

## CHAPTER 34: EMPLOYMENT POLICIES

### Section

- 34.01 Residency requirement
- 34.02 Working hours
- 34.03 Drug-free workplace and drug testing policy
- 34.04 Absence and leave policy
- 34.05 Hazardous travel conditions
- 34.06 Reimbursement for travel expenses
- 34.07 Cell phone stipend
- 34.08 Seasonal employees

### § 34.01 RESIDENCY REQUIREMENT.

(A) After passage of this section, a person who is offered and accepts full time employment of the city or any of its departments, regardless of whether such offer and/or acceptance is an initial hiring or a rehire, and who does not reside within the corporate limits of the city shall, as a condition of employment, be required to become a resident of the city within 90 days of beginning employment and upon failure to do so, the person's employment shall terminate. After five years of employment with the city, an employee may move out of corporate limits but must reside within Martin County. All part-time and seasonal employees must reside in Martin County. Members of the LVFD and part-time police officers/dispatchers are exempt from the residence requirements.

(B) This section shall not apply to any person presently employed by the city for as long as such person does not have a break in employment except that, if an employee who presently resides outside the corporate limits of the city moves from his or her present residence to a different residence location after the date of passage of this section, the employee shall be required to move to a residence within the corporate limits of the city.

(C) This section shall not apply to members of the Fire Department and pool employees.

(D) **EMPLOYMENT** shall not include labor or services provided by an independent contractor, by a consultant for specialized services, or by persons, firms, corporations or other entities providing professional services of any nature.

(E) In the event that the city would need to fill an employment position with a person having specialized qualifications, training, or licensing and no person residing within the corporate limits of the city is available, the City Council, by resolution, may waive the residency requirements of this section in order to employ a qualified person.

(Ord. 1994-5, passed 5-9-1994; Ord. 2013-2, passed 1-14-2013; Ord. 2014-6, passed 11-10-2014; Ord. 2015-5, passed 7-13-2015)

### § 34.02 WORKING HOURS.

(A) The designated working hours for all employees of the city are hereby set as outlined below. The work days are Monday through Friday, except for shift work which is around the clock, seven days a week.

<i>Department/Position</i>	<i>Working Hours</i>
Mayor's Secretary	Same as Utility Clerk.
Police Chief	Normal hours 8:00 a.m. to 4:00 p.m., but may vary as needed.
Police Department	10-hour shifts by scheduling of the Police Chief.
Sewer Department	7:30 a.m. to 4:00 p.m.
Street Department	7:30 a.m. to 4:00 p.m.
Utility Office Clerk	8:00 a.m. to 4:00 p.m., 8:00 a.m. to 4:30 p.m. with half hour lunch, or 8:00 a.m. to 5:00 p.m. with hour lunch.
Water Department	7:30 a.m. to 4:00 p.m.

(B) Sewer Department personnel will alternate weekend shifts of five hours to be justified by the working of shorter hours during the previous week. These hours are to be set by the Sewer Department Supervisor.

(C) All hours can be altered to meet emergencies and personnel needs. However, written hours are firm at this time and until changed by a separate policy.

(D) Excused tardiness must be approved by a supervisor or the Mayor. Unexcused tardiness more than three times is grounds for dismissal.

(Prior Code, § II-1-6)

### § 34.03 DRUG-FREE WORKPLACE AND DRUG TESTING POLICY.

The city adopts a drug-free workplace and drug testing policy for the employees of the city. (Prior Code, § II-1-8) (Ord. 1993-14, passed 9-13-1993; Res. 2012-7, passed 12-10-2012)

§ 34.04 ABSENCE AND LEAVE POLICY.

(A) *General policy.* The policy regulating absences of city employees is as follows.

(1) On January 1 of each year, each full-time employee shall accumulate personal or vacation and sick leave at a rate of two and one-half days at the end of each full quarter worked. An employee may accumulate up to 20 days annually. No leave may be used in advance of accrual.

(2) Any new employee hired after January 1 of any calendar year shall accumulate personal or vacation and sick leave at the rate of two days at the end of each full quarter worked through the calendar year. This leave may accumulate and be carried over to the next calendar year.

(3) Upon termination of employment, any leave accumulated by an employee will be forfeited and not paid.

(4) Sick leave shall be used in increments of not less than four hours per absence. Any employee using sick leave will notify his or her supervisor in advance of leave taken. Any abuses of sick leave privileges by an employee shall be grounds warranting dismissal from employment.

(5) Personal leave shall be used in increments of not less than one hour and shall be scheduled by supervisors three days in advance of leave taken. No exceptions shall be granted unless sick leave has lessened total earned leave.

(B) *Bereavement leave.*

(1) Bereavement leave must be arranged with the appropriate elected official/department head through a written request. This must be done as soon as practical. The request must be executed by the employee. It must state the relationship between the deceased and the employee and the length of time needed for the requested absence.

(2) All regular, full-time employees will be granted a paid leave of up to three consecutive work days in the event of the death in the employee's immediate family. **EMPLOYEE'S IMMEDIATE FAMILY** for purposes of this section, shall mean an employee's spouse, child, parent, grandparent, sibling, corresponding in-laws, grandchild, stepchild, step grandchild, step-parent, step-grandparent, step-sibling, half sibling, and other residents of the household of an employee.

(3) In the event of the death of a family member not in the immediate family, an employee should use personal time.

(4) In extenuating circumstances, the supervisor may approve extended unpaid bereavement leave.

(C) *Court leave.*

(1) If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, that employee shall continue to receive his or her full city pay but any compensation received for jury duty will be submitted to the Clerk-Treasurer for credit to the proper city account.

(2) The employee must provide the Clerk-Treasurer with written documentation of court appearance/jury duty to.

(3) The employee will be expected to report for work following jury duty, if a reasonable amount of time (two hours or more) remains during his or her scheduled workday. If any employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his or her regularly scheduled working hours, all compensation received for such court service shall be retained by the employee.

(4) The city will not reimburse employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with a juvenile, etc. unless the employee utilizes unused vacation, or compensatory time.

(D) *Sick leave.*

(1) New full time employees will begin accruing four hours of sick leave a month after 30 days of employment. The employee may begin using paid sick leave after the completion of six months of employment.

(2) On January 1 of each year all full time employee will be given 48 hours of sick pay to be used throughout the year.

(3) Sick leave can be taken in half-day increments.

(4) Sick leave will not accrue during any pay period in which the employee does not receive compensation.

(5) The department head/supervisor may request a physician's written certification of illness when three consecutive days or more are claimed or the department head/supervisor deems a certificate necessary because of suspected sick leave abuse.

(6) To be eligible for sick day benefits, all employees must have reported for work or called in reporting the sickness or injury. Employees shall call his or her department head. In the absence of the department head, calls shall be directed to the elected official's office. Department heads shall call or report the absence to their elected official.



(7) If an employee reports to work and becomes sick, he or she may be paid for the actual hours worked, and may utilize sick time, if available, for the remaining hours he or she is scheduled to work.

(8) The employee or someone on his or her behalf shall notify in the above order the absence of the employee as soon as possible prior to the scheduled hours of work. It is preferred that the call be made at least one hour prior to the employee's starting time.

(9) At the end of each year, the employee may bank their remaining sick hours. Banked sick hours may never exceed 480 hours. If at the end of the calendar year the employee has a bank of 480 and unused sick hours, the employee will lose those remaining hours.

(10) Employees whose bank already exceed the 240-hour limit will be given their 48 hours at the beginning of each year, but will lose any of those 48 hours remaining at the end of the year.

(11) Employees who resign, retire, or are terminated will not be compensated for accrued sick leave.

(E) *Leave of absence without pay.*

(1) Leave of absence must be requested in writing and may be granted to employees with the written approval of the Mayor. Leave of absence may be granted for a period of up to three months and will be unpaid. All accrued benefit time must be used prior to the approval of the unpaid leave of absence.

(2) During a leave of absence, the employee may retain his or her group insurance policy, but it will be the responsibility of the employee to pay the full group rate after 90 days. During the leave, the employee will not accrue time, nor will he or she be eligible for any other benefits set out herein. The employee is covered under health benefits for the first 90 days of leave. (The employee must make arrangements with the Clerk-Treasurer to continue paying their portion of the month premiums.)

(3) An employee on an approved leave must notify his or her supervisor of his or her intent to return to work at least two weeks in advance. The city will make every effort to place the employee in a comparable position and pay upon his or her return to work. However, there is no guarantee of being placed in the exact vacated position. The returning employee will be considered for open positions available upon his or her return. The returning employee will not be allowed to displace another employee. Failure to report for a work assignment at the designated return date specified will result in termination unless an extension is requested and approved.

(4) An employee who does not return to work at the conclusion of the approved leave will be viewed as voluntarily resigning.

(F) *Military or reserve service.*

(1) *Generally.* A military leave of absence will be granted to all city employees, except those occupying temporary positions to attend scheduled drills or training or if called to active duty with the U.S. armed services.

(2) *Reserve Unit or National Guard Unit.* Employees who are members of a Reserve Unit or National Guard Unit will be granted leave for the annual training period, and are entitled to civilian (city) and military pay up to 15 days a year when on training duties pursuant to proper orders issued by appropriate military authority.

(3) *Required military leave; vacation time.* Required military leave will not be charged against an employee's vacation time.

(4) *Health insurance benefits.* Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the military leave of absence.

(5) *Return to employment; requirements.* Employees on two-week active duty training assignment or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must notify the employer of the intent to return to employment in accordance with all applicable state and federal laws.

(6) *Reinstatement; former position or comparable position.* Upon return from military leave, in accordance with current law, the returning employee is entitled to be reinstated in their former position or to a comparable one.

(7) *Employer to treat as though continuously employed.* Every reasonable effort will be made to return eligible employees to the previous position. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as job seniority rights.

(8) *Documents required for leave.* Along with requests for such leave, employees are required to submit the published order authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.

(9) *Active duty; return to employment.* A permanent employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Public Health Service Civil Defense, or is drafted in the Merchant Marine Service, shall (in accordance with existing law) be entitled

to reemployment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required and reports for work within 90 days of such discharge, or within 90 days after he or she is released from hospitalization continuing after discharge for a period of not more than one year. He or she shall be employed in the position or a similar position to the one held at the time of entry into military service. All salary adjustments or position upgrades shall be granted to the employee upon reinstatement. In the event his or her former job no longer exists, the employee shall be employed in a capacity for which he or she is qualified at a salary comparable with the one he or she formerly received.

(10) *PERF*. The city will continue to pay for their PERF during the time they are on military leave.  
(Prior Code, § II-1-3) (Ord. 19-81, passed 10-13-1981; Res. 2015-14, passed 12-14-2015)

#### **§ 34.05 HAZARDOUS TRAVEL CONDITIONS.**

If, as a result of travel route being blocked or unreasonably hazardous due to ice, sleet, snow, and the like, the employee will be paid for scheduled work hours during which the employee is prevented from traveling to, or attending, work due to the continuation of such condition. The employee's departmental supervisor shall determine the extent and duration of the employee's inability to travel to, or attend work and shall notify the employee of the date the employee must return to work. All subject to the approval of the Clerk-Treasurer for the Clerk-Treasurer's Office and the approval of the Mayor for all other city employees.

(Prior Code, § II-1-3.3) (Ord. 93-12, passed 9-13-1993)

#### **§ 34.06 REIMBURSEMENT FOR TRAVEL EXPENSES.**

The city shall reimburse its officers and employees for any travel expenses at the same rate as is paid by the state to its officers and employees for travel expenses. The Clerk-Treasurer shall have the responsibility of monitoring any increases by the state in its rate of compensation for travel expenses.  
(Prior Code, § II-1-2) (Ord. 8-81, passed 6-8-1981)

#### **§ 34.07 CELL PHONE STIPEND.**

The City Council hereby authorizes the Clerk-Treasurer to pay a stipend in the amount of \$29 to the Chief of Police, four full-time police officers, Utility Manager, Public Works Department foreman, and the Mayor toward their personal cell phone monthly charge. The city does not provide cell phones to employees. The cell phones are the property of the employee and are used for city business while the employee is working for the city. The stipend will be added to the first pay of each month to his or her paycheck and taxes will be withheld to comply with the IRS regulations. If any of these employees are suspended or off work more than one continuous month, there will be no stipend for that month.  
(Ord. 2010-3, passed 4-12-2010)

**§ 34.08 SEASONAL EMPLOYEES.**

The city, in its operation of the city swimming pool, is a seasonal employer within the meaning of I.C. 22-4-7-3. Swimming pool employees are seasonal employees for this purpose.  
(Prior Code, § II-9-1) (Ord. 84-1, passed 1-16-1984)