

FILED

JUL 23 2018

**Melissa Peckinpaugh
MUNCIE CITY CLERK**

RESOLUTION _____13-18

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE,
INDIANA APPROVING NON-BARGAINING UNIT EMPLOYEE HANDBOOK**

WHEREAS, the handbook has been updated for the Non-Bargaining Unit Employees of the City of Muncie, and,

WHEREAS, it has been the past practice within the City of Muncie, in compliance with the Muncie City Code of Ordinances, that decisions in regards to employee budget, annual pay, and compensation shall be subject to approval and ratified by the Common Council, and,

WHEREAS, a true and accurate copy of the collective bargaining agreement is attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA as follows:

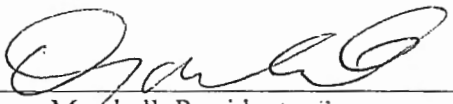
The Common Council of the City of Muncie hereby approves and ratifies the handbook for the Non-Bargaining Unit Employees of the City of Muncie.

This Resolution shall be in effect as of January 1, 2018 after its passage by the Common Council, signature of the mayor or override of any veto.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE,
INDIANA, THIS THE 11th DAY OF August, 2018.

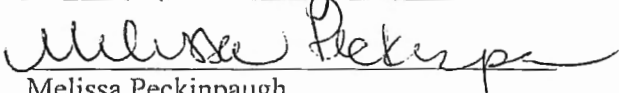
	Yeas	Nays	Abstained	Absent
Doug Marshall	✓	_____	_____	_____
Dan Ridenour	✓	_____	_____	_____
Lynn Peters	✓	_____	_____	_____
Brad Polk	✓	_____	_____	_____
Jerry Dishman	✓	_____	_____	_____
Julius Anderson	✓	_____	_____	_____
Linda Gregory	✓	_____	_____	_____
Nora Powell	✓	_____	_____	_____
Alison Quirk	✓	_____	_____	_____

Passed by the Common Council of the City of Muncie, Indiana, this 11th day of
August, 2018.



Doug Marshall, President
City Council, City of Muncie

Presented by me to the Mayor for his approval, this 11th day of August, 2018.



Melissa Peckinpaugh
City Clerk, City of Muncie

The above resolution is approved (vetoed) by me this 15th day of August, 2018.



Dennis Tyler
Mayor, City of Muncie

ATTEST:

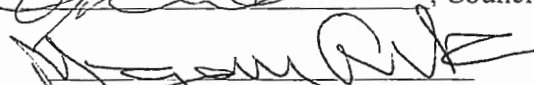


Melissa Peckinpaugh, City Clerk

This Resolution is proposed by:


_____, Council Member

This Resolution is approved in form by:



Legal Counsel

Non-Bargaining Unit Employee Handbook

Confidential, Exempt, and Part Time Employees



City of MUNCIE
MUNCIE, INDIANA

Effective Date: January 1, 2018 – Replaces any other version

City of Muncie Non Bargaining Unit Employee Handbook

TABLE OF CONTENTS:

Section I:	Introduction
Section II:	Receipt of Employee Handbook
Section III:	City of Muncie Ethics in Employment
Section IV:	Equal Employment Opportunity Policy
Section V:	General Employment Information
	Employee Classification
	Overtime
	Outside Work Activity
	Hours of Work
	Longevity
	Breaks and Meal Periods
	Grievance Procedure
	Solicitation and Distribution of Literature
Section VI:	Promotions and Transfers
	Promotions
	Transfers
Section VII:	Holidays
	Holidays Observed
	Holiday Pay
Section VIII:	Leave Programs
	Vacation
	Jury Duty
	Personal Leave
	Personal/Sick Days: Usage
	Military Training
	Maternity Leave
	Funeral Leave
	Probationary Full-time Employees
	Leave of Absence Without Pay

City of Muncie Non Bargaining Unit Employee Handbook

Section IX: Public Employees Retirement Fund

Section X: Safety

City Responsibility
Employee Responsibility
Safety Committee
Danger

Section XI: Employee Assistance Program

Recognition
Participation Protection
Information

Section XII: Termination Procedures

Resignation

Section XIII: Disciplinary Rules

Introduction
Rules of Conduct
Progressive Discipline

Section XIV: Extended Sick Leave

Extended Sick Leave

City of Muncie Non Bargaining Unit Employee Handbook

Non Bargaining Unit Employee Handbook: Policies and Procedures Manual

This handbook applies to all employees of the City of Muncie who are not members of a bargaining unit or union that contracts with the City of Muncie.

Department Heads may receive benefits in addition to the benefits listed in this handbook. Any additional benefits are granted in writing and subject to the sole discretion of the Mayor of the City of Muncie.

Section I: Introduction

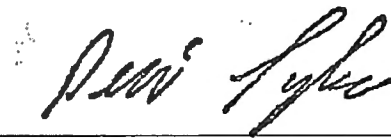
Welcome to employment with the City of Muncie.

We are pleased to have you join our team and hope that you will enjoy working with us. This handbook outlines some of the privileges and benefits which the City currently offers and explains some of your responsibilities as an employee.

You are required to read this handbook carefully so that you will be aware of the City's current policies, benefits, and procedures. This handbook is only a general guide to the City's current employment policies and to some of your benefits and responsibilities as an employee. It is informational only, and it is not intended to be and should not be construed as a contract. The City from time to time reviews its policies, procedures, and benefits and makes revisions based on the need for and desirability of changes. Thus, any policy, procedure, or benefit outlined in this handbook may be modified, increased, or decreased at any time with or without advanced notice.

If you have any questions, your supervisor and the Personnel Director will be glad to answer them.

Good luck and best wishes to you!



Mayor Dennis Tyler, City of Muncie

City of Muncie Non Bargaining Unit Employee Handbook

Section II

Receipt of Employee Handbook

I have received and carefully read the City of Muncie's Non Bargaining Unit Handbook. In consideration for my employment, I agree to abide by all of its rules of conduct, terms and conditions.

I acknowledge that my employment is at will and that the City reserves the right to terminate me at any time with or without cause and with or without notice, as long as there is no violation of applicable federal or state laws. I further understand that the Mayor is the only authorized representative of the City who can modify my at-will employment and that any modification must be in writing and signed by the authorized representative of the City of Muncie to be effective.

Employee's Name (Printed): _____

Employee's Signature: _____

Date: _____

City of Muncie Non Bargaining Unit Employee Handbook

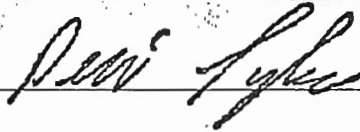
Section III

Ethics in Employment

Policy: Hiring: Nepotism and Former Employees

Policy Number	Effective Date	Employee Group	Revision Date	Review Date	Authorized by
2018 - 02	01/01/2018	All			Dennis Tyler

Authorized Signature: _____



The City of Muncie is an equal opportunity employer and hires individuals based solely on their qualifications and ability to do the job to be filled.

1. The City of Muncie will consider a member of an employee's immediate family for employment if the applicant possesses all of the qualifications for employment for the position.

An immediate family member may not be hired, however, if the employment would a) create either a direct or indirect supervisor/subordinate relationship with a family member or b) create an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee. For purposes of this policy, "immediate family" includes the employee's spouse, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and any other member of the employee's household.

2. Employees who marry or become members of the same household may continue employment as long as there is not a) a direct or indirect supervisor/subordinate relationship between the employees or b) an actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City of Muncie will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the affected employees will be permitted

City of Muncie Non Bargaining Unit Employee Handbook

to determine which of them will resign. In these types of situations, as soon as a comparable position becomes available, the two employees must choose which one will move to the comparable positions.

If a choice is not made within one week after the position becomes available, the City will choose which employee will be transferred to the comparable position. If the employee refuses the transfer, the employee who refused the transfer will be terminated.

3. Former employees who left the company in good standing may be considered for reemployment. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for reemployment.

A former employee who is reemployed will be considered a new employee from the date of reemployment. Length of service for the purposes of benefits is governed by the terms of each benefits plan. Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

This policy does not include part-time (seasonal) employees.

This policy updates and replaces the policy put into effect on June 6, 2001 under Mayor Dan Canaan.

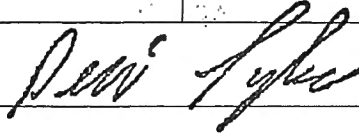
City of Muncie Non Bargaining Unit Employee Handbook

Section IV

Equal Employment Opportunity Policy

Policy Number	Effective Date	Employee Group	Revision Date	Review Date	Authorized by
2018-03	01/01/2018	All			Dennis Tyler

Authorized Signature



Objective

The City of Muncie is deeply committed to a policy of equal employment opportunity for all of its employees. In accordance with anti-discrimination law, it is the purpose of this policy to effectuate these principles and mandates. The City of Muncie prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard to race, color, religion, sex, age, national origin, disability status, protected veteran status, or any other characteristic protected by law. The City of Muncie conforms to the spirit as well as to the letter of all applicable laws and regulations.

Scope

The policy of equal employment opportunity (EEO) and anti-discrimination applies to all aspects of the relationship between the City of Muncie and its employees, including:

- Recruitment.
- Employment.
- Promotion.
- Transfer.
- Training.
- Working conditions.
- Wages and salary administration.
- Employee benefits and application of policies.

The policies and principles of EEO also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with the City of Muncie.

Dissemination and Implementation of Policy

The officers of the City of Muncie will be responsible for the dissemination of this policy. Directors, managers and supervisors are responsible for implementing equal employment

City of Muncie Non Bargaining Unit Employee Handbook

practices within each department. The HR department is responsible for overall compliance and will maintain personnel records in compliance with applicable laws and regulations.

Procedures

The City of Muncie administers our EEO policy fairly and consistently by:

- Posting all required notices regarding employee rights under EEO laws in areas highly visible to employees.
- Advertising for job openings with the statement *"We are an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, disability status, protected veteran status, or any other characteristic protected by law."*
- Posting all required job openings with the appropriate state agencies.
- Forbidding retaliation against any individual who files a charge of discrimination, opposes a practice believed to be unlawful discrimination, reports harassment, or assists, testifies or participates in an EEO agency proceeding.
- Requires employees to report to a member of management, an HR representative or the general counsel any apparent discrimination or harassment. The report should be made within 48 hours of the incident.
- Promptly notifies the general counsel of all incidents or reports of discrimination or harassment and takes other appropriate measures to resolve the situation.

Harassment

Harassment is a form of unlawful discrimination and violates the City of Muncie policy.

Prohibited sexual harassment, for example, is defined as unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment also includes unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment, or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

City of Muncie Non Bargaining Unit Employee Handbook

The City of Muncie encourages employees to report all incidents of harassment to a member of management or the HR department. The City of Muncie conducts harassment prevention training for all employees, and maintains and enforces a separate policy on harassment prevention, complaint procedures and penalties for violations. The City of Muncie investigates all complaints of harassment promptly and fairly, and, when appropriate, takes immediate corrective action to stop the harassment and prevent it from recurring.

Remedies

Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. The City of Muncie will promptly, thoroughly and fairly investigate every issue that is brought to its attention in this area and will take disciplinary action, when appropriate, up to and including termination of employment.

Section V General Employment Information

1. Employee Classification:

Employment status is the major determinant of employment benefits eligibility. Questions concerning your employment status should be directed to the Personnel Department.

- **Regular Full-Time Employees**

A regular full-time employee is one who works 40 or more hours per week. Regular full-time employees are eligible for City employee benefits, including health insurance options, vacation, personal and sick time, and longevity pay.

- **Regular Part-Time Employees**

A regular part-time employee is one who regularly works less than 28 hours per week. Regular part-time employees are not eligible for City employee benefits unless otherwise specified.

- **Project Employees**

A project employee is one hired to perform a specific job of no more than 5 months duration. Project employees are not eligible for City benefits unless otherwise specified. All employees other than project employees are regular employees.

- **Probationary Employees:**

An employee hired as a full-time employee shall be recognized as a probationary employee for the first one hundred and eighty calendar days of employment. During

City of Muncie Non Bargaining Unit Employee Handbook

the one hundred and eighty calendar days probationary period, the employee may be discharged for any reason.

2. Overtime:

Occasionally, additional work may be required beyond your normal work schedule, including Saturdays, Sunday and holiday work. You are expected to perform this work when requested. Eligible employees are paid 1 ½ times their regular wage rate for work in the excess of 40 hours per week. At the discretion of the supervisor, compensatory time within the workweek may be granted in lieu of overtime pay. All overtime must be approved in advance by your supervisor and reported on your time sheet/card.

3. Outside Work Activity:

Employees are permitted to participate in outside work activities unless the activities conflict with the City's interest. In general, outside work activities are not allowed when they:

1. Prevent the employee from fully performing work for which he/she is employed in the City including overtime assignments.
2. Involve organizations that do or seek to do business with or compete against the City including actual or potential vendors.
3. Violate provisions of law, government regulations, or a City rule or policy.

From time to time employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with outside activities, the employee's obligation to the City of Muncie must be given priority. Employees are required to obtain the written approval of their supervisor in advance of all outside work activity to ensure no conflicts of interest.

4. Hours of Work:

The City will make reasonable efforts to provide to full-time employees eight (8) hours work per day and forty (40) hours work per week. "Hours work" shall include paid breaks, as well as hours actually worked, and exclude all other paid time off.

a. Workweek:

The workweek is Sunday through Saturday. The normal workweek is eight (8) hours per day, five (5) days per workweek.

City of Muncie Non Bargaining Unit Employee Handbook

b. Payday:

The pay period is two (2) weeks, beginning on Sunday and ending on the Saturday two (2) weeks later. Employees are paid every other Friday for wages earned during the preceding pay period.

c. Time Cards:

Each employee is responsible for punching their own time card at the appropriate time clock. Time cards must be reviewed and approved by the employee's department head or his/her designee.

5. Breaks and Meal Periods:

Full-time employees shall receive either a paid meal period of one-half (1/2) hour or one (1) hour during a shift lasting at least eight (8) hours. Full-time employees who receive a one-half (1/2) hour paid meal period shall also receive two (2) paid breaks of fifteen (15) minutes each during a shift lasting at least eight (8) hours. An employee must clock in and out for their meal periods when time clocks are available in the Department.

6. Longevity:

Full-time employees shall be eligible to receive longevity pay after achieving five (5) years of seniority with the City of Muncie. Longevity pay shall be paid as follows:

Seniority	Amount of allowance per hour worked
Beginning 5 th year through 9 th year	\$0.40 per hour
Beginning 10 th year through 14 th year	\$0.70 per hour
Beginning 15 th year through 19 th year	\$0.90 per hour
Beginning 20 th year	\$1.10 per hour

7. Grievance Procedure:

Grievance and personal complaints are best handled between the employee and the employee's supervisor. Employees are encouraged to speak to their supervisor about complaints, questions, and suggestions.

If a problem cannot be resolved between the employee and his supervisor, the employee may request a meeting with the Personnel Director.

If the complaint is not resolved, the employee may ask the Mayor hear the matter. The decision of the Mayor is final.

City of Muncie Non Bargaining Unit Employee Handbook

8. Solicitation and Distribution of Literature:

The City forbids requests for money and all other types of solicitation on city property and during an employee's work time. Work time does not include an employee's lunch time and authorized breaks. However, an employee who is not on work time, such as an employee who is on a lunch break, may not solicit an employee who is on work time. The distribution of any literature, pamphlets, or material not related to City operations is prohibited during work time and at all times in work areas.

Section VI

Promotions and Transfers

1. Promotions

The City of Muncie encourages employees to apply for promotion.

It is the responsibility of all employees to:

- a. Inform the City of courses, training, or seminars taken which should be included in the employees personnel file.
- b. Notify the Personnel Department of their intent to apply for a posted vacancy.

2. Transfers

An employee transfer may be requested by an employee. The City reserves the right to transfer an employee with necessary or desirable. Transfers are based on organizational needs and employee qualifications.

City of Muncie Non Bargaining Unit Employee Handbook

Section VII

Holidays

1. Holidays Observed

The City observes the following thirteen holidays:

New Year's Day
Martin Luther King's Birthday
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Day After Thanksgiving
Christmas Eve
Christmas Day
New Year's Eve Day

During election years, two (2) extra days are provided for the primary and general elections. Except as otherwise noted in Section V, the holidays set forth above are observed on the dates established by the Mayor.

2. Holiday Pay

Eligible full-time employees will receive their rate or pay for the day observed as the holiday. To be eligible to receive holiday pay, a full-time employee must meet the following requirements:

- a. The employee must have completed thirty (30) calendar days of his or her probationary period prior to the date the holiday is observed; and
- b. The employee must have worked on his or her scheduled work day before the holiday and his or her first scheduled work day after the holiday unless the employee's absence on such a day is due to the following reasons: (1) approved vacation; (2) approved sick/personal days; (3) approved funeral leave; (4) jury duty; (5) witness leave; (6) military leave; or (7) approved paid extended sick leave.

City of Muncie Non Bargaining Unit Employee Handbook

Section VIII

Leave Programs

1. Vacation:

Regular full-time employees are eligible to take vacation after 180 days of employment.

Accrual:

Vacation is based on employment date and is accrued according to the following schedule:

Years of Service (from hire date)	Pro Rata Vacation Period
After 180 days	5 days during second 180 days
Beginning 2 nd -4 th years	20 days for each year through 4 th year
Beginning 5 th -9 th years	30 days for each year through 9 th year
Beginning 10 th - 19 th years	35 days for each year through 19 th
Beginning 20 th year	40 days each year

A full-time employee becomes entitled to use his or her appropriate number of vacation days on the anniversary date he or she achieves the necessary length of service.

Vacation should be scheduled as far in advance as possible, but no less than two (2) weeks before the anticipated vacation date. Vacation request must be approved by the employee's supervisor. No more than five (5) days of vacation may be taken at any one time without the express written approval of the Personnel Department.

Department Heads are covered under Resolution 5-12 for vacation time. Department Heads are given 3 weeks of vacation regardless of the amount of years of service.

Carryover of Unused Vacation Time Prohibited

Full-time employees are encouraged to use all vacation during the 12 month calendar period in which it is earned. An employee is not entitled to receive the cash equivalence of any such lost vacation days. In the event an employee has accumulated days that are currently in his/her extended vacation bank, the employee has the option of (1) leaving his/her days in the bank, or (2) using the extended vacation days (s) prior to his/her anniversary date. Extended vacation days may not be taken without express written approval of the Personnel Director.

Holidays During Vacation

Any City holiday that occurs during an employee's vacation will not be counted as a vacation day. The holiday should be reported as a holiday on the employee's time sheet/card.

City of Muncie Non Bargaining Unit Employee Handbook

Vacation Pay at Termination

Employees who leave the City may be paid for accrued but unused vacation time. This policy applies whether the employee leaves of his or her own accord or is asked to leave by the City.

Sick Leave

Regular full-time employees are eligible to take sick leave after 180 days of employment. Sick leave may be used only when an employee is unable to work due to illness or injury. The City may require a certificate from a physician as evidence of illness. When sick leave is taken, an employee must notify his or her supervisor no later than the employee's scheduled starting time for the day. Any sick leave that is unused as of an employee's anniversary date of employment may be carried over into his or her paid extended sick leave bank. Employees will not receive pay in lieu of unused sick time.

An employee may not accumulate more than seven hundred twenty (720) hours of paid extended sick leave. An employee who retires from the City of Muncie may use any paid extended sick leave in *excess* of the maximum accumulation for the purposes of supplementing any health care benefit premium or the retiring employee may opt to receive the cash equivalent of said paid extended sick leave. The retiring employee shall have the option to determine whether the benefit will be paid on an interval, or on a one-time basis by the City. However, the City shall retain the right to disperse the payments in a manner which best serves the City's interests.

Severance Benefits

The City shall grant 35 working days toward an employee's retirement bank at 20 years of service, and 45 working days at 30 years of service.

Employees may bank one (1) day per year (anniversary date to anniversary date) of 'good days' for no use of personal time for time off due to illness to be used for Retirement Severance Benefits. Supervisors are required to fill out a PI form on the employee's anniversary date specifying that the employee is to be awarded a 'good day' for no illness related call ins. The PI form should be submitted to the HR Department.

Employees who submit their written notice of retirement will receive payment for their remaining time (severance days, unused vacation time for the calendar year, unused personal time for the calendar year, and accrued 'good days'). The City of Muncie may choose to pay out:

- 1) To be paid in one lump sum payout
- 2) To be paid in bi-weekly payments until payout is exhausted.

City of Muncie Non Bargaining Unit Employee Handbook

No payout of retirement severance benefits will exceed a sum of 5 months and two weeks, or 110 total work days, or 880 hours. Employees who have accrued vacation on Section 20.02 prior to December 31, 2005 will be paid out their accumulated vacation in addition to any retirement severance benefits.

An employee who has been involuntarily terminated is not entitled to severance benefits.

Other Paid Leave

A full-time employee who is granted an unpaid extended sick leave of absence is required to use any available personal/sick day leave, all vacation time with the exception of one week of vacation that the employee will be allowed to retain if they so choose, and all paid extended sick leave benefits prior to the unpaid extended sick leave of absence beginning.

Jury Duty

The City complies with all applicable laws that afford job protection rights to employees summoned to serve on juries. Employees must present a copy of their summons to serve jury duty to their supervisor as soon as it is received.

Personal Leave

The City's success depends on each employee being available to work each workday. We recognize, however, that genuine emergencies arise from time to time. After three (3) months of employment, regular full-time employees may be granted time off without pay for personal or family emergencies or for religious observance. Except in emergencies, personal leave must be approved in advance by your supervisor. The City may, at its discretion, require documentation of the reason for the leave. To be considered a request for personal leave must be made sufficiently in advance to permit alternative staffing plans to be made. The City will make reasonable accommodations for the religious needs of any employee.

Personal/Sick Days: Usage

Full-time employees receive twelve (12) Personal/Sick days per year. Personal/Sick days must be used and charged against available but unused Personal/Sick days in increments of not less than four (4) hours. An employee shall be entitled to receive the cash equivalent of his or her available but unused Personal/Sick days existing at time of termination of employment.

City of Muncie Non Bargaining Unit Employee Handbook

Military Training:

It is the City's policy to comply with all applicable laws that afford job protection rights to employees serving with the military, National Guard, and Reserves. Written notification of military obligation requiring leave of absence must be provided to your supervisor as soon as possible.

Funeral Leave:

In the event of the death of an employee's spouse, parent, child, sister, brother, grandparent, grandchild, current stepparent, current mother-in-law or current father-in-law, the employee may be permitted to be absent from work with pay for up to five (5) consecutive days for the purpose of arranging and attending the funeral.

Funeral Leave Notification:

An employee who desires to be absent due to the death of a family member must notify his or her department head as soon as possible, but not later than twenty-four (24) hours prior to the workday on which the absence begins, and request the days off.

Probationary Full-Time Employee Funeral Leave:

A probationary full-time employee is entitled to receive pay from the City for hours of work they are absent while attending or arranging a funeral.

Leave of Absence Without Pay:

City employees who are on an unpaid leave of absence of any kind must pay the full cost of their insurance premium each month to the city during the unpaid leave of absence. Failure to pay said premium within thirty (30) calendar days after the date of said premium is due shall result in the automatic termination of insurance coverage. COBRA coverage shall be offered to all employees on a leave of absence without pay.

Outside Employment while on Approved Sick Leave:

Employees on an approved sick leave of absence, whether covered by FMLA, paid sick leave or unpaid sick leave, are prohibited from engaging in outside employment while on leave.

City of Muncie Non Bargaining Unit Employee Handbook

Section IX Public Employees Retirement Fund (PERF)

All full-time employees of the City are eligible to participate in the Public Employees' Retirement Fund. This is a retirement fund designed to help an employee provide financial means to meet their personal needs, retirement, death, and serious illness or injury.

A membership record is completed by each full-time employee within thirty (30) calendar days after the date of hire, and is used to establish an account. A beneficiary, the person who will receive the money in an employee's account in the event of death before retirement is named, and it is important that an employee keep the beneficiary designated up to date.

A person hired in a PERF-covered position is required to become a PERF member on the first date of employment.

The employee contribution to the retirement fund is presently three percent (3%) of the employee's annual salary, and is deducted from each paycheck. Once a year, the employee will receive a statement of the account.

More complete information about the retirement fund can be found in the Indiana Public Employee's Retirement Fund Handbook, which may be obtained by contacting the City Controller's office.

Section X

Safety

1. City Responsibility :

The City shall make reasonable provisions for the safety and health of its employees during the hours of their employment.

2. Employee Responsibility:

Each employee shall observe the safety rules established from time to time by the City in accordance with applicable federal and state laws.

3. Safety Committee:

The City's intent is to fully comply in the promotion of safety and in the maintenance of safe working conditions and practices. A safety committee shall be established to confer on safety problems and to explore methods of furthering safe working habits of City employees.

4. Danger:

No employee shall be required to work on a job where the employee has good reason to believe that such dangerous health or accident condition exists beyond the normal

City of Muncie Non Bargaining Unit Employee Handbook

hazard inherent in the operations. The employee shall immediately inform his or her immediate supervisor of any such dangerous health or accident condition which exists. The supervisor will then have the responsibility to determine what action, if any, should be taken.

Section XI

Employee Assistance Program (EAP)

1. Recognition

The City recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate care. The Employee Assistance Program (EAP) is designed to provide counseling, evaluation and referral services. The program is designed to deal with the broad range of human relation problems such as alcohol and drug problems, emotional/behavioral disorder, family and marital disorder, and other personal problems.

It is the City's policy that personal illnesses will be defined as illnesses that can be controlled or cured. The program is designed to assist the employee with referring the individual to seek appropriate assistance. The overall objective of the EAP is to reduce problems in the work force and to retain valued employees.

2. Participation Protection

The employee will not jeopardize his/her standing with the City in wages, benefits, seniority or promotions by participating in this program.

The employee health insurance coverages do contain provisions to partially pay for the treatment required. No other payment will be made by the City for such services.

3. Information

All information pertaining to these matters have the same confidentiality as other medical and personnel information.

City of Muncie Non Bargaining Unit Employee Handbook

Section XII

Termination Procedures

1. Resignation

Employees are requested to give their supervisor written notice of their resignation as far in advance as possible, but no less than two weeks before their intended resignation date. Failure to provide advance notice may result in forfeiture of accrued vacation. While employees have the right to resign for any reason, employees are asked to state the reason for leaving (e.g. new job, career advancement) and to provide a forwarding address.

Section XIII

Disciplinary Rules

1. Introduction

The City of Muncie reserves the right to terminate employees for any reason at its discretion. The City has established rules of conduct to protect you, your fellow employees, and the City administration. A list of the most important rules is provided below. The City retains the right to discipline for improper work-related conduct. From time to time the City may establish new rules. All employees are required to act within these rules and recognized stands of appropriate workplace behavior.

DISCIPLINE AND DISCHARGE

1. **Written Reprimands** Except in a case where the City concludes the circumstances warrant discharge, a progressive procedure will generally be used in an effort to give employees advanced notice of unacceptable performance and an opportunity to correct the problems. Under this approach, a written reprimand will be issued to an employee who is being disciplined. If an employee at any time has three (3) active written reprimands, the employee will be discharged. A written reprimand is considered to be 'active' until a period of twelve (12) calendar months passes thereafter without the employee receiving another written reprimand.

Examples of the types of conduct for which reprimand may be issued, include but are not limited to:

City of Muncie Non Bargaining Unit Employee Handbook

- (a) Excessive tardiness as determined by the Department Head or the employee's immediate supervisor;
- (b) Unwillingness or failure to satisfactorily and efficiently perform the duties of the employee's job including defective workmanship;
- (c) Stopping or leaving work early without approval of the Department Head or the employee's immediate supervisor;
- (d) Failure to report to work without notifying the Department Head or the employee's immediate supervisor;
- (e) Poor attitude toward a supervisor or another;
- (f) Minor insubordination, refusal to follow instructions or work assigned by a supervisor;
- (g) Rough housing or disorderly conduct or immoral conduct;
- (h) Reading newspapers, magazines or other material during working time that are not specifically related to the employee's job;
- (i) Malingering, loitering, or sleeping on the job;
- (j) Failure to keep your work area neat and clean at all times;
- (k) Working overtime without prior authorization;
- (l) Entering in or using City property outside of working times for reasons unrelated to work;
- (m) Clocking in or out substantially before or after scheduled working times;
- (n) Failure to clock in or out, clocking in or out for another employee, permitting your time card to be clocked in or out by another employee;
- (o) Smoking, eating, or drinking in unauthorized areas;
- (p) Failure to report unsafe actions or conditions;

City of Muncie Non Bargaining Unit Employee Handbook

- (q) Failure to report any personal injury, no matter how small, immediately to your supervisor;
- (r) Minor failure to follow safety rules;
- (s) Failure to follow the City dress code;
- (t) Failure to abide by any City policy or procedure.

The preceding list is not all inclusive. Other types of unacceptable conduct may occur for which a written reprimand may be issued. Furthermore, under the circumstances of a particular case, a written reprimand may not be issued. The exercise of this discretion by the City is not a waiver of the City's right to issue a written reprimand to the same employee or another employee for the same type of offense in the future.

2. **Discharge:** It must be remembered that employment with the City is at mutual consent of the City and the employee, and either may terminate employment at will at any time for any reason. The City, therefore, may immediately discharge an employee without prior written reprimand whenever the City believes that the circumstances warrant immediate discharge. Examples of the types of conduct which result in an immediate discharge include:

- (a) Submitting a false reason for absence from work;
- (b) Placing false or misleading information on an application for employment or other City record or withholding requested information when applying for employment;
- (c) Theft or misappropriation of any City property or theft from any City employee, patron or vendor. This includes unauthorized removal of such property, including items found on City's premises. Lost items that are found by employees must be turned in to their supervisor immediately;
- (d) Destruction, damage, or waste of property, equipment, materials or labor of the City or another employee;
- (e) Serious insubordination or refusal to follow instruction or work as assigned by supervisor;
- (f) Solicitation during working time;

City of Muncie Non Bargaining Unit Employee Handbook

- (g) Distribution of literature in working areas or working time;
- (h) Rudeness, discourtesy, verbal or physical abuse of any patron, vendor, visitor, or City employee;
- (i) Use of, possession of, or appearing to be under the influence of, intoxicants or controlled substances on City premises or during working times;
- (j) Unauthorized possession of firearms, explosives, or any dangerous weapons on City premises during working time;
- (k) Refusing to allow examination of the contents of desk, packages or incoming or outgoing parcels, pockets, etc., when the City has reasonable suspicion;
- (l) Provoking or instigating a fight with another employee or any person during working hours on City property;
- (m) Fighting during working time or on City property;
- (n) Unauthorized publication of confidential information;
- (o) Excessive absences;
- (p) Dishonesty, including being untruthful to anyone;
- (q) Failure to pay any debt owed to the City;
- (r) Unauthorized absences for two (2) consecutive workdays without notifying the employee's Department Head or the employee's immediate supervisor;
- (s) Defacing, changing, altering, mutilating, tampering or falsifying any record of the City, including but not limited to, posted work schedules, employee's notice, directive or order, time cards, production sheets, job tickets, doctor's slip;
- (t) Major failure to follow safety rules.

The preceding list is not all inclusive. Other types of unacceptable conduct may occur for which immediate discharge may occur. Furthermore, under the circumstances of particular case, a written reprimand may be issued rather than immediate discharge or no disciplinary action may be taken. The exercise of this discretion by the City is not a waiver of the City's right to

City of Muncie Non Bargaining Unit Employee Handbook

discharge or discipline the same employee or any other employee for the same offense in the future.

Section XIV

Extended Sick Leave

- A. Upon request an eligible employee may be granted an extended sick leave of absence without pay for the period of his or her medical condition for up to twenty six (26) weeks [one hundred eighty-two (182) calendar days] maximum. The term 'medical condition' means all temporary and long-term medical conditions, including illness, injury, pregnancy, childbirth and related conditions.

Each time an employee uses extended sick leave of absence, all extended sick leaves used by the employee are added together and count toward the twenty-six (260) weeks [one hundred eighty-two (182) calendar days] maximum, unless 12 continuous months have lapsed since the employee's last sick leave of absence.

- B. Extended sick leave is available to an eligible employee who has exhausted his or her FMLA leave and continues to need to be absent from work due to his or her medical condition provided the conditions described in this section are met. In such an event the employee will automatically be considered on extended sick leave beginning with the first day following the expiration of the FMLA leave.
- C. Any employee who is granted extended sick leave is required to use any available *paid* vacation days and personal/sick days as part of their extended sick leave, unless the employee is receiving worker's compensation benefits or disability benefits. In such an event, an employee may use up to 5 days combined of paid vacation leave, paid personal leave and paid extended sick leave accrual per continuous absence which is due to an illness or injury that is compensable under the Indiana's Worker's Compensation law. In the event those days are later covered by the City's Worker's Compensation Insurance, the employee will not be permitted to credit those days back to his vacation or personal/sick leave.

Extended sick leave is only available to those who have exhausted all available FMLA leave to which they are entitled and meet the other conditions of this Section.

- D. Except as provided in paragraph B. above, an employee who requires an extended sick leave of absence must notify the *City Human Resources Director or designee* of his or her need for the leave as far in advance of the proposed beginning date of the leave as possible. The notice must be in writing and state:

City of Muncie Non Bargaining Unit Employee Handbook

- a. The medical condition requiring the leave;
- b. The date the employee desires the leave to begin; and
- c. The length of the leave requested.

The notice must be accompanied by a physician's statement verifying the need for the leave. The physician's statement must verify the following:

- a) The medical condition requiring the leave;
- b) The date the employee needs to be off work;
- c) The length of time the employee is to remain off work.

"Physician" means a person licensed to practice medicine in the State of Indiana.

- E. The City reserves the right to temporarily fill the position of an employee on extended sick leave of absence. There is no guarantee that an employee on extended sick leave will be reinstated to the same or equivalent position upon the expiration of the extended sick leave. However, an employee who returns to work at the end of an extended sick leave will return to his former position if conditions are the same at the end of the leave as when the leave began. If conditions are not the same, the employee will be considered for the first position vacancy for which the employee meets the minimum qualifications for the position. If no such position is available within forty-five (45) calendar days after the employee has been released to return to work, the employment relationship will be terminated.

If the employee desires to return to work before the approved extended sick leave of absence ends, he or she must contact the *City Human Resources Director or designee* to determine if such a change is acceptable to the City.

An employee returning to work from an extended leave of absence must be able to perform the essential functions of his or her job. If a reasonable accommodation is required, the employee must notify the *City Human Resource Director or designee*. Prior to the employee returning to work from an extended sick leave of absence, the employee must provide the *City Human Resource Director or designee* with a certificate from the employee's physician that the employee is able to resume work and perform the essential functions of his or her job. The certificate must contain at least the following information:

1. The date that the employee is released to return to work;
2. Restrictions, if any;
3. Basis for the restrictions;
4. Expected date the restrictions are to be lifted; and
5. Physician's signature

City of Muncie Non Bargaining Unit Employee Handbook

- F. If an employee is granted extended sick leave of absence, the employee is expected to return to active employment upon expiration of the approved leave of absence. If the employee does not return to work at the end of the leave for whatever reason and the employee is not eligible for any other approved leave, the employee's employment is terminated.

Upon expiration of the maximum length of the extended sick leave of absence, if an employee is still unable to return to work with no restrictions which would prevent the employee from performing the essential functions of his or her job with a reasonable accommodation, employment is terminated if the employee has exhausted all leaves that are available to him or her under these policies.

- G. In order to maintain his or her health insurance during the extended medical leave of absence, the employee is responsible for paying 100% of the monthly insurance premiums. Employees are encouraged to make appropriate arrangements with payroll prior to the commencement of an extended sick leave of absence for the payment of the employee's portion of the monthly health insurance premium payment as well as any other payroll deductions the employee may have. Failure to make appropriate arrangements for the payment of health insurance premiums or failure to pay those health insurance premiums when due, will result in the termination of health insurance coverage.
- H. An employee who is eligible for FMLA leave, has exhausted that leave and is still unable to return to work due to a condition covered by Worker's Compensation, automatically will be consider on an extended sick leave of absence beginning on the first day following the date their FMLA leave is exhausted, subject to the provisions and conditions of this Section.
- I. While on extended sick leave of absence an employee will continue to gain length of service
- J. Employees do not accrue benefits during extended sick leave, unless the absence is due to an occupational injury or occupational accident. Once an employee resumes active employment benefits shall be pro-rated for the remainder of the year. Once an employee resumes active employment benefits shall be pro-rated *on the employee's anniversary date for the following year. When pro-rating benefit days they will be rounded to the nearest one-half (1/2) day.*

For example, an employee is absent due to an extended sick leave of 90 calendar days, from May 1, 2001 through July 29, 2001, returning to work on July 30, 2001. The employee's anniversary date is February 1. As of February 1, 2002, the employee has

City of Muncie Non Bargaining Unit Employee Handbook

been employed with the City for six years. Because the employee was absent for more than 30 calendar days during the prior year, the employee's benefits will be pro-rated commencing February 1, 2002 as follows: 9 sick/personal days and 22.1/2 (one half) vacation days.

- K. Employees on any type of medically approved leave of absence, whether FMLA, paid extended sick leave of absence or unpaid extended sick leave of absence, are prohibited from engaging in any type of outside employment.