organization, personnel policies, and benefits, including a copy of this Personnel Manual. Generally that same day, for new employees who will be utilizing the City's computer system, Information and Technology Services will conduct computer training.

### **5.03 ACKNOWLEDGEMENT**

After receiving a copy of the personnel policies and procedures, and after having an opportunity to read and ask questions about them, each new regular employee shall be required to sign an "Acknowledgement of Receipt of Personnel Policies and Procedures." The acknowledgement will be retained in the employee's personnel file.

#### **5.04 DEPARTMENTAL ORIENTATION**

Each department head or supervisor should plan a departmental orientation for the new employees in the department. Departmental orientation will cover all facets of the position that are unique to the department and, therefore, not covered by the general orientations session.

### **SECTION 6.00 PROBATION**

#### **6.01 PROBATIONARY PERIOD**

Each regular employee, regardless of status, shall generally serve a probationary period of one hundred twenty (120) calendar days of his/her initial employment with the City. The probationary period may be reduced with approval of the department head and Human Resources Director, or extended in individual cases, not to exceed a period of one (1) year. Provided, however, this section shall not apply to appointed positions.

#### **6.02 PURPOSE AND EFFECT OF PROBATIONARY STATUS**

The probationary period is an introductory period during which the employee has the opportunity to demonstrate, and the employer to assess, the employee's knowledge, skill, and ability, and work performance generally. Termination and/or transfer may take place at any time during the probationary period, and the employee shall have no recourse to the grievance procedure except to the extent that the grievance alleges harassment or discrimination in violation of Section 3.00 of this Personnel Manual. Ordinarily, progressive discipline shall not be utilized in the case of probationary employees. This paragraph applies during both the initial one hundred twenty (120) calendar day probationary period and any extension thereof.

During the probation period established in Section 6.01 of this Personnel Manual, employees may use only their earned Paid Time Off, after it is credited. With department head approval, probationary employees may use up to forty (40) hours of credited Paid Time Off.

When necessary, unpaid leave for probationary employees may be granted in accordance with Section 10.02 of these Policies and Procedures. Employees whose probation is extended beyond the initial one hundred twenty (120) calendar days shall be eligible for benefits as outlined elsewhere in this Personnel Manual as if their probation had not been extended. However, employees whose probation is extended will not receive any pay plan salary increase as defined in Section 17.00.

### **6.03 INTERNAL TRANSFER**

Those employees who have successfully completed an initial one hundred twenty (120) calendar day probationary period and who are later transferred or promoted to another position within the City are required to serve a thirty (30) calendar day probationary period in the new position. This probationary period may be reduced with approval of the department head and Human Resources Director, or extended in individual cases by the department head or supervisor, not to exceed a period of six (6) months. Internal transfers may use any available benefit time accrued while in probationary status.

## **SECTION 7.00 HOURS OF WORK**

### **7.01 POLICY**

It is the policy of the City to define, to the extent possible, the working hours of City employees.

### **7.02 PAYROLL WEEK**

The payroll week shall be the calendar week beginning at 12:01 a.m. Monday and ending at midnight the following Sunday. The payroll day shall begin at 12:01 a.m. and end at midnight. The payroll period shall consist of two (2) consecutive weeks.

### **7.03 WORK WEEK**

The normal work week for Regular and Temporary Full-time employees shall be forty (40) hours within a payroll week. The work week may be adjusted in accordance with departmental needs. (Regarding Sanitation, reference Section 13.05)

### **7.04 WORK DAY AND LUNCH**

The normal work day for Regular and Temporary Full-time employees shall consist of eight (8) hours with an unpaid lunch break of one-half (1/2) hour to one (1) hour duration. Employees working in the field, away from their routinely assigned City buildings and facilities may use a City vehicle when specifically authorized by their supervisor during their lunch break, provided the employees go to a restaurant or other location within reasonable proximity of the building, facility or work site. It should be noted that lunch break starts when authorization is given by the supervisor to leave the work site. In situations when a supervisor is not present, the employee is required to notify the appropriate department for authorization to commence the lunch break.

### **7.05 BREAKS**

Generally, employees shall be allowed one (1) paid fifteen (15) minute rest break for every four (4) hours worked. Generally, one (1) break should be taken during the first

(1<sup>st</sup>) four (4) hours of work and the second (2<sup>nd</sup>) in the second half of the shift. Typically, breaks should not be used to shorten the end of the work day. However, the employee's supervisor shall determine when the break is to be taken so as to least interfere with the efficient continuity of the work. Employees are required to take their rest breaks on the work site unless specifically authorized to leave the work site by the supervisor.

Employees working a regularly scheduled twelve (12) hour shift shall receive one (1) additional fifteen (15) minute rest break to be taken during the last four (4) hours of the shift.

## **7.06 FLEXIBLE WORK SCHEDULE**

### **(A) GENERAL PROVISIONS**

With approval of the department head, employees may vary the length of the work day so long as they are on the job for a predetermined "core" period and work the required number of hours by the end of the work week. Department heads and supervisors must determine the "core" hours during which each employee must be on the job and the flexible time bands during which an employee may report to or depart from work. Business needs are the basis for establishing "core" hours. No employee will be allowed to vary his/her work schedule in such a way that it would result in the unit or department being inappropriately staffed to meet business needs.

### **(B) TELECOMMUTING**

Department heads may decide, with written approval of the Human Resources Director, whether to permit an employee to telecommute and the exact terms of such arrangements so long as the terms are consistent with the City's Telecommuting Policy.

Telecommuting allows an employee to work at home, on the road, or in a satellite location for all or part of their regular work week. Telecommuting is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not an entitlement; it is not a City-wide benefit; and it in no way changes the terms and conditions of employment with the City.

## **7.07 COMPENSATORY TIME AND OVERTIME PAY**

(A) For union-eligible employees, compensatory time and overtime pay shall be administered pursuant to the terms of the applicable Collective Bargaining Agreement.

- (B) For non-union eligible employees, compensatory time and overtime pay shall be governed by the provisions of this Section. Provided, however, certain individual employees, listed and on file in the Human Resources Department, are “grandfathered” from the compensatory time provisions of this Section and shall not be subject to these provisions so long as they remain in their current position. This provision will apply only to the named individual and only so long as he/she remains in the same, listed position. Should any of these employees transfer to another job with the City (including the Utilities Department), this “grandfathered” status will terminate, and he/she will be subject to the compensatory time provision of this Section that applies to his/her new position.
- (C) Exempt employees in pay grades 11 and 12 shall receive compensatory time off in an amount equal to the number of hours worked in excess of fifty (50) hours in any payroll week.
- (D) Exempt employees in pay grades 7, 8, 9, and 10 shall receive compensatory time off in an amount equal to the number of hours worked in excess of forty-five (45) hours in any payroll week.
- (E) Exempt employees in pay grades 4, 5, and 6 shall receive compensatory time off in an amount equal to the number of hours worked in excess of forty (40) in any payroll week.
- (F) All non-exempt employees who work in excess of forty (40) hours in any payroll week shall be compensated in one of the following manners:
- (1) By receiving compensatory time off in an amount equal to 1.5 times the number of hours worked in excess of forty (40) hours in a payroll week; or
  - (2) Overtime pay for some or all hours worked in excess of forty (40) hours in a payroll week, at a rate of 1.5 times the employee’s regular rate of pay; or
  - (3) Alternatively, the department head may instruct the employee to take time off, in an amount equal to the amount worked in excess of eight (8) hours in a day, during the same calendar week, provided that the employee would otherwise have worked more than forty (40) hours in the week.
- (G) All new employees hired into positions covered by Paragraph (F) shall be required, as an express initial condition of employment, to sign a “Compensatory Time Off Agreement” in accordance with this Personnel Manual and Section 7 (29 U. S. C. Sec. 207(o)) of the Fair Labor Standards Act.

- (H) All overtime work must be approved in advance by the employee's supervisor or department head. Failure to get prior approval may be grounds for discipline.
- (I) For purposes of this Section (7.07), "hours worked" for non-union employees shall include all hours during which the employee is in active paid status (including paid benefit time—see definition in Section 2.00).
- (J) In addition, any employee who has a compensatory balance of more than 10 hours shall be required to use compensatory time prior to using paid time off or sick bank time to cover the time off.
- (K) No employee may accrue more than forty (40) hours of compensatory time at any time unless the employee is granted an exception as provided for in this section. A request for an exception to the compensatory time accrual limit must be requested in writing by the department head, and approved by the Human Resources Director and by the Mayor or the Mayor's designee. The exception shall be valid for a period of one year from the date of approval.

In no instance shall an employee who has been granted an exception to the 40-hour limit be allowed to accrue more than two hundred (200) hours of compensatory time except as provided for in 7.07 (M). The employee shall use the compensatory time off in excess of the maximum limit within eight (8) months of accrual or lose the ability to accrue any future compensatory time until the balance is under two hundred (200) hours.

- (L) An employee who wishes to take accrued compensatory time off shall notify his/her supervisor at least twenty-four (24) hours in advance. Whenever possible, supervisors shall permit employees to use their accrued compensatory time off on the date(s) requested. If an employee is scheduled to use compensatory time or paid time off and due to a crisis must work, the use of these benefits will be re-scheduled.
- (M) **Seasonal/Situational Exceptions:** Certain positions within the City are required to consistently and repeatedly work in excess of work week limits (as defined by Section 7.07 (C-F)) on a seasonal or situational basis, including, but not limited to, special projects, seasonal operations, snow removal, emergencies, etc.

In the event a position is required to work in excess of work week limits on a repeated basis, accrual of compensatory time beyond the limit established in Section 7.07(K) may be authorized by the following procedure, subject to change where necessary to

comply with changes in the seasonal exemption under the Fair Labor Standards Act (FLSA).

- (1) A request for exceptions to the compensatory time accrual limit for the position must be requested by the department head in writing and approved by the Human Resources Director and the Mayor or designee. The department head shall specifically state the purpose, situations, and time frame when compensatory time is accrued above the limits established in this Personnel Manual, including estimated number of hours being requested.
- (2) The employee in the position awarded the exception shall be required to sign a “Seasonal/Situational Exception Compensatory Time Off Agreement,” which constitutes the employee’s agreement to all terms and conditions of this policy.
- (3) The employee's department head or immediate supervisor may schedule compensatory time off for those employees covered by this policy in order to maintain efficiency of operations.

#### **7.08 RECORD KEEPING**

All employees shall be required to keep time sheets noting actual hours worked including lunch breaks and leave time, whether paid or unpaid. Time sheets shall be kept on a payroll period basis and turned into the department head or supervisor for review and verification of accuracy at the end of each payroll period.

It is ultimately the responsibility of the department head and his/her supervisors to make sure that every employee completes a time sheet each payroll period and that time records are maintained of all hours worked by an employee; of compensatory time owed to or taken by an employee, of all work days when an employee was absent; of all days when an employee was late in arriving to work (and the actual time a tardy employee arrives at work); and of a total of all hours worked by each employee in their department.

#### **7.09 IMPROPER DEDUCTIONS FROM PAY OF EXEMPT EMPLOYEES**

##### **(A) BACKGROUND**

Most City employees classified as exempt by Section 7.07 are required, under the Fair Labor Standards Act (FLSA), to be paid on a salaried basis in order to retain their exemption from the overtime provisions of that law. This Personnel Manual contains policies governing deductions from pay due to absences and for disciplinary suspensions, and those policies conform to the FLSA definitions of “salaried.” Therefore, deductions from an employee’s pay under authority of this Personnel

Manual will not cause any employee to lose salaried status for purposes of FLSA. In addition, an employer is not required to pay the full salary in an employee's initial or terminal week of employment.

**(B) POLICY**

It is the policy of the City of Bloomington to prohibit deductions from an employee's pay due to the quantity or quality of work, other than those expressly authorized by this Personnel Manual and/or the law. All department heads and employees shall have an affirmative duty to cooperate with and assist the Human Resources Department in making a sincere and good faith effort to avoid any improper deductions from pay that might jeopardize the salaried status of an exempt employee.

**(C) COMPLAINT PROCEDURE**

An employee who believes that an improper deduction from his/her salary has occurred may proceed as follows:

- (1) Discuss the matter with his/her immediate supervisor or department head. The employee should initiate this discussion within two (2) working days of being paid or learning of the deduction, unless special circumstances justify later action. The supervisor or department head will make a prompt initial determination of whether the deduction is proper, including a written explanation if the deduction is found proper.
- (2) If not satisfied with the initial determination, the employee may file a written appeal with the Human Resources Department within five (5) working days of receipt of the initial determination. This appeal shall state the basis for disagreeing with the initial determination.
- (3) The Human Resources Department shall review the appeal and will issue a final decision within five (5) working days whenever possible. If the Human Resources Department determines that an improper deduction was made, the employee shall be reimbursed as soon as possible within the timelines of the City's claim procedures. In addition, the Human Resources Department shall make a good faith effort to correct the reasons for the improper deductions and to avoid any such improper deductions in the future.

**7.10 DIRECT DEPOSIT REQUIRED FOR PAYROLL PURPOSES**

**(A) DIRECT DEPOSIT REQUIRED**

All employees are required, as a condition of employment, to use direct deposit for payroll unless they are exempted. There are circumstances for which payment by check, rather than direct deposit, is necessary or suitable.

The following are the only exceptions to the direct deposit rule qualifying for an exemption:

(1) The first paycheck of an employee shall be by check.

(2) An employee's last paycheck may be made by check.

**(B) EMPLOYEE RESPONSIBLE TO MAINTAIN BANK ACCOUNT**

It is the responsibility of the employee to verify the deposit has been made prior to spending or withdrawing the funds. Any discrepancies should be reported immediately to the Controller's Office.

It is the responsibility of the employee to maintain current account information. The Controller's Office should be notified immediately if an account is changed or closed.

**SECTION 8.00 PAID TIME OFF FOR ALL REGULAR FULL TIME (RFT) AND REGULAR PART TIME WITH BENEFITS (RPB) EMPLOYEES**

This policy shall apply in full to all employees except those whose positions are in a bargaining unit represented by a union.

Benefit time for union-eligible employees is governed by their collective bargaining agreement, and Section 8.00 supplements the AFSCME collective bargaining agreement.

**8.01 AMOUNT OF PAID TIME OFF**

**(A) FULL-TIME EMPLOYEES—EXEMPT AND NON-EXEMPT**

For full-time employees, other than department heads, scheduled to work forty (40) hours per week, credited Paid Time Off shall be credited upon hire and, thereafter, at the beginning of the calendar year in accordance with the charts in Appendix A, Section (A). Additional Paid Time Off shall be earned at the rate of four (4) hours per bi-weekly pay period worked, as reflected in Appendix A, Section (B), prorated based on the number of hours in pay status. Earned Paid Time Off is not accrued for hours taken as unpaid leave.

Earned Paid Time Off shall be credited at the end of the payroll period in which it is earned and shall not exceed one hundred four (104) hours per year. For full-time

employees scheduled to work between thirty-five (35) and thirty-nine (39) hours per week, credited Paid Time Off shall be credited upon hire and, thereafter, at the beginning of the calendar year in accordance with the charts in Appendix B, Section (A). Additional Paid Time Off shall be earned every pay period as described in Appendix B, Section (B), depending on the employee's regular scheduled hours.

**(B) DEPARTMENT HEADS**

All department heads shall receive credited Paid Time Off in the amount of one hundred seventy-six (176) hours per year. If hired after January 1, credited Paid Time Off is prorated based on remaining pay periods in the year. Additional earned Paid Time Off shall be earned and credited in accordance with Section 8.01(A). Extended periods of Paid Time Off for department heads shall be arranged by and subject to the approval of the appropriate City board and/or the Mayor, as is appropriate. For purposes of Paid Time Off, the following employees are department heads: Director of Public Works, Corporation Counsel, Director of Community and Family Resources, Director of Economic Sustainable Development, Controller, Planning Director, Director of Housing and Neighborhood Development, Deputy Mayor, Human Resources Director, Director of Utilities, Parks and Recreation Director, Police Chief, Fire Chief and Director of Information and Technology Services.

**(C) REGULAR PART-TIME EMPLOYEES WITH BENEFITS**

Regular part-time employees working between twenty (20) and thirty-four (34) hours per week will be credited Paid Time Off upon hire and, thereafter, at the beginning of the calendar year in accordance with the charts at Appendix C, Section (A). Additional Paid Time Off will be accrued every pay period in accordance with the charts at Appendix C, Section (B), depending on the employee's regularly scheduled hours.

**(D) PROBATIONARY EMPLOYEES**

During the probation period established in Section 6.01 of this Personnel Manual, employees may use only their earned Paid Time Off after it is credited. With department head approval, probationary employees may use up to forty (40) hours of credited Paid Time Off.

**(E) CHANGES IN STATUS**

For employees whose status changes from Regular Full-time to Regular Part-time, or from Regular Part-time to Regular Full-time, credited time off shall be adjusted according to the appropriate chart in Appendix A, B, or C. This may result in a reduction or increase of time credited at the beginning of the year.

## **8.02 SCHEDULING AND NOTIFICATION FOR PAID TIME OFF**

### **(A) GENERAL**

Paid Time Off shall be scheduled and approved by the department head or designated supervisor in accordance with the needs of the department. The department head or designated supervisor shall make every effort to respect the Paid Time Off requests of his/her employees, consistent with the needs of the department. Scheduling of Paid Time Off may be subject to Section 10.03, Family and Medical Leave Act (FMLA) Policy.

### **(B) MINIMUM USAGE**

The minimum amount of Paid Time Off taken at any one time shall be no less than one (1) hour, but additional time after the first (1<sup>st</sup>) hour on any occasion may be used in increments of fifteen (15) minutes. If an employee has an accrued compensatory time balance of more than ten (10) hours, than compensatory time must be utilized before Paid Time Off can be utilized in accordance with Section 7.07(J).

### **(C) NOTIFICATION**

The employee shall notify his/her department head as follows: 1) at least two (2) weeks in advance of the date he/she would like to begin taking Paid Time Off of more than sixteen (16) hours and 2) at least twenty-four (24) hours in advance of absences of sixteen (16) hours or less, unless due to illness or emergency for which twenty-four (24) hour notification is not possible, in which case, notification must still be made before the commencement of each work day. Use of Paid Time Off with less than at least twenty-four (24) hours notice is referred herein as unscheduled Paid Time Off. See Section 11.02 for situations in which proof of illness or emergency may be required. Even in the case of illness or emergency that prevents the employee from meeting the minimum notification above, employees shall not be paid for any absence unless they notify their supervisor before commencement of each work day. No allowance will be made for Sick Bank Time use during scheduled Paid Time Off. Paid Time Off may not be used to make up for time lost due to tardiness. Employees may not take Paid Time Off in advance of it being credited or accrued or exceed the maximum amount available. Employees who are on unpaid leave of absence or on layoff will not earn Paid Time Off. Notification to the switchboard operator or other acceptable notification set forth by individual departments shall be deemed proper notification.

**8.03 HOLIDAYS DURING SCHEDULED PAID TIME OFF OR SICK BANK TIME**

No employee will be required to charge Paid Time Off or Sick Bank time for a holiday observed by the City that falls during the employee's scheduled Paid Time Off or Sick Bank time.

**8.04 CARRY-OVER AND BANKING OF PAID TIME OFF**

Paid Time Off credited and earned during the year and remaining at the end of a year may be carried over into the next year or will be placed into the Sick Bank if the amount of hours remaining exceeds the maximum amount of Paid Time Off credited and earned during the year. Time accumulated in the Sick Bank is carried over indefinitely. There is no maximum number of hours that may be placed in the Sick Bank per year. Any Paid Time Off that is carried over into the next year and that is not used during that year will be placed into the Sick Bank.

**8.05 PAY FOR UNUSED PAID TIME OFF UPON SEPARATION FROM EMPLOYMENT**

(A) If an employee should retire or resign and leave in good standing after giving proper notice, the employee shall be paid for unused Paid Time Off to a maximum of three hundred twenty (320) hours for full-time forty (40) hour employees. Part-time employees' maximum shall be pro-rated based on scheduled hours and calculated as follows: The employee shall be:

- (1) Paid in full for any Paid Time Off carried over from the previous year;
- (2) Paid in full for any unused Earned Paid Time Off accrued during the current year; and
- (3) Paid for any unused Credited Paid Time Off from the current year according to the following schedule:
  - Any employee leaving between January 1<sup>st</sup> and 15<sup>th</sup>—0%
  - Any employee leaving between January 16<sup>th</sup> and February 14<sup>th</sup>—16%
  - Any employee leaving between February 15<sup>th</sup> and March 15<sup>th</sup>—32%
  - Any employee leaving between March 16<sup>th</sup> and April 15<sup>th</sup>—49%
  - Any employee leaving between April 16<sup>th</sup> and May 15<sup>th</sup>—66%
  - Any employee leaving between May 16<sup>th</sup> and June 30<sup>th</sup>—83%
  - Any employee leaving after June 30<sup>th</sup>—100%

(B) If an employee subject to Paragraph (A) has already, during the calendar year in which he/she resigns, taken more Paid Time Off than he/she is entitled to under Paragraph (A), then he/she shall repay the excess time taken. Repayment may be by deduction from his/her final paycheck, upon written authorization by the employee.

(C) Employees who are dismissed by the City for cause shall not be paid for current and/or accumulated Paid Time Off other than any days carried over from the prior year.

#### **8.06 USE OF SICK BANK**

(A) The Sick Bank is intended for use only when the employee is medically ill or injured, and the employee is not otherwise compensated by the Employer or through Worker's Compensation. Employees will not be paid for accumulated days in the Sick Bank upon separation from employment or upon death of the employee. In order to be paid for more than two (2) Sick Bank days in any given work week or for more than three (3) consecutively scheduled work days, employees shall present a statement from a healthcare professional licensed to practice in the State of Indiana, verifying that the employee was not able to work due to illness or injury. Employees shall not be paid for Sick Bank days unless they notify their supervisors before commencement of the employee's work day; provided, however, said employee shall notify his/her supervisor at least two (2) weeks in advance of a planned medical leave, such as scheduled surgery or treatment, except when it is not possible to give two (2) weeks' notice, in which case the employee shall give as much advance notice as is practicable. Provided further, use of Sick Bank days for reasons other than the employee's own illness or injury shall be permitted only as follows:

- (1) As provided in Section 10.03 Family and Medical Leave, and shall be subject to the notification and certification requirements of that section.
- (2) Absences necessitated by a family emergency or the serious illness of an employee's parent, child, spouse, or step equivalents, registered domestic partner, or the parent or child of a registered domestic partner, or mate may be approved, providing that the total does not exceed forty (40) hours per year. These forty (40) hours shall be chargeable to the Sick Bank. Extensions of this policy may be allowed at the discretion of the department head where extraordinary circumstances warrant such action, but shall not exceed a total of forty (40) additional hours per year. The department head shall send the appropriate documentation to the Human Resources Director. This provision is intended to cover short term, unexpected absences, and is not intended to replace the Family and Medical Leave Policy in Section 10.03.

(B) The minimum amount of Sick Bank time taken after the first (1<sup>st</sup>) hour on any occasion may be used in increments of fifteen (15) minutes. Provided, however, these minimums shall not apply to intermittent and reduced leave schedules under the

Family and Medical Leave Act and the City's policy implementing that law, if and to the extent imposition of such minimums would violate the FMLA. Such policy may be department-wide or may apply only to one (1) or more divisions of the department. Such policies may not require minimum usage of more than two (2) hours; must be in writing; and should be distributed to each employee and posted in the workplace. Provided, however, these minimums shall not apply to intermittent and reduced leave schedules under FMLA and the City's policy implementing that law (Section 10.03), if and to the extent imposition of such minimums would violate the FMLA. Such absences must be approved in advance by the employee's supervisor and documented as such on the employee's service record. Notification to the switchboard operator or other acceptable notification set forth by individual departments shall be deemed proper notification.

- (C) Employees will not be paid for accumulated days in the Sick Bank upon separation from employment or death of the employee.

## Appendix A

**For Full-Time employees other than Department Heads  
who are scheduled to work forty (40) hours or more per week**

Your total amount of Paid Time Off is the COMBINATION of  
Section (A) and Section (B).

<b>SECTION (A) CREDITED PAID TIME OFF IN HOURS</b>
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Awarded at the beginning of the year in hours

CHART 1	MONTH OF HIRE	HOURS CREDITED (Prorated)	CHART 2	CALENDAR YEAR OF EMPLOYMENT	HOURS CREDITED January 1
<b>FOR FULL-TIME EMPLOYEES IN THEIR 1<sup>ST</sup> CALENDAR YEAR OF EMPLOYMENT</b>	January	56	<b>FOR FULL-TIME EMPLOYEES IN AT LEAST THEIR 2<sup>ND</sup> YEAR OF EMPLOYMENT</b>	2	96
	February	51		3	96
	March	46		4	96
	April	41		5	96
	May	36		6	104
	June	31		7	112
	July	26		8	120
	August	21		9	128
	September	16		10	144
	October	16		11	160
	November	16		12 or greater	176
	December	16			

<b>SECTION (B) EARNED PAID TIME OFF IN HOURS</b>
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- For Full-time Employees who work eighty (80) or more hours per bi-weekly pay period, four (4) hours are awarded each bi-weekly pay period, prorated based on the number of hours in active pay status. Earned Paid Time Off is not accrued for hours taken as unpaid leave.
- Please note: Only Earned Paid Time Off may be used in the standard probationary period—the first (1<sup>st</sup>) four (4) months of employment.

**APPENDIX B: For Full Time Employees**  
 who are scheduled to work between 35 and 39 hours per week

**Your total amount of Paid Time Off is the COMBINATION of Section (A) and Section (B)**

**SECTION (A) CREDITED PAID TIME OFF IN HOURS**

**Awarded at the beginning of the year in hours**

FIRST YEAR Month of Hire	HOURS WORKED PER WEEK				
	39	38	37	36	35
January	55	53	52	50	49
February	50	48	47	46	45
March	45	44	43	41	40
April	40	39	38	37	36
May	35	34	33	32	32
June	30	29	29	28	27
July	25	25	24	23	23
August	20	20	19	19	18
September	16	16	15	14	14
October	16	16	15	14	14
November	16	16	15	14	14
December	16	16	15	14	14

YEARS	HOURS WORKED PER WEEK				
	39	38	37	36	35
2	94	91	89	86	84
3	94	91	89	86	84
4	94	91	89	86	84
5	94	91	89	86	84
6	101	99	96	94	91
7	109	106	104	101	98
8	117	114	111	108	105
9	125	122	118	115	112
10	140	137	133	130	126
11	156	152	148	144	140
12 and greater	172	167	163	158	154

**SECTION (B) EARNED PAID TIME OFF IN HOURS**

**Awarded each biweekly pay period in hours**

	HOURS WORKED PER WEEK				
	39	38	37	36	35
<b>EARNED Paid Time Off HOURS EACH BI-WEEKLY PAY PERIOD</b>	4	4	4	3.5	3.5

- Earned hours are prorated based on the number of hours in active pay status. Earned Paid Time Off is not accrued for hours taken as unpaid leave.
- Please note: Only Earned Paid Time Off may be used in the standard probationary period—the first (1<sup>st</sup>) four (4) months of employment.

# APPENDIX C: For Part Time Employees

who are scheduled to work between 20 and 34 hours per week

**Your total amount of Paid Time Off is the COMBINATION of Section (A) and Section (B)**

## SECTION (A) CREDITED PAID TIME OFF IN HOURS

**Awarded at the beginning of the year in hours**

FIRST YEAR Month of Hire	HOURS WORKED PER WEEK														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
January	48	46	45	43	42	41	39	38	36	35	34	32	31	29	28
February	43	42	41	40	38	37	36	34	33	32	31	29	28	27	26
March	39	38	37	36	35	33	32	31	30	29	28	26	25	24	23
April	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
May	31	30	29	28	27	26	25	24	23	23	22	21	20	19	18
June	26	26	25	24	23	22	22	21	20	19	19	18	17	16	16
July	22	21	21	20	20	19	18	18	17	16	16	15	14	14	13
August	18	17	17	16	16	15	15	14	14	13	13	12	12	11	11
September	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
October	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
November	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
December	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8

YEARS	HOURS WORKED PER WEEK														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
2	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
3	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
4	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
5	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
6	88	86	83	81	78	75	73	70	68	65	62	60	57	55	52
7	95	92	90	87	84	81	78	76	73	70	67	64	62	59	56
8	102	99	96	93	90	87	84	81	78	75	72	69	66	63	60
9	109	106	102	99	96	93	90	86	83	80	77	74	70	67	64
10	122	119	115	112	108	104	101	97	94	90	86	83	79	76	72
11	136	132	128	124	120	116	112	108	104	100	96	92	88	84	80
12 and greater	150	145	141	136	132	128	123	119	114	110	106	101	97	92	88

## SECTION (B) EARNED PAID TIME OFF IN HOURS

**Awarded each biweekly pay period in hours**

HOURS WORKED PER WEEK	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
EARNED Paid Time Off HOURS EACH BI-WEEKLY PAY PERIOD	3.5	3.5	3	3	3	3	3	2.5	2.5	2.5	2.5	2	2	2	2

- **Prorated based on the number of hours in pay status.**
- **Earned Paid Time Off is not accrued for hours taken as unpaid leave.**

**SECTION 9.00 HOLIDAY LEAVE**

**9.01 POLICY**

It is the policy of the City to designate certain holidays as paid days off in each calendar year. For union-eligible employees, Holiday Leave will be administered according to the applicable Collective Bargaining Agreement.

**9.02 DESIGNATED HOLIDAYS**

Paid holidays that shall be observed during a particular year shall be designated by the Mayor's Office and shall become a part of these policies and procedures. The Human Resources Department will distribute to all departments the holiday schedule for the following year by November 1<sup>st</sup>.

An employee may observe a bona fide religious holiday, consistent with the religious tenets adhered to by the employee and not included in the aforementioned holiday schedule, provided:

- (A) Employee gives not less than two (2) weeks' notice in advance of the requested holiday; and
- (B) The time off is charged to Paid Time Off, compensatory holiday leave, compensatory time, or is taken without pay, at the employee's choice.

The employee's request shall not be unreasonably denied with proper notice.

**9.03 HOLIDAYS FALLING ON WEEKENDS**

For operations normally occurring Monday through Friday only, when a paid holiday falls on Sunday, it shall be observed on the following Monday. When a paid holiday falls on Saturday, it shall be observed on the preceding Friday. See Section 9.06 regarding holidays and twenty-four (24) hour operations.

**9.04 HOLIDAY PAY**

(A) REGULAR FULL-TIME EMPLOYEES who observe the paid holiday shall receive a normal day's pay. Non-exempt Regular Full-Time employees who are required to work on a paid holiday shall receive a normal day's pay plus compensatory holiday leave at a rate of one and one half (1.5) times the number of hours worked, to be scheduled and taken in accordance with the needs of the department. An employee may not accrue more than forty (40) hours holiday compensatory time at any one time and may be taken during probation with the approval of the employee's supervisor.

If a holiday falls on a Regular Full-time employee's scheduled day off, the employee will be compensated with another day off after the holiday, to be scheduled and taken in accordance with the needs of the department.

(B) REGULAR PART-TIME EMPLOYEES WITH BENEFITS who normally would not be scheduled to work on the holiday and who do not work the holiday do not receive holiday pay. (Example: An employee works Mondays through Thursdays, and a holiday falls on Friday. The employee would not receive holiday pay.)

(C) NON-EXEMPT REGULAR PART-TIME EMPLOYEES who are required to work on a paid holiday shall receive a normal day's pay plus compensatory holiday leave at a rate of one and one half (1.5) times the number of hours worked. Exempt Regular Part-time employees who are required to work on a paid holiday shall receive a normal day's pay plus compensatory holiday leave in an amount equal to the number of hours worked, to be scheduled and taken in accordance with the needs of the department. This holiday leave shall not be counted toward the maximum of forty (40) hours compensatory time to be accrued at any one time. Holiday compensatory time cannot exceed twenty (20) hours and must be taken within the calendar year. For purposes of this section, a normal day means the number of hours the employee would normally work on the day on which the holiday falls.

(D) UNION-ELIGIBLE EMPLOYEES who are required to work on a holiday shall receive holiday pay pursuant to the terms of the applicable collective bargaining agreement.

#### **9.05 ELIGIBILITY FOR HOLIDAY PAY**

Employees are required to work both the last scheduled day before and the first (1st) scheduled day after a holiday to receive holiday pay. Use of scheduled Paid Time Off, Sick Bank time, or compensatory time with prior supervisor approval meets this requirement. An employee who calls in for unscheduled Paid Time Off or Sick Bank time on the last scheduled work day immediately preceding a holiday or the first (1<sup>st</sup>) scheduled work day immediately following a holiday will be subject to the following sanction unless he/she has adequate Sick Bank time or Paid Time Off available to cover the absence and produces a healthcare professional's statement of inability to work or (for Paid Time Off) other proof of emergency:

(A) Non-exempt employees will be denied any pay for the holiday if they did not work and will be denied any holiday premium pay to which they would otherwise be

entitled (other than time and a half for any hours worked over forty (40) during the work week) if they did work; and

(B) Exempt employees may be denied use of Paid Time Off pursuant to Section 11.02(C).

Employees who work a minimum of four (4) hours may be compensated for Sick Bank time or Paid Time Off for the remainder of the work day and be eligible for holiday pay at the discretion of their department head.

#### **9.06 24-HOUR OPERATIONS**

Employees who work in a seven (7) day per week and/or twenty-four (24) hours per day operation shall receive holiday pay on the date designated by the Mayor. It is understood that in certain situations when actual holidays fall on Saturdays or Sundays, employees may be required to work on the actual holiday at their regular rate of pay but will be compensated for the holiday on the date designated by the Mayor. (See Section 9.03)

### **SECTION 10.00 OTHER LEAVE**

#### **10.01 ON-THE-JOB INJURY**

Employees who are injured or become ill while on the job due to a cause related to their assigned work should report the injury or illness immediately to their supervisor and Human Resources Department. Also, all employees should report to a supervisor any working conditions that they believe to be potentially unsafe or harmful. Employees medically disabled on the job shall receive their normal rate of pay for the first five (5) consecutive days of their normally scheduled work week, up to forty (40) hours per week (or forty-eight (48) hours per week in the case of Waste Water Treatment Plant employees), provided a healthcare professional acceptable to the City certifies that the employee is unable to work. Provided, however, an employee who receives Worker's Compensation benefits for the first five (5) days of his/her normally scheduled work shall be required to reimburse the City in one (1) lump sum payment any and all amounts received from Worker's Compensation insurance within forty-five (45) days of returning to work.

This five (5) day period shall not be charged against the employees' Sick Bank time or Paid Time Off. An employee shall be entitled to the five (5) days of employer paid benefit only once in any rolling period of two (2) consecutive years, after which available Sick Bank time or Paid Time Off may be used for absences due to on-the-job injury. No employee may use paid Sick Bank time or Paid Time Off for any day for which he/she receives Worker's Compensation benefits. Sick Bank time or Paid Time Off used under

this Section shall not be counted for purposes of establishing a pattern of abuse as defined in Section 11.02.

#### **10.02 LEAVE WITHOUT PAY**

Except as otherwise provided in these Policies and Procedures and/or in the Collective Bargaining Agreement between the City and a union representing City employees, employees typically are not entitled to take time off without pay and must charge all time off to available paid benefit time, including compensatory time, in accordance with the policies governing use of such benefits. Time off without pay may be granted where the employee's request is approved at least forty-eight (48) hours in advance by the department head and the Human Resources Director. Such requests will be approved only where the department head and the Human Resources Director determine that it is in the best interests of both the City and the employee. Provided, however, in exceptional circumstances, leave without pay may be granted on less than forty-eight (48) hours notice at the discretion of the department head, with the approval of the Human Resources Director. This provision shall not apply to any absence of more than five (5) consecutive scheduled work days. Absences of five (5) or more consecutive scheduled work days must be charged to benefit time or approved under the FMLA (Section 10.03) or under the Leave of Absence Policy (10.04).

#### **10.03 FAMILY AND MEDICAL LEAVE**

Below is a summary of the City's policy for extending family and medical leave to employees. This policy effects compliance with the Family and Medical Leave Act of 1993 and also voluntarily extends family and medical leave beyond the requirements of the Act in certain circumstances (e.g., to certain employees who may not be subject to the Act but who will receive the same benefits as employees who are subject to the Act, and for leave due to serious health condition of an employee's registered domestic partner). For a complete copy of the City's policy and related forms, or if employees have any questions or need to request a leave, please contact the Human Resources Department or their supervisor.

Reasonable documentation may be required to show the employee's relationship to the person for whose care the leave is requested.

##### **(A) ELIGIBILITY**

Any employee who has been employed by the City for at least twelve (12) months and who has provided at least 1,250 hours of service to the City in the twelve (12) months previous to the date leave begins is eligible under this policy. The twelve (12) months of employment need not have been consecutive, but in counting the 1,250 hours, paid benefit time and unpaid leave are not counted. In addition, this

policy applies to all Regular Full-time and Regular Part-time (Eligible for Benefits) employees who have been employed for at least twelve (12) months, even if they do not meet the eligibility criterion of 1,250 hours of service in the previous twelve (12) months.

**(B) MAXIMUM AMOUNT OF LEAVE**

The maximum amount of leave available under this policy is twelve (12) work weeks in any twelve (12) month period. The twelve (12) month period shall be measured forward from the date an employee first uses leave under this policy. Where spouses or domestic partners are both employed by the City, they are jointly entitled to a combined total of twelve (12) work weeks of family leave for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

**(C) QUALIFYING REASONS FOR LEAVE**

This policy applies to leaves for the following purposes:

- (1) Because of the birth of a child of the employee and in order to care for such child;
- (2) Because of the placement of a child with the employee for adoption or foster care;
- (3) In order to care for the spouse, registered domestic partner, child, or parent of the employee due to such person's serious health condition; or
- (4) Because of the serious health condition of the employee that makes the employee unable to perform the essential functions of his/her position.
- (5) Because of a qualifying exigency arising out of the fact that the employee's spouse, registered domestic partner, child, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty;
- (6) In order to care for a covered service member with a serious injury or illness if the employee is the spouse, registered domestic partner, child, parent, or next of kin of the service member.

**(D) MEDICAL CERTIFICATION**

Medical certification on City forms will be required to support a leave request due to the serious health condition of the employee or another person. The City may request second (2nd) and/or third (3rd) opinions at City's expense as allowed by the policy. In addition, a medical fitness for duty certification will be required prior to an employee's return from leave that was due to the employee's serious health condition. Leave or return to work may be delayed or ultimately denied if the employee does not comply with the medical certification requirements of the policy. Periodic re-certification is required. Normally re-certification will be required every thirty (30)

calendar days, but the policy sets forth in detail the circumstances in which a shorter or longer period applies.

(E) ADVANCE NOTICE

The policy contains advance notice requirements for use of leave. Generally, thirty (30) calendar days advance notice is required for any unpaid leave or as soon as practicable in an emergency. For paid leave, the employee must normally give the advance notice required under the City's paid leave policies for the kind of leave in question. Failure to provide the required notice may result in delaying the start or continuation of approved leave until the required time has passed. In some cases this could result in disciplinary action if the employee is off work without permission.

(F) PAID LEAVE

While on FMLA qualifying leave, the employee must exhaust paid benefit time, including compensatory time, prior to taking any unpaid leave.

(G) HEALTH INSURANCE

During the leave, the City will continue to pay the employer's share of health insurance premiums, but the employee must pay the employee's share during an unpaid leave. Normally the employee's share is due biweekly, on the day paychecks are distributed; however, an employee may contact the Human Resources Department to make other arrangements for such payments, provided such arrangements are acceptable to the City. Payments must be made to "the City of Bloomington" care of Human Resources. Health insurance coverage will terminate effective upon the payment due date if a payment is more than thirty (30) calendar days overdue, provided that the City gave the employee notice fifteen (15) calendar days before the termination date. The City may be entitled to recover premium payments made on behalf of an employee if the employee voluntarily chooses not to return to work or in a case where the City chooses to pay the employee's share due to the employee's failure to pay. In any event, an employee whose coverage lapses during leave is entitled to have coverage reinstated on the same terms as prior to taking leave when he/she returns to work, provided the employee makes any necessary contributions and enrolls for coverage within sixty (60) calendar days of return to work.

(H) OTHER BENEFITS

Benefits shall accrue the same as they normally would under existing City policies on paid and unpaid leave. Paid Time Off benefits do not accrue during unpaid leave.

(I) STATUS REPORTS

Employees will be required to report to the City on their status and intent to return to work every thirty (30) calendar days except where a different interval is appropriate under the circumstances.

(J) RESTORATION TO EMPLOYMENT

An employee returning to work following FMLA leave is entitled to restoration to his/her prior or an equivalent position, provided he/she is able to perform the functions of the job. No benefits that had accrued prior to the leave will be lost, and health insurance will be restored (if coverage lapsed and restoration is requested by the employee within sixty (60) calendar days of return to work) without limitation due to the leave.

**10.04 LEAVE OF ABSENCE**

This policy applies to leaves that do not qualify under Section 10.03, Family and Medical Leave and to requests for additional leave after exhausting the leave allowed by Section 10.03.

Leave of absence without pay may be granted to any Regular Full-time or Regular Part-time with Benefits employee after one (1) year of employment with the City upon written request and subject to the following conditions:

(A) Leave of absence shall be at least one (1) week in duration and shall not normally exceed six (6) months, but may, in special circumstances and with the approval of the Mayor or the appropriate board or commission, be granted for a period of up to one (1) year. Any unpaid portion of a leave taken under Section 10.03 Family and Medical Leave shall be counted toward these time periods if the leave requested under this section is a continuation of the same leave for the same reason.

(B) Leave of absence shall be subject to the written approval of the department head, Human Resources Director, and the governing board or commission where appropriate.

(C) Leave of absence may be granted for any reason deemed to be in the best interest of the City and the employee. Examples are job-related education or continuation of a leave for a purpose covered by Section 10.03 following exhaustion of the leave allowed under that Section. In the case of medical disability of the employee or of a person needing the employee's care, a healthcare professional acceptable to the City must certify that the person is medically disabled. A medical release from the

- employee's attending healthcare professional must be received prior to the employee returning to work.
- (D) During a leave of absence, an employee shall remain eligible for paid time off benefits, but such benefits shall not accrue during periods of unpaid leave. An employee may retain his/her insurance benefits by paying the employee's share of health insurance premiums for a period not to exceed twelve (12) months.
  - (E) Requests for leave of absence shall be made at least thirty (30) calendar days prior to the date the leave shall commence if granted. However, exceptions may be made in true emergency situations where longer notice is not possible.
  - (F) Employees shall be required to use all of their available paid benefit time prior to taking unpaid leave under this policy.
  - (G) If an employee does not report for work on the first (1st) work day following the expiration of the leave of absence and fails to get a leave extension, the employee may be considered voluntarily terminated.
  - (H) An employee may not be granted more than two (2) leaves of absence without pay per rolling twelve (12) month period. The twelve (12) month period shall be measured forward from the date the employee first uses leave under this Section.
  - (I) In extenuating circumstances, with the approval of the department head, the Human Resources Director, and Mayor, additional leaves of absence may be granted.

#### **10.05 MILITARY LEAVE**

Employees who leave City employment to serve in the armed forces of the United States shall be considered on leave of absence as required by federal law (38 U.S.C.A. Sections 4031-4035, Veteran's Reemployment Rights). It shall be the responsibility of the employee to reapply through the Human Resources Department within the applicable statutory period.

In addition, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) outlines the protections afforded to reservists called into active duty. The City of Bloomington will comply with the requirements of USERRA governing initial employment, reemployment, promotion, and other benefits of employment to persons who are obligated to perform in a uniform service.

#### **10.06 RESERVE OR NATIONAL GUARD DUTY**

Any Regular Full-time employee of the City who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to a leave while he/she is engaged in the performance of official duty or training in this state or in the United States, in accordance with USERRA and Ind. Code 10-16-7-6. While on such leave, he/she shall be paid his/her regular salary for a maximum of fifteen (15) working days in any calendar year (five (5) shifts for a firefighter). He/she shall retain all employee benefits during the leave. To receive payment of salary during military leave, an employee must, prior to said leave, file a copy of his/her official orders with the payroll clerk of the department in which employed. Upon return, certification from the employee's commanding officer of performance of duty in accordance with terms of the orders must also be filed. In addition, in accordance with Ind. Code 10-16-7-7, any Regular Full-time employee who is called to active duty by the Governor in case of war, invasion, insurrection, public disaster or breach of peace or imminent danger, shall be entitled to an unpaid leave of absence. While on such leave, the employee shall retain, but not accrue, all employee benefits.

#### **10.07 BEREAVEMENT LEAVE**

Paid bereavement leave is available to all Regular Full-time employees and to all Regular Part-time employees with benefits who have completed their probationary period. If there is a death in the employee's immediate family (spouse, registered domestic partner, mate, child, brother, sister, parent, parent of spouse, the parent or child of a registered domestic partner, the parent or child of the employee's mate, or step equivalents thereof) necessary time off for the attendance of funeral matters will be approved with pay providing the total absence does not exceed three (3) work days. Firefighters will be extended two (2) tours of duty as bereavement leave in this circumstance.

In case of the death of an employee's grandparent, grandchild, brother-in-law, sister-in-law, or step equivalents thereof, absence with pay will be approved providing the total absence does not exceed one (1) day. Firefighters will be extended one (1) tour of duty in this circumstance.

Any other absence in connection with funerals of other relatives or friends may be excused using paid time off, other leave or without pay at the discretion of the department head. For purposes of this provision, a day equals the number of hours the employee would regularly have been scheduled to work on the day taken off or the average number of hours worked per day. Also for purposes of this provision, "other leave" does not include sick leave.

## **10.08 CIVIC LEAVE**

An employee who is required to serve as a juror or to attend court or a coroner's inquest as a witness shall be excused from work for the days on which he/she serves and shall receive for each such day of said service on which he/she otherwise would have worked the difference between his/her regular straight time rate and the payment he/she receives for that service. The employee shall present proof of service (subpoena) and of the amount of payment received thereof from the clerk of the court or coroner. After being released from jury duty by the court, the employee shall report to work within one (1) hour.

## **SECTION 11.00 DISCIPLINE AND DISCHARGE**

### **11.01 UNIFORM DISCIPLINARY POLICY**

#### **(A) GENERAL POLICY STATEMENT**

The purpose of this policy is to give employees notice, insofar as possible, of the City's standards, requirements, and expectations that are not covered elsewhere in these Policies and Procedures. Work rules described herein are not all-inclusive, and the omission of a specific policy prohibiting a particular kind of conduct does not mean the conduct is acceptable to the Employer.

It is also the purpose of this policy to describe the City's general philosophy concerning discipline and discharge. Each discipline or discharge situation presents a unique set of circumstances that will be reviewed and decided on its individual facts and in the context of the surrounding circumstances.

This uniform disciplinary policy is not intended to create a contract of employment between the City of Bloomington and its employees. This policy may be changed from time to time, and all employees will be notified of such changes.

#### **(B) PROGRESSIVE DISCIPLINE**

Normally, employee misconduct or unsatisfactory performance will be subject to the following progressive disciplinary system, except as otherwise provided herein:

- (1) The first (1<sup>st</sup>) offense or incident will result in a written warning.
- (2) A second (2<sup>nd</sup>) offense or incident, including, but not limited to, a repetition of the first (1<sup>st</sup>) offense or incident, within twelve (12) months of the first (1<sup>st</sup>) offense or incident, will result in a written warning and a one (1) to three (3) work day suspension without pay, subject to Paragraph C below.

- (3) A third (3<sup>rd</sup>) offense or incident, including, but not limited to, repetition of previous offenses or incidents, within twelve (12) months of the second (2<sup>nd</sup>) offense or incident, will result in immediate discharge. It is the responsibility of the supervisor and the department head to consult with Human Resources and the Legal Department prior to discharge.

Provided, however, the City of Bloomington reserves the right to decide upon the appropriate response to employee misconduct or unsatisfactory performance, including, but not limited to, counseling, reprimand, warning, suspension, or discharge, based on all relevant circumstances. Accordingly, the City will not necessarily adhere to the three (3) step progressive discipline system in all circumstances. Rather, the purpose of progressive discipline is to provide management the opportunity to put employees on notice that their conduct or performance is unsatisfactory so that they may have an opportunity to correct or improve their conduct or performance. Employees are required to verify receipt of this notice by their signature on the written warning. In the case of union employees, this verification can be the signature of an employee representative present at the time the written warning is given. Where the circumstances indicate that progressive discipline is inappropriate or futile, the City may act accordingly.

#### **(C) SPECIAL RULE FOR EXEMPT EMPLOYEES**

Exempt employees shall not normally be subject to suspension without pay for performance related issues. Such employees shall be subject to suspension without pay only in increments of one (1) or more full work days and only where warranted by violations of written rules or policies of general applicability, as determined by their supervisor(s) with the approval of the Human Resources Director.

#### **(D) RECORD KEEPING**

It is the responsibility of the supervisor or the department head to record any and all disciplinary actions taken against any employee on an Administrative Remarks form. It is the responsibility of the supervisor or the department head to assure that a copy of all such records are filed with the Human Resources Department within fourteen (14) calendar days of the employee being given the Administrative Remarks.

### **11.02 ATTENDANCE AND PUNCTUALITY**

This section shall apply to all employees. Union-eligible employees are also governed by their collective bargaining agreement.

#### **(A) LATE/TARDY POLICY**

Employees are expected to report to work promptly, begin the work day at their established starting time (Section 7.06), and work their full scheduled work shift. Late or tardy shall be defined as an employee who clocks in or reports to work after his/her established starting time. Two (2) late arrivals in a pay period shall result in a written warning. Three (3) written warnings in any twelve (12) month period may result in immediate termination. Excessive, repeated tardies in cases that do not violate this policy but that violate the spirit of the policy may subject an employee to disciplinary action, up to and including termination.

For payroll purposes only, employees who arrive no more than five (5) minutes late shall not be docked pay. Employees who arrive more than five (5) minutes late will be paid for time actually worked. This is for payroll purposes only and does not affect disciplinary action.

In addition, if the employee has not notified the Employer that he/she will be late no later than thirty (30) minutes after his/her scheduled start or clock-in time, the employee will be subject to discipline pursuant to this Section. This discipline shall be separate from the discipline that is received for reporting to work late. In the event that the employee's supervisor is not available, then notification to the switchboard operator shall be deemed notification to the employer. Each department head may develop his/her own department notification procedure.

#### **(B) NOTIFICATION TO EMPLOYER OF UNSCHEDULED ABSENCE**

Each employee is required to notify his/her supervisor or department head when he/she is going to be absent from work. Notification requirements for requesting compensable time off and leave without pay are outlined in each of the relevant benefit sections.

One (1) or more steps of the normal three (3) step disciplinary policy may be skipped for any employee who is absent two (2) consecutive days or more without contacting his/her supervisor or department head such that suspension and/or termination may result from a single violation. Notification to the switchboard operator will not be deemed notification to the Employer for absences exceeding one (1) day.

#### **(C) UNSCHEDULED ABSENCES**

It is the policy of the City of Bloomington to allow employees a reasonable amount of paid Time Off and Sick Bank time. The City's desire is to allow employees the maximum possible flexibility in the use and scheduling of such Paid Time Off and Sick Bank time while ensuring that efficient City operations are not adversely affected by employees' use or abuse of this privilege. To that end, the City hereby

declares that employees' entitlement to paid Time Off and Sick Bank time under this policy carries with it a corresponding duty on the part of each and every employee to use his/her time responsibly. Such duty includes, but is not limited to:

- (1) Giving as much notice as possible in advance of using time off. It is emphasized that the minimum notification requirements contained in this policy are only a minimum and that employees are expected to give more notice when they are able to.
- (2) Taking all necessary and possible steps to ensure that his/her responsibilities can be covered during an absence. For example, an employee who must miss work on short notice due to an emergency, and who has important events or deadlines occurring on that day, is expected to convey to the appropriate colleague the information necessary to allow other employees to handle the situation with the minimum of inconvenience to the City or others.
- (3) Avoiding the use of Paid Time Off or unscheduled Sick Bank time when the employee's absence will be particularly detrimental to the employer, even if notification requirements are met. Using Paid Time Off and Sick Bank time in any manner that is detrimental to efficient City operations will be considered a breach of the employee's duty to the employer and will be subject to disciplinary action unless the employee has a statement from a healthcare professional licensed to practice in the State of Indiana certifying inability to work. In addition, supervisors shall have the right to require proof of illness or emergency and to deny pay and/or take other disciplinary action if proof is not provided in the following situations:
  - (a) Where an employee uses unscheduled Paid Time Off and/or Sick Bank time in any amount on a day when the employee's absence is particularly detrimental to the employer, including repeated use of Paid Time Off or Sick Bank time on days that the employee reasonably should know to be important to the department by reason of workload, deadlines, or other causes rendering absences particularly deleterious to the department;
  - (b) Where an employee seeks to use unscheduled Paid Time Off and/or Sick Bank time more than six (6) times in any twelve (12) month period;
  - (c) Where an employee's pattern of usage suggests a breach of his/her duty to use Paid Time Off and/or Sick Bank time responsibly in accordance with this policy. A pattern of Paid Time Off and/or Sick Bank time use that

suggests possible abuse includes, but is not limited to, recurring unscheduled use of Paid Time Off and/or Sick Bank time on Fridays and/or Mondays, scheduled work days before or after regular days off, scheduled work days before or after City holidays, or scheduled work days before or after scheduled Paid Time Off or compensatory days off. Any combination of the above may constitute a pattern of abuse of unscheduled absences.

- (d) Where an employee uses unscheduled Paid Time Off and/or Sick Bank time on the last scheduled work day immediately preceding a holiday or the first (1<sup>st</sup>) scheduled work day immediately following a holiday, or
  - (e) Use exceeding accumulated Paid Time Off or Sick Bank time.
  - (f) Use of Sick Bank time for reasons other than illness or injury, except as expressly permitted by these Policies and Procedures.
- (4) In addition, any employee with frequent one (1) day illnesses may be required to present a healthcare professional's statement or other proof of illness upon return to work in order to receive Sick Bank time pay.

In the spirit of this policy, an absence of multiple consecutive work days due to the same illness, injury, or other incident will generally be considered as one (1) unscheduled absence. As noted in Section 8.06, in order to be paid for more than two (2) Sick Bank days in any given work week, or for more than three (3) consecutively scheduled work days, employees shall present a statement from a healthcare professional licensed to practice in the State of Indiana verifying that the employee was not able to work due to illness or injury.

### **11.03 USE OF TIME CLOCKS OR OTHER TIME RECORDING DEVICES**

This policy applies only to employees who use a time clock or other time recording device. This policy applies to overtime work, as well as to regularly scheduled work. Employees shall adhere to departmental policies regarding clock in and clock out in conjunction with lunch periods or other non-working times of the day.

(A) CLOCK-IN RULES

All employees must clock in promptly upon arrival at work. Employees who clock in prior to the start of their scheduled work day or shift without prior approval for overtime work will not be paid for the additional work time.

(B) CLOCK-OUT RULES

All employees must clock out promptly upon ceasing work at the end of the work day or shift. This Section shall not be construed to permit employees to leave early, work late, or stop work during their shift without prior authorization.

(C) FAILURE TO CLOCK IN OR OUT

Failure to clock in or clock out in accordance with these rules shall subject the employee to discipline as follows:

- (1) Two (2) violations during a pay period will result in a written warning.
- (2) Three (3) written warnings in any twelve (12) month period may result in discharge.
- (3) Repeated failure to clock in that does not violate this policy but that violates the spirit of the policy may subject an employee to disciplinary action, up to and including termination.

Failure to clock in or out is a violation of this policy. For pay purposes, the violator will be paid as if the violation had not occurred, provided that the employee reports to his/her supervisor to document his/her attendance. The supervisor will document arrival or departure by writing in the employee's time of arrival or departure and initialing it. The supervisor will follow this method of documentation only if the employee reports his/her failure to clock in or out to the supervisor before payroll is submitted for the day in question and no later than the employee's next day of work following the failure to clock in or out, and further provided that the supervisor or chief operator is able to confirm the employee's stated time of arrival or departure. If these conditions are not met, the employee must report to the Human Resources Director to file an affidavit of attendance. Nothing in this provision shall be construed to require the Employer to pay an employee for hours that the employee did not work. Hourly employees are strictly forbidden to write clock in or clock out time on any other person's time card or to clock other employees in or out. Such actions will be treated as falsification of City records and may result in discharge pursuant to Section 11.09.

#### **11.04 SANITATION MISS-OUT POLICY**

##### **(A) STATEMENT OF POLICY**

An employee will be considered to have committed a miss-out if he/she has failed to report to work at the time of the initial scheduled departure of the sanitation truck from the Sanitation facility unless the employee has reported that he/she will be absent and the nature of his/her absence prior to his/her scheduled clock-in time.

##### **(B) DISCIPLINARY ACTION**

- (1) Two (2) miss-outs within a twelve (12) month period will result in a written warning to the employee.
  
- (2) Two (2) additional miss-outs within a twelve (12) month period of the date of the first miss-out of two (2) that resulted in a written warning will result in a second (2<sup>nd</sup>) written warning and a three (3) work day suspension. The day of the miss-out will not count toward the days of suspension.
  
- (3) One (1) additional miss-out within a one (1) year period of the first (1<sup>st</sup>) of the two (2) that resulted in the initial written warning will result in immediate termination.

This policy does not supersede any other policy governing paid or unpaid absence from work or tardiness. An employee who commits a miss-out may also commit a separate offense under such policies. Conversely, the fact that an employee avoids committing a miss-out by calling in prior to the start of the shift does not preclude the City from disciplining the employee for such offenses.

#### **11.05 OCCUPATIONAL SAFETY AND HEALTH POLICY**

The City of Bloomington has adopted an Occupational Safety and Health Policy that outlines the city's commitment to the provisions of federal OSHA and state IOSHA laws and regulations. Each department head and/or supervisor shall be responsible for ensuring their respective work unit complies with these standards. Any employee found to be in violation of this policy shall be subject to discipline in accordance with Section 11, Discipline and Discharge. A copy of the Occupational Safety and Health Manual shall be available for employee review in each City department, as well as the Risk Management division.

#### **11.06 TAKE HOME VEHICLE POLICY**

Subject to this Section (11.00, Discipline and Discharge), only employees authorized by the Mayor or Mayor's designee may use take-home City vehicles. Specific use of take-home City vehicles shall be determined only by the Mayor or Mayor's designee. All

other employees are strictly forbidden from using any City vehicles for personal purposes except for incidental non-business stops, such as lunchtime between business stops.

#### **11.07 HARASSMENT**

Any employee, including supervisory employees, who violates any provision of subsections 3.04 or 13.01(A) of these Policies and Procedures shall be subject to appropriate discipline in accordance with the provisions of this Section (11.00, Discipline and Discharge).

#### **11.08 GAMBLING**

Gambling in any form is strictly forbidden while on City time and/or City premises. Violation of this Section shall subject an employee to the appropriate disciplinary action, in accordance with the provisions of this Section (11.00, Discipline and Discharge).

#### **11.09 OFFENSES THAT MAY RESULT IN IMMEDIATE DISCHARGE**

The following offenses are examples of conduct for which the employee may be discharged immediately. This listing is not intended to be all inclusive, but, rather illustrative in nature, and is in addition to other offenses included in this Section (11.00, Discipline and Discharge).

- (A) Reporting to work under the influence of alcohol or other drugs not prescribed by a healthcare professional;
- (B) Drinking and/or possessing alcoholic beverages or using and/or possessing a controlled substance not prescribed by a healthcare professional while on the job; and/or any violation of the Drug-Free Workplace Policy contained in Section 11.10;
- (C) Fighting while on the job;
- (D) Threatening and/or intimidating employees or other persons while on the job;
- (E) Stealing while on the job;
- (F) Stealing from the City of Bloomington, which shall include unauthorized use of City property or equipment;
- (G) Intentional or grossly negligent destruction of or damaging of property while on the job;
- (H) Representing oneself as a City of Bloomington employee in order to aid in committing or attempting to commit a felony, misdemeanor, or infraction;
- (I) Failure to comply with a supervisor's reasonable work order;
- (J) Possession of dangerous weapons while on the job, except when an employee is specifically authorized to possess dangerous weapons;
- (K) Immoral or indecent conduct or use of abusive language while on the job;
- (L) Falsification of City records or any records maintained by the City of Bloomington;

- (M) Conviction of a felony or any misdemeanor that may reflect negatively on the City of Bloomington;
- (N) Unauthorized disclosure of any confidential City information;
- (O) Violations of Sections 11.05, 11.06, and 11.07; or
- (P) Any action that, whether or not a violation of a regularly established rule, regulation, or policy, is so deleterious to efficient City operations or to the public interest that discipline or discharge could reasonably be expected to result.

#### **11.10 DRUG-FREE WORKPLACE POLICY**

The City of Bloomington is committed to providing a drug-free workplace, and expects the cooperation of all employees and a similar commitment from them. Pursuant to the Drug-Free Workplace Act of 1988, the City is required to notify employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace is prohibited, whether or not the employee is on duty. In addition, an employee who is convicted of a drug statute violation arising out of conduct occurring in the workplace must notify the Human Resources Director no later than five (5) calendar days after the conviction. As a condition of employment, all employees must abide by these rules. Any employee who violates these rules will be subject to discipline, up to and including termination.

In accordance with Department of Transportation (DOT) regulations, the City has established drug and alcohol testing rules for those employees who are required to hold a Commercial Driver's License because of the nature of their work in performing a safety-sensitive function. The drug and alcohol testing rules are part of the City of Bloomington's Occupational Safety and Health Manual.

A supervisor who has reasonable suspicion of any employee being under the influence of drugs or alcohol shall notify his/her department head and refer to procedures set forth in the Occupational Safety and Health Manual.

Employees should be aware that all City employees and their families may receive free, confidential counseling through the City's Employee Assistance Program (EAP). The EAP offers short-term counseling, as well as referral, when appropriate, to long-term or specialized counseling. The EAP vendor can refer employees to appropriate programs to deal with drug or alcohol problems. An EAP counselor is on call at all times. Information is available in the Human Resources Department and on the City's intranet web site.

Any supervisory employee who learns of an employee's violation of this policy or of an employee's conviction of a drug statute violation for conduct occurring in the workplace shall immediately notify the Human Resources Director. Failure to do so will subject the

supervisor to discipline in accordance with the provisions of this Section (11.00, Discipline and Discharge).

## **SECTION 12.00 GRIEVANCE PROCEDURE**

### **12.01 UNION EMPLOYEES**

Employees represented by a recognized bargaining unit shall use the grievance procedure established by the collective bargaining agreement.

### **12.02 GRIEVANCE PROCEDURE**

Whenever an employee feels he/she has been unfairly treated, he/she should:

#### **(A) STEP ONE**

Submit a written grievance to his/her immediate supervisor and/or department head within ten (10) working days of the alleged unfair treatment. The supervisor and/or department head may meet with the employee concerning the grievance. The employee may elect to have a fellow employee with him/her during this meeting. The supervisor and/or department head will make every effort to resolve the grievance within ten (10) working days. If the grievance cannot be settled at the initial step, a written appeal will initiate step two.

#### **(B) STEP TWO**

Submit a written appeal with the department head response to the Human Resources Director with one (1) copy to the department head and one (1) copy retained by the employee. The appeal shall be filed within ten (10) working days of receipt of the reply from step one. Upon receipt of the written appeal, the Human Resources Director or his/her designee shall conduct such meetings with the employee, department head, and other parties as are necessary to determine the facts regarding the grievance and shall attempt to reply within ten (10) working days. If the resolution proposed at the second (2<sup>nd</sup>) step of the procedure is not satisfactory, it may be appealed to step three.

#### **(C) STEP THREE**

Submit a written appeal to the Mayor or his/her designee within ten (10) working days of receipt of the reply from step two. The Mayor or his/her designee may conduct an investigation and shall attempt to issue a final decision within ten (10) working days.

**NOTE:** Failure of the employee to submit his/her appeal within the time limits specified will result in the City considering the matter closed.

## **SECTION 13.00 OTHER CITY POLICIES AND PROCEDURES**

### **13.01 MEETINGS AND UNION BUSINESS**

Rules and procedures for union meetings, union business, and union administrative duties are contained in the Collective Bargaining Agreement between the City and the unions representing union eligible employees. All supervisors and department heads are responsible for ensuring compliance with those provisions.

#### **(A) NON-HARASSMENT**

Union officials shall not be harassed for holding any office or participating in any union business. Employees shall not be harassed for participating in or refusing to participate in union business or any other activities affecting the union. Nothing in this section shall be construed to limit or expand any provisions relating to the conduct of union business during work hours. Adherence to such provisions by either party shall not constitute harassment.

#### **(B) RECORD KEEPING**

An employee who participates in meetings or union business as provided for herein shall fill out an appropriate Union Business Record Form. The completed form shall be given to the employee's supervisor or department head.

### **13.02 INFORMATION AND TECHNOLOGY SERVICES POLICY**

The City of Bloomington provides information technology and communication technology (computing devices and networks) to its employees as a tool to support the City's business. The City of Bloomington has adopted an Information and Technology Policy Manual which outlines the City's policy in the purchase, use, and conduct of all departments in the use of information and communication and technology.

Information Technology (IT) includes, but is not limited to, computers, servers, networking equipment, hardware, software, IT support, IT consulting, IT services, web-based/cloud services, cell phones, smart phones, mobile devices, and any other device or peripheral that connects to a computer or to the City network. All employees will receive and acknowledge receipt of the City of Bloomington's IT Policy Manual.

### **13.03 DRESS AND APPEARANCE**

Work attire should complement an environment that reflects an efficient, orderly, and professionally operated department. It is important that employees maintain a neat, well-groomed appearance at all times. Discretion should be used in an employee's choice of work attire. An employee will be notified by the department head if his/her attire or level

of cleanliness is unacceptable. In those departments where uniform rental and laundry service is furnished, clean uniforms are to be worn daily.

#### **13.04 BAD WEATHER POLICY**

City functions must continue operation, even in poor weather conditions. In inclement weather, employees are to assume that City services are open for business and to report to work as usual unless the Mayor or his/her designee has made a decision to curtail City operations. In this instance, the Mayor or his/her designee will make a public announcement notifying the City through the media of the status of any given office or offices. The Mayor or his/her designee will make this decision based upon the need to keep City operations functioning as normally as possible and upon concern for the safety of City employees.

(A) When an emergency occurs prior to the beginning of the work day, the Mayor's Office will provide one (1) of the following two (2) announcements to the media when a weather-related emergency occurs:

(1) City operations are functioning under an **UNSCHEDULED LEAVE POLICY**:  
You may choose to report to work. However, employees in non-emergency positions, with notification to their supervisor, may take accrued compensatory time, Paid Time Off, or leave without pay.

(2) City operations are **CLOSED**.

In the unlikely event that the County declares a snow or ice emergency that officially closes the roads, or other emergency declared by the Mayor, regular employees in non-emergency positions who are scheduled to work are excused from work without loss of pay or charge to benefit time. Employees in positions designated as *emergency positions* are expected to report for work on time.

Employees who are not scheduled to work on the day(s) City operations are declared closed will not receive an additional paid benefit day. To clarify, when an employee is absent on previously approved compensatory time, Paid Time Off, or leave without pay, or when the closing occurs on a day when the employee's regular schedule does not require him/her to work, the employee is not entitled to additional benefit time as a result of the closing.

A list of emergency positions by job title will be maintained in Human Resources and distributed to departments whenever updated.

(B) For employees who are not in positions designated as emergency positions and who do not live in Monroe County, if a weather emergency that precludes non-essential travel is declared in the county in which he/she lives or in a county he/she must pass through to travel to work, the employee will be permitted to use accrued compensatory time, Paid Time Off, or leave without pay for the day and will not incur an unscheduled absence. The employee is expected to provide notice of his/her absence as required by these policies.

### **13.05 SANITATION DEPARTMENT WEATHER POLICY**

This policy in its entirety will govern cancellation of work for the Sanitation Department in the absence of City-wide cancellation of work or authorized unscheduled leave under Section 13.04. In the event of a City-wide closing or unscheduled leave announcement, Section 13.04 will apply to the Sanitation Department in lieu of this Section, except that scheduling will be handled as in Paragraph (D) of this Section.

#### **(A) PURPOSE**

This outlines the Public Works Department policy regarding work cancellation for the Sanitation Department due to extreme and hazardous weather conditions.

#### **(B) CANCELLATION**

If in the judgment of the Sanitation Director weather conditions are such that carrying out normal sanitation pick-up will jeopardize the health and safety of employees, he/she shall recommend to the Public Works Director that work be cancelled for that day. With concurrence of the Mayor, the Public Works Director may accept the recommendation and cancel pick-up for that day. Employees, unless notified otherwise, shall not report for work.

#### **(C) NOTICE**

Notice shall be given to the public and to employees through radio announcement. Additionally, the City switchboard operator will be informed. Any employee who believes that hazardous conditions may exist, but who has not heard announcement through the media, is encouraged to contact the switchboard operator at 339-1444. Finally, notice shall be posted on the door at the Sanitation Garage.

#### **(D) SCHEDULE**

If cancellation is for one (1) day only and that day falls on a Monday, Tuesday, Wednesday, or Thursday, the normal pick-up schedule will be backed up one (1) day and schedule caught up on Friday. If the cancellation affects Friday or if more than one (1) day is cancelled, the department will work on Saturday on an overtime basis

to bring the schedule current. The public shall be advised of schedule revisions through the media.

**(E) AUTHORIZED LEAVE**

Days not worked due to cancellation shall be considered authorized leave without pay. At the request of the employee, such days may be charged to Paid Time Off or compensatory time if the employee has such days remaining. All other employees shall receive authorized leave without pay. Authorized leave without pay shall be granted with no negative penalty and shall not be a factor in establishing patterns of Sick Bank time abuse or in application of disciplinary action due to “miss outs.”

**13.06 REDUCTION IN FORCE**

Reduction in force (RIF) is the discontinuance of employment for any employee(s) for a period of time due to lack of work, reorganization, or other factors. The City will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoff before any final decisions are made. The Human Resources Director and department heads, with approval of the Mayor, shall determine which employees will be in RIF status, using both job qualifications and seniority as criteria.

Employees who are laid off in RIF status will be carried as an inactive employee and be placed on a recall list for a period of six (6) months. Employees who fail to keep a current home address on record with the Human Resources Department will lose their recall rights.

At the City’s discretion, employees will be recalled on the basis of need, their classification, seniority, or their ability to do the job. Notice of recall is sent by certified mail to the last noted address on file with the Human Resources Department. The employee is to respond to the recall notice within five (5) working days following receipt of the notice or its attempted delivery. Failure to respond will result in the employee’s name being removed from the recall list, and the employee will cease to have any job rights with the City. Employees, while in RIF status, may apply for any City positions posted internally or externally. It is the employee’s responsibility to contact the Human Resources Department for information regarding position openings.

Employees retain their seniority during RIF; however, benefits do not continue to accrue while laid off. Employees have the option to be paid at the start of their RIF layoff for Paid Time Off prorated in accordance with Section 8.06, and compensatory time to a maximum of forty (40) hours. An employee may continue medical insurance benefits as defined under the COBRA Continuation Act of 1986. If, at the end of six (6) months, an employee is not recalled due to lack of available work, his/her recall rights and

employment are terminated. If an employee did not elect for payment of accrued benefit time at the start of RIF and was not recalled, payment will be made at the end of this six (6) month period.

However, the City reserves the right to alter the layoff and recall procedure in order to assure an adequate level of service. For union-eligible employees, layoffs and recall shall be administered pursuant to the terms of the applicable collective bargaining agreement.

### **13.07 TRAVEL AND EXPENSE REIMBURSEMENT**

#### **(A) GENERAL POLICY**

When traveling on authorized City of Bloomington business, employees may be reimbursed for meal, lodging, transportation and other necessary travel expenses in accordance with the City's Travel Policy. Written approval must be received from the department head, and the Mayor or his/her designee, prior to any travel.

#### **(B) HOURS COMPENSATED WHEN EMPLOYEES TRAVEL FOR OFFICIAL BUSINESS**

Except as otherwise provided herein, all hours spent in travel status for official business shall be counted as hours worked and compensated in the same manner as other hours worked for the employee in question. For purposes of this section, "hours spent in travel status," as defined in the City of Bloomington Travel Policy, shall include travel time (time spent in transit to and from the location of the event). Travel time does not include travel between home and the employee's normal workstation if travel begins or ends at the employee's normal workstation. Lunch hours or other time used by the employee for purposes other than attendance at some part of the event that the employee is attending will not be counted as hours worked. Lunch hours that are part of the function (speakers, meetings, etc.) are counted as hours worked. Employees must keep a time sheet just as they do while working at their normal workstation.

The supervisor shall have the right to decide the mode and time of travel in order to maximize efficient use of employee time and public resources, taking into account both direct travel costs and the amount of employee time spent in travel.

**Exception:** For overnight travel, the department head may elect, with the approval of the Human Resources Director and with advance notice to the employee, to limit the amount of travel time (time spent in transit) that may be counted as hours worked. The Human Resources Director shall consult with the Legal Department as necessary to insure that any time limitation is consistent with the Fair Labor Standards Act, where applicable.

### **13.08 ETHICS AND CONFLICT OF INTEREST POLICY**

In order to maintain the integrity of City administration as well as the confidence that the public has in it, it is essential that employees of the City shall not use their positions for personal gain. To achieve this goal, all employees must act in an ethical manner and avoid conflicts of interest as provided by Indiana law and City policy. The purpose of the City's Ethics and Conflict of Interest policy is to assure the highest level of ethical conduct by City employees in all City matters, to foster transparency and to encourage careful deliberation in all cases where conflicts, perceived conflicts or ethical issues may arise. City employees shall be required periodically to complete a Conflict of Interest disclosure form. The form will be provided by the Human Resources Department. The City of Bloomington Ethics Officer, an assistant city attorney, will periodically conduct training and education on the policy and compliance requirements.

#### **(A) CONFLICT OF INTEREST**

Indiana law expressly prohibits City employees from having a financial interest in a contract or purchase connected with an action by the City except in certain situations permitted by law with appropriate formal disclosure. A financial interest of an employee's spouse or dependent is also covered by the law. In addition, Indiana law prohibits bribery and other actions by a City employee to take advantage of inside knowledge gained by virtue of his/her employment, for his/her own or any other person's benefit. Violation of any of these rules is a criminal offense by the employee.

Compliance with the criminal statutes summarized above is the minimum standard of conduct demanded by the City for its employees. In addition, the City strives to avoid situations that have the potential for impropriety or the appearance of impropriety even where not expressly prohibited by state law.

Examples of situations that might violate these policies are: outside employment, contractual services, or advisory relationship, even if unpaid, with any person or entity either doing business with the City or regulated by the City, or in a field of endeavor regulated by the City, any investment or ownership or other interest in any business, property or entity that does business with the City or is regulated in any way by the City or is involved in a field of endeavor regulated by the City. Interests or activities of a spouse, domestic partner or dependent of an employee may also fall within the foregoing description. **WHETHER A VIOLATION EXISTS DEPENDS UPON ALL THE FACTS AND CIRCUMSTANCES.**

#### **Conflicts of interest; discussion, recommendations and decision making**

1. No employee shall participate in any discussion, make any recommendation, make or influence any decision or vote, if he or she has a conflict of interest. A conflict of interest exists when an employee has knowledge that any of the following has a financial interest in the outcome of a recommendation, decision or vote;
  - a. The employee;
  - b. A relative of the employee, which means spouse, parent or step parent, child or stepchild, including adopted child or stepchild, brother, sister, stepbrother or stepsister, niece or nephew, aunt or uncle, daughter-in-law or son-in-law, brother-in-law or sister-in-law, cousin, registered domestic partner, mate or grandparent;
  - c. A business entity, including a not for profit, in which the employee is serving as an owner, officer, director, member, trustee, partner, board member, employee, consultant, advisor or subcontractor;
  - d. A business entity, including a not for profit, or individual from which the employee derives remuneration or other financial gain from a transaction involving the City; or
2. An employee who identifies a potential conflict of interest shall disclose the conflict of interest to his or her department head or staff liaison, Human Resources and the Legal Department and recuse himself or herself from further involvement in the matter.

#### **Conflicts of interest; contracts**

1. An employee, or a member of the family of the aforementioned as defined above in paragraph 1(b), may not knowingly have a financial interest in, derive remuneration from or recognize a financial gain from a contract, written or unwritten, in which the City is a party.
2. An employee who, acting in good faith, learns of an actual or prospective violation avoids a violation of City policy provided that not later than five (5) days after learning of the actual or prospective violation, he or she makes a full written disclosure of any financial interests to the contracting agency and the Office of Corporation Counsel, and terminates the financial interest. The City reserves the right to seek reimbursement for any compensation received in violation of Section 1.

#### **Waiver**

1. An employee who identifies a potential conflict of interest is prohibited from engaging in the conduct raising the conflict of interest unless and until a written

waiver from this policy is recommended by the City of Bloomington Ethics Officer and approved in writing by the Mayor or designee.

2. The written approval of the waiver shall be filed with the office of Corporation Counsel, and constitutes conclusive proof that the potential conflict of interest is not a violation of this policy. A copy of the waiver must be sent to the Office of the Controller.

## (B) CODE OF ETHICS

- (1) The City of Bloomington requires that its employees adhere to the following principles and standards:

- a. Give first consideration to the objectives and policies of the City and the taxpayers.
- b. Strive to obtain the maximum value and quality for every dollar spent.
- c. Grant all competitive suppliers equal consideration insofar as state or federal statute, local ordinances, and internal policies permit.
- d. Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of misrepresentation.
- e. Demonstrate and demand honesty in all transactions, whether offered through the medium of a verbal or written statement, an advertisement, or a sample of a product.
- f. Accord a prompt and courteous reception to all people.
- g. Foster fair, ethical, and legal practices.
- h. Employees will be guided in interpretation of gifts by distinguishing between a gift, gratuity, or favor that has significant monetary value. Gifts are offered or accepted in expectation of preferential treatment and are not allowed. Courtesies are those items that are given simply as an expression of courtesy or to support a charity. Examples of courtesies include a meal or social event; exchanges of floral offerings or offerings of food that are to commemorate events such as illness, death, birth, holidays, or promotions and that have a nominal estimated value of seventy-five dollars (\$75) or less.
- i. Employees should not accept from any one vendor, individual, supplier, or organization courtesies that exceed a total estimated accumulated value of two hundred fifty dollars (\$250) in one calendar year. Exceptions to this limit must have approval of the Mayor.
- j. Employees shall not knowingly accept gifts, meals, or other gratuities during the time in which agreements or contracts are being considered for approval or negotiated for terms.

## (2) PERSONAL HONESTY AND INTEGRITY

Each employee has the responsibility to the City and to his/her colleagues to demonstrate the highest standards of personal integrity, honesty, and fortitude in public activities. Employees shall:

- a. Comply with all applicable laws, ordinances, resolutions, and regulations in carrying out his/her job responsibilities;
- b. Avoid engaging in behavior outside of working hours that could have deleterious impact on the City of Bloomington. Examples of such behavior might include violating the law, arrest or conviction, or violating common standards of ethical conduct. Discipline, up to and including termination, will be determined on a case by case basis, depending upon the severity of the behavior; the public significance of the employee's position; and the relevance of the damaging behavior to the position.
- c. Eliminate any and all circumstances that could result in personal gain from the performance of official duties or from the use of City property;
- d. Avoid all interests or activities that are in conflict with the conduct of official duties; and
- e. Not accept gifts or gratuities except as described in this Policy.

### (3) PURCHASES FOR EMPLOYEES

The City shall not acquire goods or services for the personal use of employees with the exception of City marketing material and employee recognition items of nominal monetary value used to promote employee good will. Other policies may spell out specific items that the City purchases for the employee to use, such as a take home vehicle.

Those with whom the City does business may extend beneficial pricing privileges to City employees with the prior approval of the Director of Human Resources. The beneficial pricing must be extended to all employees or some local grouping of employees. These agreements shall not place the City in the position of taking title to or being responsible for financing such purchases.

### (4) GIFTS AND GRATUITIES

Employees shall not solicit personal gifts from a supplier or a prospective supplier or any other entity with which the City does business unless the gift or donation is for a charitable or non-profit agency. Unsolicited gifts may be accepted by the employee. However, gifts must be given to the City and must remain on City property. All gifts with an estimated monetary value of seventy-five dollars (\$75) or more will be reported to the Ethics Officer and recorded in the Human Resources Department, noting a description of the gift, who gave the gift, the date of the gift giving, and the location/use of the gift. This record shall be open to public inspection.

The acceptance of items of a general advertising nature (i.e., the item is clearly marked with a company advertising logo) is acceptable. Any general advertising item having an estimated monetary value of seventy-five dollars (\$75) or more will be recorded in the Human Resources Department, noting a description of the gift, who gave the gift, the date of the gift giving, and the location/use of the gift. This record shall be open to public inspection. Please see (1)j above.

(5) MEALS

A meal that occurs in the pursuit of normal day-to-day business is considered a courtesy. Meals that are a result of business discussions that extend into, during, or beyond working hours are a normal part of doing business. Meals that occur when an employee accepts an invitation to visit a supplier's facility and the discussions extend into or beyond normal working hours are also normal parts of doing business. Any meal with an estimated monetary value of seventy-five dollars (\$75) or more will be reported to the Ethics Officer and recorded in the Human Resources Department, noting a description of the meal, who paid for the meal, and the date of the giving of the meal. This record shall be open to public inspection. Please see (1)j above.

(6) ENTERTAINMENT

Any entertainment that occurs in the pursuit of normal day-to-day business is considered a simple courtesy, as are activities that are a result of business discussions that extend into, during, or beyond working hours and are considered a part of doing business. Activities that occur when an employee accepts an invitation to visit a supplier's facility and the discussion extends into or beyond normal working hours is also part of normal business relationships. Each employee who participates in entertainment exceeding an estimated monetary value of seventy-five dollars (\$75) will report the event to the Ethics Officer and to the Human Resources Department, noting a description of the entertainment, who paid for the entertainment, the date of the entertainment, and the purpose of the entertainment. This record shall be open to public inspection.

Invitations to functions of a general nature, rather than specific or individual nature, where the supplier sponsors and pays for clients from multiple businesses or governmental agencies, may be accepted. For example, if a supplier sponsors a training course, a seminar, a golf outing, a sporting event admission, or a banquet for clients from multiple governmental entities, then these offers may be accepted. However, employees must report all participation to the Ethics Officer and Human Resources Department of an event exceeding an estimated monetary value of seventy-five dollars (\$75). Participation will be recorded, noting a description

of the entertainment, who paid for the entertainment, the date of the entertainment, and the purpose of the entertainment. This record shall be open to public inspection. Any additional offers of hospitality from suppliers, such as paid lodging or transportation, shall be declined unless specifically intended to serve for training and education directly benefitting the City of Bloomington.

(7) OUTSIDE EMPLOYMENT

Employees shall report to their supervisor any outside employment outside their work with the City of Bloomington, using the “Secondary Employment Notification and Approval Form.” Such activities are typically not the City’s concern, but they become a concern if the employment compromises the interests of the City, adversely affects the employee’s work performance, or negatively impacts the City’s reputation. Employees may not hold any other employment or engage in any personal business, including as an independent contractor, that would create an actual or potential conflict of interest. If outside work would involve products, services, or customers similar to those of the City, this could create a conflict of interest. If an employee is contemplating engaging in outside employment and is unsure whether the work would create a conflict of interest, the employee shall discuss the situation with the Director of Human Resources. The City will determine on a case-by-case basis whether an employee will be permitted to continue employment with the City in a situation where the outside employment could potentially create a conflict of interest or could potentially otherwise adversely impact the City’s business.

Employees shall not be permitted to utilize any City equipment whatsoever, including, but not limited to, safety vests, tools, vehicles, computer equipment, or any other equipment owned by the City of Bloomington for use in other employment. The use of City property for other employment may result in disciplinary action, up to and including termination of employment. For permissible outside employment, employees should consider whether the demands of that work will interfere with employment with the City.

(8) PROFITING FROM PUBLIC SERVICE

- a. A person who approves, negotiates, or prepares the terms or specifications of a contract or purchase for the City shall not knowingly obtain a financial interest in that contract or purchase for one (1) year after he/she separates from employment with the City. Any exceptions shall require written approval of the Mayor.
- b. The City reserves the right to consider as a factor in awarding a contract or bid the fact that a former employee, who worked personally and substantially on the subject matter while a City employee and within twelve (12) months of

City employment, may have an unfair knowledge for a project or bid. At the option of the City, such involvement may constitute grounds for disqualification for the contract or bid.

**(9) QUESTIONS AND REPORTING**

If an employee is uncertain as to the propriety of a situation, the employee shall seek approval prior to participating from the City's Ethics Officer. Any employee who is aware of a violation of this policy has a responsibility to report that violation to her/his department head, the City's Ethics Officer, and/or the Human Resources Department. A violation of this policy may lead to disciplinary action, up to and including termination.

**13.09 POLICY ON WORKPLACE VIOLENCE**

**(A) GENERAL POLICY**

Because the City of Bloomington has a responsibility to maintain a healthful work environment and to maintain a beneficial relationship with the community, the City will not tolerate or ignore workplace violence. All reports of incidents will be taken seriously and will be dealt with appropriately. The City's response to workplace violence will be appropriate disciplinary action against the perpetrator in accordance with Section 11.00, up to and including termination and criminal prosecution. Employees who are victims of threats or acts of workplace violence, who witness or learn of threats or acts of workplace violence, or who believe such violence could soon occur should contact their supervisor and Human Resources immediately, or in an emergency, should first contact the police.

**(B) DOMESTIC VIOLENCE**

It is the policy of the City of Bloomington to use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. This support may include: confidential means for coming forward for help, providing referrals/references to resources and information, work schedule adjustments when possible, and reasonable accommodation of leave needed to obtain medical, counseling or legal assistance (refer to Section 10.03 regarding FMLA certification). A complete summary of guidelines addressing domestic violence in the workplace is available from Human Resources and on the Human Resources intranet site.

### **13.10 POLICY PROHIBITING SMOKING IN THE WORKPLACE**

In accordance with Chapter 6.12 of the Bloomington Municipal Code entitled “Smoking in Public Places,” smoking is prohibited in all enclosed facilities owned by the City of Bloomington *including City vehicles*. Additionally, any smoking outside of a City facility shall occur at a reasonable distance outside any area where smoking is prohibited to insure that the smoke does not enter a facility through entrances, windows, ventilation systems, or by any other means. It shall be a violation of City policy to cause smoke to be detected in any area where smoking is prohibited. Any employee in violation of this policy shall be subject to appropriate disciplinary action, and shall be subject to a fine of one hundred dollars (\$100) in accordance with Section 6.12.090 (c) and (d) of the Bloomington Municipal Code.

### **13.11 POLICY ON PRIVACY OF HEALTH INFORMATION**

All employees who have access to any health information on other employees through their jobs shall restrict their use and disclosure of such information to the minimum necessary to perform their authorized job functions. This standard shall apply regardless of whether the information is covered by the Privacy Policy described below:

Employees who handle protected health information within the meaning of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) shall be subject to the City’s Privacy Policy. Such employees will receive a copy of the Privacy Policy and instructions on the use and disclosure of such information.

With respect to health information that is covered by the Privacy Policy, all employees shall have the right to request access to their own health information; to request amendments to their health information; to request restrictions on the use of their health information; to request an accounting of disclosures of their health information; and to request confidentiality in communications with them. Forms for such requests and complete information on these rights, and the procedures applicable thereto, are available from the Benefits Manager in the Human Resources Department.

No employee may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against a person who exercises any right under HIPAA or the Privacy Policy; who testifies or otherwise assists with an investigation or compliance action thereunder; or who opposes in good faith and lawfully a practice that he/she believes violates HIPAA or the Privacy Policy.

Violations of this policy shall subject the violator to appropriate discipline, up to and including termination.

**SECTION 14.00 PROCEDURE AND BENEFITS UPON SEPARATION FROM EMPLOYMENT**

**14.01 DISMISSAL**

An employee who is dismissed by the City shall be ineligible for payment of Paid Time Off, or other paid benefits, except that Paid Time Off carried over from the prior year will be paid in full, and accrued compensatory time will be paid not to exceed forty (40) hours except when required by the Fair Labor Standards Act or authorized under Section 7.07(K).

**14.02 RESIGNATION**

An employee may submit a letter of resignation for voluntary and permanent separation of employment. In order to resign in good standing, an employee should provide a minimum of two (2) weeks written notice prior to his/her last day of work, and the employee must work during the final two (2) weeks unless time off with or without pay is authorized by the department head and the Human Resources Director, or the Mayor upon a showing of good cause. Additionally, on or prior to last day of work as directed by the supervisor, the employee must return all City property including, but not limited to, keys, employee identification, credit cards, uniforms, and other equipment. Failure to comply may result in the employee not leaving in good standing.

If an employee should resign and be rehired by the City at a later date, the employee shall be treated as a new hire, and the years of service prior to the date of resignation will not be credited in the calculation of benefit time.

**14.03 RETIREMENT**

An employee planning to retire should notify his/her department head and the Human Resources Department at least two (2) weeks in advance of the scheduled date of retirement.

**14.04 BENEFITS UPON RESIGNATION OR RETIREMENT**

A union-eligible employee who separates from the City in good standing, as defined in Sections 14.02 and 14.03, is eligible for payment of accrued Paid Time Off, prorated in accordance with Section 8.05, and for accrued compensatory time. No payment will be made for any other accrued benefits, including Sick Bank time, upon separation from employment.

A non-union employee who separates from the City in good standing, as defined in Section 14.02 and 14.03 is eligible for payment of accrued Paid Time Off prorated in accordance with Section 8.05, holiday leave, and for accrued compensatory time except that exempt employees are eligible for payment of accrued compensatory time and

holiday leave up to a maximum of forty (40) hours each. In extenuating circumstances, with the approval of the department head, the Human Resources Director, and the Mayor, payment to exempt employees for accrued compensatory time over forty (40) hours may be granted. No payment will be made for any other accrued benefits, including Sick Bank time, upon separation from employment.

Payment of benefits upon separation will be included in the employee's final paycheck. The final paycheck will be distributed on the pay date corresponding to the employee's last day worked.

#### **14.05 EXIT INTERVIEW**

Employees separating from the City's employ may be requested to complete an exit interview questionnaire sent to the employee by Human Resources in which essential feedback on policies and personnel practices may be obtained. Additionally the employee may voluntarily participate in an interview with the Human Resources Director or his/her designee.

#### **SECTION 15.00 PROMOTION TO FULL-TIME OF REGULAR PART-TIME WITH BENEFITS EMPLOYEES**

If a Regular Part-time with Benefits (RPB) employee is promoted to Regular Full-time, credit for years of service as a Regular Part-time employee will count as seniority for the purposes of the AFSCME pay plan (Section 17.02). To receive additional Paid Time Off in accordance with Sections 8.01, credit is only given for the total number of hours worked over the course of the employee's part-time service divided by two thousand eighty (2,080) to get the full-time equivalency for years of service. Provided, however, individual employees who would receive fewer hours of Paid Time Off at their full-time equivalency would be "grandfathered in" at their part-time Paid Time Off benefit until such time as the full-time Paid Time Off benefit exceeds the hourly part-time benefit.

#### **SECTION 16.00 CENTRAL EMERGENCY DISPATCH CENTER (CEDC)**

##### **16.01 APPLICABILITY OF POLICY**

All policies set forth in the City of Bloomington Personnel Manual apply to all City and County employees of the CEDC except as noted in this section, Section 16.00. In case of a conflict of policies between the City of Bloomington Personnel Manual and the County of Monroe, Indiana Personnel Policy Handbook, the final authority for interpretation shall be the City of Bloomington Human Resources Director, upon consultation with the County Human Resources Department.

**16.02 PAYROLL WEEK**

For City employees, the payroll week shall be the calendar week beginning at 12:01 a.m. Monday and ending at midnight the following Sunday. The payroll day shall begin at 12:01 a.m. and end at midnight. The payroll period shall consist of two (2) consecutive weeks.

For County employees, the payroll week shall be the calendar week beginning at 12:01 a.m. Sunday and ending at midnight the following Saturday. The payroll day shall begin at 12:01 a.m. and end at midnight. The payroll period shall consist of two (2) consecutive weeks.

**16.03 WORK WEEK**

The normal work week for Regular and Temporary Full time employees of the CEDC shall be four (4) days on and two (2) days off, without regard to weekends and recognized holidays. The work week may be adjusted in accordance with departmental needs.

**16.04 WORK PERIOD**

The normal work day for Regular and Temporary Full time employees shall consist of eight (8) hours.

**16.05 BENEFITS FOR COUNTY EMPLOYEES**

County employees of the CEDC receive employer paid and employee leave benefits as outlined in the County of Monroe, Indiana Personnel Policy Handbook. These include Benefit Time (6.1); Other Leave (6.2); and Employee Benefits (6.3), except that the County CEDC employees follow the holiday schedule designated by the Mayor for City employees.

Scheduling of all paid and unpaid leave time off is done in accordance with CEDC procedures.

**16.06 SCHEDULING AND NOTIFICATION FOR PAID AND UNPAID LEAVE TIME OFF**

**(A) GENERAL**

Paid Time Off for City employees and Vacation Time and Sick Leave Benefits for County employees of the CEDC shall be scheduled and approved by the department head or designated supervisor in accordance with the needs of the department and as outlined in this Personnel Manual. The department head or designated supervisor shall make every effort to respect the Paid Time Off Leave requests of his/her employees, consistent with the needs of the department. Scheduling of Paid Time Off

Leave may be subject to Section 10.03, Family and Medical Leave Act (FMLA) Policy.

**(B) MINIMUM USAGE**

For the CEDC, the minimum amount of paid time off leave to be taken at any one time shall be no fewer than two (2) hours, scheduled at the beginning or at the end of a shift.

**(C) NOTIFICATION**

For the CEDC, the employee shall notify his/her department head as follows: (1) at least two (2) weeks in advance of the date he/she would like to begin taking Paid Time Off Leave of more than sixteen (16) hours and (2) at least seventy-two (72) hours in advance of absences of sixteen (16) hours or less, unless due to illness or emergency for which seventy-two (72) hour notification is not possible, in which case, notification must still be made before the commencement of the work day. CEDC employees shall not be paid for sick leave unless they notify the supervisor at least one and one half (1 ½) hours prior to commencement of the CEDC employees' work day.

**16.07 GRIEVANCE PROCEDURE**

Whenever an employee feels he/she has been unfairly treated, he/she should:

**(A) STEP ONE**

Submit a written grievance to his/her immediate supervisor and/or, for City employees, the Chief of Police, within ten (10) working days of the alleged unfair treatment. The supervisor and/or department head may meet with the employee concerning the grievance. The employee may elect to have a fellow employee with him/her during this meeting. The supervisor (and/or the Chief of Police for City employees) will make every effort to resolve the grievance within ten (10) working days. If the grievance cannot be settled at the initial step, a written appeal will initiate step two.

**(B) STEP TWO**

Submit a written appeal with the department head response to the Human Resources Director with one (1) copy to the department head and one (1) copy retained by the employee. The appeal shall be filed within ten (10) working days of receipt of the reply from step one. Upon receipt of the written appeal, the Human Resources Director or his/her designee shall conduct such meetings with the employee, department head, and other parties as are necessary to determine the facts regarding

the grievance and shall attempt to reply within ten (10) working days. If the resolution proposed at the second (2nd) step of the procedure is not satisfactory, it may be appealed to step three.

CEDC employees follow the procedure for grievances detailed in the City of Bloomington Personnel Manual with the following exception at Step Three:

**(C) STEP THREE**

**CITY EMPLOYEES:** Submit a written appeal to the Mayor or his/her designee within ten (10) working days of receipt of the reply from step two. The Mayor or his/her designee may conduct an investigation and shall attempt to issue a final decision within ten (10) working days.

**NOTE:** Failure of the employee to submit his/her appeal within the time limits specified will result in the City considering the matter closed.

**COUNTY EMPLOYEES:** Submit a written appeal to the Monroe County Sheriff within five (5) working days of receipt of the reply from step two. The Sheriff may conduct an investigation and shall attempt to issue a final decision within ten (10) working days.

**16.08 TRAVEL AND EXPENSE REIMBURSEMENT**

City employees are subject to the City of Bloomington's Travel Policy. County employees are subject to the terms of the Business Travel policy set forth in the County of Monroe, Indiana Personnel Policy Handbook.

**SECTION 17.00 PAY PLANS**

Section 17.01 shall apply to all employees except those whose positions are in a bargaining unit represented by a union and employees classified as Regular Part-time with Benefits who hold positions in the 100-level pay grades. Such employees shall be governed by Section 17.02.

**17.01 NON-UNION PAY PLAN**

**(A) JOB GRADES**

The non-union pay plan includes clerical, technical, professional, and managerial positions. Each position is described in a job description, evaluated according to a 'Point Factor' system by the Human Resources Department, and assigned a grade of 1 through 12 depending on the results of the point factor evaluation. Job descriptions, a list of job titles and their associated grades, and pay ranges are available from Human Resources. Each grade consists of a minimum, midpoint, and maximum rate of pay

based on salary surveys representing the marketplace, that may be adjusted periodically.

**(B) HIRING AND PAY INCREASES**

Department heads or their designees and the Human Resources Director shall determine the rate of pay for new hires, not to exceed the maximum allowed by the salary ordinance and subject to the following guideline: new hires shall generally be paid below the midpoint of the grade for their particular job title unless the candidate's skills and experience or internal equity require otherwise. Increases to pay will generally be a combination of (1) where an individual's salary is in relation to their salary range (market pay); and, if implemented, (2) the individual's year-end performance evaluation rating (merit pay).

**(C) TRANSFER, PROMOTION AND DEMOTION**

Any employee who transfers laterally shall generally be paid at his/her current wage or salary as long as the budgeted wage or salary for the position to which they are transferring is equal to the employee's current wage or salary. If the budgeted wage or salary for the new position is higher than the employee's current wage or salary, the employee may be paid up to a maximum of the new position's budgeted salary or wage with the approval of the relevant department head and the Human Resources Director. If the budgeted wage or salary is less than the employee's current wage or salary, they will be paid at the lower wage or salary, or they may be paid at their current wage or salary with approval of the relevant department head and the Human Resources Director, subject to any maximum established in the salary ordinance and so long as there are sufficient budgeted funds to pay the higher wage or salary.

Any employee who is promoted shall be paid up to the budgeted wage or salary for the new position, provided that no employee shall receive a pay reduction upon promotion, subject to any maximum established in the salary ordinance. An employee who is demoted for disciplinary reasons or in lieu of layoff shall receive the wage or salary as budgeted for that position to which the employee is demoted. However, no demoted employee shall be paid more than his/her current wage or salary.

**(D) JOB EVALUATION**

All job description changes must be submitted to the Human Resources Department in writing with a detailed job description in the case of new positions or a revised job description for current positions. For new positions or current positions with substantive changes, Human Resources Department will review the job descriptions and will make a recommendation on the job grade and salary for the position.

**17.02 AFSCME PAY PLAN**

**(A) PAY GRADES**

The union pay plan includes Labor, Trades, and Crafts (AFSCME union-eligible) positions and positions classified as Regular Part-time with Benefits who hold positions in the 100-level pay grades. Each position is described in a job description and is assigned a grade of 101 through 113. Job descriptions are available from

Human Resources. A list of job titles, their associated grades, and the Step Pay Plan are contained in the Collective Bargaining Agreement between the City and AFSCME, except that RPB 100-level jobs are listed in Human Resources.

**(B) HIRING AND ADVANCEMENT IN THE PAY PLAN**

New employees enter the pay plan at Step 1 and serve an initial probationary period for the first (1st) one hundred twenty (120) calendar days of employment. Upon completion of Step 1, employees advance to Step 2, unless Step 1 is extended. If Step 1 is extended, the employee will advance upon completion of the extended Step 1. Subsequent advances in steps are based on longevity. Longevity for pay purposes is based on continuous service since the date when the employee first became a Regular Full-Time or Regular Part-time employee eligible for benefits. No seniority credit is given for RPT (Limited Benefits), seasonal, or temporary employment. Longevity of service will be recalculated for pay purposes on the employee's anniversary date of hire into a position described in the previous sentence.

**(C) TRANSFER, PROMOTION AND DEMOTION**

Any employee who transfers laterally or is promoted to another position in the step pay plan shall be paid at the wage for the new position in accordance with the relevant longevity step. Provided however, no current employee shall receive a pay reduction upon lateral transfer or promotion, but will not receive an additional increase due to promotion or longevity until so merited within the step pay system for the job classification. An employee who is demoted for disciplinary reasons or in lieu of layoff shall receive the wage for the relevant step within the job classification to which the employee is demoted. Also, the employee's longevity of service is carried to the new position. Employees who transfer to a new pay grade below their current pay grade shall be paid at the relevant grade and step for the new position.

Employees whose present rate of pay is higher than indicated by the step charts based on the employee's pay grade and longevity will not receive a pay cut, but will not receive any increase due to longevity until the step chart for the year in question shows an amount greater than the employee's current wage rate plus any across-the-board increase for the year in question.

Employees who move from a non-union position to a position covered by the step pay plan in the AFSCME Collective Bargaining Agreement shall be compensated at the step corresponding to the employee's original (non-union) date of hire as a Regular Full-time or Regular Part-time employee eligible for benefits.