

ORDINANCE NO. 2025- 13

**AN ORDINANCE TO AMEND THE
MORGAN COUNTY PERSONNEL POLICY HANDBOOK**

WHEREAS, the County Council of Morgan County, Indiana, (“Commissioners”) serve as the executive body of Morgan County, Indiana (“County”); and,

WHEREAS, in accordance with that role, the Commissioners are charged with transacting the business of the County, which includes oversight of the management of the various agencies of the County and all County employees; and,

WHEREAS, the Commissioners have taken several actions recently to modernize the various personnel management procedures of the County in order to ensure fairness and transparency to employees and prospective employees, as well as compliance with applicable federal and state laws and regulations related to employment; and,

WHEREAS, one of these actions was the creation of the *Morgan County Personnel Policy Handbook* (hereinafter “*Handbook*”), which was adopted by the Council on December 7, 2020, and by the Commissioners on December 28, 2020; and,

WHEREAS, since its adoption, necessary amendments have been recommended that would help clarify certain issues within the *Handbook*, and such recommendations have, from time to time, been adopted; and,

WHEREAS, one of the primary goals of the *Handbook* is to have a single resource for employees, department managers, human resources staff, and other relevant parties to have complete, consistent, and accurate information pertaining to employees’ various rights and obligations in connection with their employment with the County; and,

WHEREAS, in contemplation of the foregoing, the Council and Commissioners believe it is prudent to make such clarifying amendments in order to remove any existing ambiguity.

NOW THEREFORE BE IT ORDAINED that:

1. The *Morgan County Personnel Policy Handbook*, adopted and authorized by Ordinance # 2020-11, and as subsequently amended as of January 1, 2025, shall be amended as follows:
 - a. Section 4.1 – Clarifying and explanatory language added. Accrual tables revised for clarity and consistency. “Sick Bank” language removed. Policy language regarding PTO payout at resignation or retirement added, with clarifying examples. Transition language from 2021 removed.
 - b. Section 4.2 – Clarifying language added.
 - c. Section 4.3.2(A) – Language added for clarification and consistency with other absence policies.
 - d. Section 4.3.3(C) – Language modified to conform with current practices.
 - e. Section 4.3.5 – Language removed to conform with federal statute.
 - f. Section 4.3.6 – Clarifying language added.
 - g. Section 4.3.6(A) – Clarifying language added, including language added for consistency with other policies and current practices.
 - h. Section 4.5 – Modified to include process for accommodation under Pregnant Worker Fairness Act (added as new Section 4.5.3) and conform with current practices.
 - i. Section 4.6 – Language added to clarify and conform with current practices.
 - j. Section 4.6.2 – New section added to conform with statute (eff. July 1, 2025) granting unpaid absence for certain school meetings.
 - k. Section 4.7 - Language added to clarify and conform with current practices.
 - l. Section 4.8 – Clarifying language added.
 - m. Section 4.13 – Contact information for INPRS updated.
 - n. Corresponding changes have also been made in Sections 3.16.5(A) and 3.20 for consistency with revisions noted hereinabove to Chapter 4.

A “redline” version demonstrating all described changes shall be affixed to this ordinance as Exhibit 1. A “clean” version demonstrating the final version shall be affixed to this ordinance as Exhibit 2.

2. These amendments shall be effective immediately and added to the *Morgan County Personnel Policy Handbook* as soon as practicable.
3. All other portions of the *Morgan County Personnel Policy Handbook* shall remain in full force and effect.

ALL OF WHICH IS ORDAINED AND ADOPTED by the Board of Commissioners
of Morgan County, Indiana on this 20th day of October, 2025.

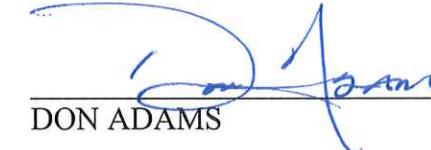
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Morgan County Auditor

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Joe Crone

ATTEST:

Linda Pruitt
Linda Pruitt, Morgan Co. Auditor

4. EMPLOYEE BENEFITS

The policies contained in this chapter and throughout the Morgan County Personnel Policies Handbook apply to all Morgan County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

4.1 PAID TIME OFF (PTO)

This Policy replaces any and all previous vacation, personal day, sick day policies

The County provides full-time Exempt and Non-Exempt employees with paid time off ("PTO") benefits in lieu of the traditional benefits of paid vacation, personal days and sick days. Elected Officials and part-time employees are not eligible for PTO. PTO is intended to allow employees paid time off from work for reasons such as vacation, personal illness, family illness, medical appointments, or personal or family business. Holidays, bereavement leave, jury duty and Worker's Compensation leave are separate from PTO and are not included in the employee's granted and accumulated PTO amount. PTO is a benefit, not an earned entitlement, and is subject to change as the needs of the County may change.

PTO may be taken by an employee only with the prior approval of his or her supervisor (Department Head/Elected Official) in accordance with the County's payroll procedure and in compliance with any State and Federal regulations or requirements. PTO may be taken, at such times and in fifteen (15) minute increments, as best accommodates the employee's schedule and will be coordinated to ensure adequate staffing levels and departmental needs and requirements. The Department Head or Elected Official reserves the right to prioritize or deny PTO requests. Department Heads/Elected Officials will administer this PTO policy fairly/equitably and treat each employee in a non-discriminatory manner.

The amount of PTO to which an employee is eligible for a PTO Leave Period is determined by the employee's length of continuous service as a full-time employee as of the beginning of the PTO Leave Period (i.e. the employee's anniversary date.) All PTO must be approved by the supervisor, in accordance with this policy.

Upon completion of the employee's first full year of employment, employees will earn PTO on each anniversary date of his or her continuous service as a full-time employee as set for in the PTO schedule below.

7 Hour Workday		7.5 Hour Workday		8 hour Workday or 40 hours/week or 80 hours/2-week pay period		24 Hour Workday	
Yrs of Service	PTO(Hrs)	Yrs of Service	PTO (Hrs)	Yrs of Service	PTO (Hrs)	Yrs of Service	PTO (Hrs)
0	70	0	75	0	80	0	168
1	119	1	127.5	1	136	1	228
2	133	2	142.5	2	152	2	240
3	140	3	150	3	160	3	252
4	154	4	165	4	176	4	264
5	161	5	172.5	5	184	5	276
6	168	6	180	6	192	6	288
7	175	7	187.5	7	200	7	300
8	182	8	195	8	208	8	312
9	189	9	202.5	9	216	9	342
10	196	10	210	10	224	10	336
11	203	11	217.5	11	232	11	348
12	210	12	225	12	240	12	360
13	217	13	232.5	13	248	13	372
14	224	14	240	14	256	14	384
15	231	15	247.5	15	264	15	396
16	238	16	255	16	272	16	408
17	245	17	262.5	17	280	17	420
18	252	18	270	18	288	18	432
19	259	19	277.5	19	296	19	444
20	266	20	285	20	304	20	456

PTO for a PTO Leave Period is granted on the first day of the PTO Leave Period (i.e. the employee's anniversary date) but does not accrue in whole or in part before that date, even though it is based on continuous service completed as of such date. Thus, for example, the fourteen (14) PTO days for an employee's first PTO Leave Period is available beginning on the first day of such period (i.e., after successful completion of their probationary period).

PTO is encouraged to be used in the PTO Leave Period in which it is granted; however, employees are allowed to carry over an unlimited number of unused PTO days into the following year ("carry over PTO"). Upon resignation or retirement, a maximum of the equivalent of thirty (30) days PTO will be paid to any employee.

To be eligible to have PTO granted and take PTO, the employee must be in active pay status. Accordingly, PTO shall not accrue while an employee is on a leave of absence except as required

under applicable law. Current and continuous employment time shall be used when determining the amount of eligible PTO time.

PTO leaves should be approved in advance by your Department Head/Elected Official. Except in the case of emergencies such as illness, PTO leaves of less than three (3) consecutive workdays should be approved by your Department Head/Elected Official in advance of taking the leave and PTO leaves of three (3) consecutive workdays or more should be scheduled and approved thirty (30) days in advance or less at the discretion of the Department Head. Because each department has different busy times of the year, PTO leaves may be approved on a more limited basis at the discretion of the employee's Department Head/Elected Official. Employees are expected to manage their PTO balances and plan their use of PTO during non-peak operational times. PTO donations or transfers from one employee to another employee will not be allowed at any time.

Employee absences that occur after all available PTO has been used will be unpaid and subject to discipline under the attendance policy. Elected Officials/Department Heads have the discretion to approve leaves of up to three (3) unpaid days per calendar year without Commissioner approval. Any unpaid time of more than three (3) days must first be approved by the County Commissioners or their representative in accordance with Section 4.6. As stated in this policy, section 4.6, all paid time must be used before any unpaid time is granted.

PTO pay shall be equal to the employee's regular current base rate of pay at the time PTO is taken and does not include overtime, premium pay or any special forms of compensation. If a holiday recognized by the County falls during a scheduled PTO time off, you will receive holiday pay for that day and will not lose that day from your PTO balance. PTO may not be taken in advance of being granted. PTO will not be counted as hours worked for the purposes of calculating overtime.

PTO must be taken in a minimum of fifteen (15) minute increments for all employees. PTO shall not be taken in increments of more than two (2) consecutive weeks (i.e. the working days that fall within a 2 week calendar period, with the exception of employees on FMLA leave. Any leaves shall be presented to the department head or elective official with advance notice. PTO cannot be used to extend employment. Thus, PTO under this policy carries a corresponding duty on the part of each employee to use his or her time responsibly. Such duty includes:

- Scheduling time off in a manner that ensures a sufficient personal PTO balance to meet unanticipated leave requirements.
- Giving as much notice as reasonably possible in advance of using PTO. The notification guidelines stated above are merely minimums, and employees are expected to give as much notice as possible.
- Taking all necessary steps to ensure that the employee's responsibilities can be covered during an absence.
- This policy is not meant to be construed as an opportunity for an employee to extend their employment or insurance benefits with PTO usage. An employee engaging in PTO usage of this type will be subject to disciplinary action up to and including termination.

Department head or elected officials reserve the right to deny PTO requests during the last 60 days before an employee retires or resigns.

Unscheduled PTO has the potential to disrupt operations. Department Heads/Elected Officials shall have the right to require proof of illness or other emergency, and to take disciplinary action if proof is not provided, up to and including termination.

Employees that are resigning or retiring shall not be permitted to use more than three (3) weeks of PTO within 60 days of the date of retirement or separation, with the exception of employees on FMLA leave.

Upon resignation or retirement, a maximum of 210 PTO hours will be paid to employees working a 7 hour workday; a maximum of 225 PTO hours will be paid to employees working a 7.5 hour workday; and a maximum of 240 PTO hours will be paid to employees working any other work schedule. The payout shall be calculated based on the employee's current rate of pay at the time of separation and will be included in their final paycheck. Employees terminated for disciplinary actions or resigning without a customary 2 week notice, shall not receive reimbursement for accrued PTO. Compensation of PTO is based on the employee's continuous length of service with the County according to the following schedule. Employees must have completed the entire year to be given credit for that year of service. The year is based on anniversary date.

Length of Service	Reimbursement
0 – 2 years	0%
3 – 4 years	50%
5 - 6 years	100% up to 240 hrs maximum

Compensation examples:

- 1.) Employee has 400 hours and 3 years of service. The compensation rate is 50% which equals 200 hours of PTO to be paid.
- 2.) Employee has 500 hours and 3 years of service. The compensation rate is 50% which equals 250 hours. The employee is compensated for 240 hours – the maximum payout.

Exempt, non-elected salaried employees shall follow the same schedule and guidelines outlined above. Questions about whether a certain absence should apply against an employee's PTO balance should be directed to the employee's Department Head/Elected Official.

If an employee separates from County employment and is rehired, they will not have any unused PTO or sick bank days that they may have had at separation returned to them. They will start over regarding their years of service, PTO accrual and probation period by following the PTO chart.

If an employee transfers between departments within the County, the employee's balance of unused PTO shall be transferred to the new department unless used by the employee prior to the effective

date of transfer.

If a full-time employee transfers to part-time, the employee's unused PTO and carryover PTO will be paid out in accordance with the termination section above on the County's next regular payroll following the transfer. After transferring to a part-time employee, the employee is ineligible for PTO. Carry-over PTO is defined as the PTO hours a newly elected official can retain as noted below.

All compensatory time will be paid upon transferring from one department to another department by the department the employee is leaving. Non-exempt to exempt positions will be paid at the non-exempt rate.

In the event that a full-time employee is elected to a full-time Morgan County elective office he/she shall elect to be compensated for accrued PTO granted as a regular full-time employee up to 210 PTO hours if the employee works a 7 hour workday; 225 PTO hours if the employee works a 7.5 hour workday; and 240 PTO hours if the employee works any other work schedule. If the elected official does not return to a full-time position, he/she shall not be paid additional monies for the remaining PTO. If the elected official returns as a full-time employee, they may not be paid out for additional days unless they work at least one (1) year as a full-time employee.

In the event an Elected Official returns to a non-elective full-time position immediately upon ceasing to be in elective official, the years served as an Elective Official shall count towards years of service for the purposes of determining the amount of eligible PTO or other benefits based on years of service with the County. An elected official returning as a full-time employee with no break in service shall receive the amount of PTO they would have received on their last non-elected anniversary date. An Elective Official that returns as a non-elective employee with a gap in employment after leaving elective office will be given a 'new' date of hire and will start over on the PTO Schedule as a New Hire.

4.2 HOLIDAYS

Legal holidays for the County shall be those established by the Commissioners. A schedule of holidays for each current year shall be distributed to each county office by the end of the preceding year.

The County will grant paid holiday time off to all FTPR employees. Holiday pay will be based on the employee's straight time pay rate as of the date of the holiday times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, regular full-time employees must work the full shift or be in paid absence the last scheduled day immediately preceding the holiday for the full day and the first scheduled day immediately following for the full day. If an employee is absent without authorization on the day preceding and/or following a holiday, he or she will not receive compensation for the holiday.

If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If an eligible employee works on a recognized holiday, the holiday will be compensated as the regular holiday pay plus one and one-half (1½) times the regular rate of pay for the hours actually worked.

Morgan County Sheriff Deputies and the Jail Matron will receive an extra eight (8) hours of straight pay in the pay period in which the holiday falls.

Full-time jailers, warrant officer, telecommunicators/dispatchers, will receive an extra eight (8) hours of straight pay in the pay period in which the holiday falls.

Morgan County EMS employees working 24-hour shifts will receive holiday pay based on an EMS modified holiday schedule. The rate shall be an additional pay equivalent to straight pay for the hours worked.

4.3 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Morgan County shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through the following actions: Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall

be posted prominently where it can be readily viewed by employees and applicants for employment; and

1. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Morgan County.

4.3.1 Entitlement

Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

4.3.1(A) Serious Health Condition Defined

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

4.3.1(B) Chronic or Long-term Health Condition Defined

A chronic or long-term health condition generally results in a period of three (3) consecutive days of incapacity, with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity. Chronic conditions requiring periodic health care visits for treatment must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the County's Paid Time Off policy are encouraged to consult with the HR Director, and PTO – Payroll Administrator.

4.3.2 Eligibility

An "eligible employee" is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months; and
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

Separate periods of employment with the County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer's intention to rehire the employee after a break in service. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

4.3.2(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Morgan County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

Intermittent leave shall be counted in increments of fifteen (15) minutes.

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the employee may take the leave intermittently or, if approved, work a reduced hours or other alternative schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must provide advance notice ahead of intermittent leave. Where possible, working a reduced hours or other alternative schedule may be approved.

4.3.3 Employee Notice Requirements

4.3.3(A) Foreseeable FMLA Leave

An employee should provide the County written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under the County's FMLA policy.

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations, subject to the approval of the health care provider.

4.3.3(a) Employee Failure to Provide Notice

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

4.3.3(B) Unforeseeable FMLA Leave

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

Notice may be given by the employee's "spokesperson" (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

4.3.3(a) Employee Failure to Provide Notice

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the County's FMLA policy, the extent to which the County may delay FMLA coverage for leave depending on the facts of the particular case.

4.3.3(C) Requesting FMLA Leave

All requests for FMLA leave must be submitted directly to the Elected Official/Department Head and the HR Director. The HR Director shall process all FMLA requests.

Employees should contact the HR Director or their Elected Official/Department Head to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

4.3.4 Employer Notice Requirements

4.3.4(A) Eligibility and Rights & Responsibilities

When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The County shall use the Department of Labor form **WH-381 (Notice of Eligibility and Rights & Responsibilities) or equivalent form** to satisfy requirements under this section.

4.3.4(B) Designation Notice

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee.

When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the County shall notify the employee of that determination.

If the County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the County may provide the employee with the designation notice at that time.

If the information provided by the County to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the County shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The County shall use the Department of Labor form **WH-382 (Designation) or equivalent form** to satisfy requirements under this section.

4.3.5 Certification

Morgan County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition be supported by a certification issued by the health care provider of the employee or the employee's family member.

Morgan County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form **WH-381 (Notice of Eligibility and Rights & Responsibilities) or equivalent form**.

Morgan County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities) or equivalent form**.

The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition) or WH-380-F (Family Member's Serious Health Condition) or equivalent form**.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

4.3.5(A) Complete and Sufficient Certification

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

4.3.5(B) Clarification and Authentication

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the HR Director will be responsible for obtaining clarification and/or authentication.

Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The County shall not ask health care providers for additional information beyond that required by the certification form.

The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

4.3.5(C) Second and Third Medical Opinion

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion and shall designate a provider who is not an employee of the County.

The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

If the two (2) opinions conflict, the County and the employee will mutually select a third doctor, and the County shall pay for a third opinion. The opinion of the third provider is final and binding on both the County and the employee.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

4.3.5(D) Recertification

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every thirty (30) days and only when circumstances have changed significantly, or if the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

The employee must provide the requested recertification to the County within fifteen (15) calendar days after the employer's request.

4.3.5(E) Fitness-for-Duty Certification

The County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The County shall notify an employee in form **WH-382 (Designation Notice) or equivalent form** whether a fitness-for-duty certification shall be required.

The cost of recertification shall be borne by the employee.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

4.3.6 Calculation of FMLA Leave

The twelve (12) work weeks of leave is computed using a "rolling" fifty-two (52) week period of time.

Therefore, at any time, an eligible employee is entitled to a total of twelve (12) work weeks of leave minus any leave utilized in the preceding fifty-two (52) weeks.

In situations where both a husband and wife work for the County and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employee(s) combined total leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

An employee shall use any accrued PTO, and compensatory time for any part of the FMLA twelve (12) week period under the County's FMLA policy. Any holiday that occurs during an FMLA leave shall be paid. Accruals for benefit calculations, or holiday benefits, shall be earned and accrue during FMLA

leave.

Employees are responsible for using PTO/Comp time for the waiting period that is required to qualify for short-term disability. Once short-term disability starts, employees can use their PTO up to, but no more than 40%. Once short-term disability has ended and the employee has not returned to work, the employee will need to use their PTO/Comp for any unpaid time before returning to work. FMLA and PTO are used concurrently during the Short-term Disability waiting period.

4.3.6(A) Health Benefits

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work during the period that he or she was on approved FMLA leave. County employees are responsible for paying their share of the premium costs while on FMLA leave. The County will pay the employee's health, dental and vision premiums while on short-term disability only. Employees are responsible for 100% of their voluntary insurance products while off work for FMLA. Employee is also responsible for contacting Human Resources to set up payment for voluntary insurances.

If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period. (Any employee returning from FMLA leave that resigns before 30 days have passed since their return, or reasons other than a continuing serious health condition, will be required to reimburse the employer the amount paid for the employee's health insurance premium during the leave period.)

4.3.7 Employee Reinstatement

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

However, the County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

The County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

While an employee is on FMLA leave for their own serious illness or injury, he/she shall not be engaged in outside employment or any other employment within Morgan County Government.

4.3.8

Military Family Leave Entitlements

Effective January 28, 2008, the National Defense Authorization Act for FY 2008 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness.

These two new types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County's FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Military Family leave are governed by the County's existing FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave.

4.3.8(A)

Employee Notice Requirements

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave with the time prescribed by the County's usual and customary notice requirements. Please see section "Requesting

FMLA Leave" above.

4.3.8(B) Entitlement

Eligible employees are entitled to **twelve (12) weeks** of unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Eligible employees are entitled to **twenty-six (26) weeks** of unpaid Military Family leave for the following situation:

1. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

4.3.8(C) Covered Active Duty Defined

The term "covered active duty" means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or international waters; and in the case of a member of a reserve component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country or international waters under a call or order to active duty pursuant to applicable law.

4.3.8(D) Covered Servicemember Defined

The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury, illness, or condition that existed before the servicemember's active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury, illness, or condition that existed before the servicemember's active duty but manifested before or after becoming a veteran, and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee's first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the "single 12-month period" of leave even if the leave extends beyond the five (5) year period.

4.3.8(E) Qualifying Exigency Leave

Eligible employees may take **up to a total of twelve (12) weeks** of unpaid Military Family leave during the normal twelve (12)-month period established by the County for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.

Qualifying Exigency leave is available to a family member of a military member in the National Guard or Reserves or a retired military member of the Regular Armed Forces or Reserve; it **does not extend** to family members of military members in the Regular Armed Forces.

A call to active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States pursuant to applicable law in support of a contingency operation. Such leave may commence as soon as the military member receives the call up notice. **This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA leave in a twelve (12)-month period.**

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the

active duty or call to active duty of the covered military member;

4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

4.3.8 (E)(a) Certification

The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

This information is required anytime there is leave, for payroll purposes. A copy of new active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

The County shall use the Department of Labor form **WH-384 (Qualifying Exigency) or equivalent form** to satisfy requirements under this section.

4.3.8 (E)(b) Verification

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity.

The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on active duty or call to active-duty status; no additional information may be requested, and the employee's permission is not required.

4.3.8(F) Military Caregiver Leave

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take **up to a total of twenty-six (26) weeks** of unpaid Military Family leave during a "single twelve (12)-month period" to care for the servicemember.

Eligible employees are entitled to Military Caregiver leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list.

Eligible employees **may not** take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26)

weeks of leave for any FMLA-qualifying reason during the “single twelve (12)-month period.” However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

The “single twelve (12)-month period” for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the County shall be limited to a **combined total** of twenty-six (26) weeks of leave during the “single twelve (12)-month period” if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee’s parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

4.3.8(c) Next of Kin Defined

The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

4.3.8(d)

Designating Leave

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” the County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

4.3.8(e)

Certification

When leave is taken to care for a covered servicemember with a serious injury or illness, the County shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted for leave to care for a covered servicemember.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The County shall use the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember) or equivalent form** to satisfy requirements under this section.

4.3.8(f)

ITOs and ITAs Certification

The County, in place of the Department of Labor form WH-385, shall accept “invitational travel orders” (“ITOs”) or “invitational travel authorizations” (“ITAs”) issued to any family member to join an injured or ill servicemember at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember) or equivalent form**, as requisite certification for the remainder of the employee’s necessary leave period.

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

In all instances in which certification is requested, it is the employee’s responsibility to provide the County with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

4.4 MILITARY LEAVE

The County encourages employees to serve their country by participating in the uniformed services. If you are called upon to perform military service, whether it involves active duty or annual training requirements for the National Guard or U.S. Military Reserves, training duties of the State under the order of the governor as Commander in Chief or as a member of any reserve component under the order of the reserve component authority you may be entitled to reinstatement/reemployment and other rights under the Uniform Services Employment and Reemployment Rights Act of 1994 ("USERRA"). In order to qualify for benefits under USERRA, your separation from military service must be under honorable conditions and it must meet all of the other requirements of the law.

This policy applies to any person who must be absent from employment to perform a duty, either voluntary or involuntary, in the uniformed services. To qualify under the County's military leave policy, an employee requesting leave must provide advance written notice to their Elected Official/Department Head as soon as possible and furnish a copy of his/her military orders that identifies the time period for the leave as specifically as possible.

4.4.1 Annual Training

A military leave of absence will be granted to all full-time Morgan County employees to attend scheduled drills or training, or to respond to a call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (Morgan County) and military pay up to fifteen (15) days per year.

Such military leave will not be charged against an employee's accrued benefit time off, and seniority will continue to accrue in the same manner as for employees not on military leave.

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 annual training period.

Employees on two-week active duty training assignments 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.

4.4.2 Active Duty/Enlistment

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably.

The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members may (but are not required to) use accrued PTO while performing military duty.

Employees who are on active military duty leave and are under the County's health care plan may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from a military leave of absence an employee will be reinstated to a Morgan County position provided the employee is discharged from military status under honorable conditions, including providing fulfillment papers to his/her supervisor, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident.

The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

Employees on such leave must notify Morgan County of the intent to return to employment in accordance with all applicable state and federal laws.

4.4.3 Indiana Military Family Leave

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Military Family leave under qualifying circumstances. In order for an employee to be eligible for Military Family leave, the employee must have worked for Morgan County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Military Family leave may not exceed a total of ten (10) working days annually.

Employees must notify their Elected Official/Department Head thirty (30) days in advance of the days they intend to take Military Family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance. Morgan County may require verification of the military orders in order to approve Military Family leave.

Military Family leave is unpaid and employees are responsible for paying their own benefits while on such leave.

An employee may choose to substitute any earned PTO, or compensatory time available to the employee for any part of the ten (10) day period of Military Family leave.

Military Family leave runs concurrent with other leave entitlements provided under federal, state and local law, such as Military Family leave under FMLA.

4.5 REASONABLE ACCOMMODATIONS

It is the policy and practice of the County to comply fully with the Americans with Disabilities Act of 1990 (ADA) and to ensure equal opportunity in employment for all qualified persons with disabilities.

4.5.2 AMERICANS WITH DISABILITIES ACT (ADA)

The ADA ensures that employers offer equal employment opportunities for qualified individuals who may have a physical or mental disability but can still perform the essential functions of the job. The County is committed to ensuring that there is no discrimination under any terms, conditions or privileges of employment and to making reasonable accommodations for employees with physical or mental disabilities.

All employment decisions are to be made based upon job-related criteria without regard to physical or mental disabilities of qualified individuals.

The ADA defines a person with a disability as an individual who:

- Has physical or mental impairment that limits one or more major life activity;
- Has a record of such an impairment; or
- Is regarded as having such impairment.

Reasonable accommodations are available to all employees and applicants with a disability when such accommodation is required to perform the essential functions of the job. A reasonable accommodation is one that does not cause an undue hardship for the County. If a person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person is not qualified for the position. The supervisor, with assistance from the hiring authority and/or the Commissioners and the employee, is responsible for considering what reasonable accommodations may be made.

Upon requesting accommodation, the supervisor or the hiring authority may request that the employee provide a medical evaluation documenting the disability. All medical records obtained will be kept separate from general personnel files and will be confidential.

Disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

If the nature of the disability precludes an employee from performing essential functions of the job, a qualifying employee may take leave time pursuant to the County's leave policies, including the Family and Medical Leave Act, while the issue of whether there is a reasonable accommodation that can be made is being determined.

In compliance with the ADA, it is also the policy of the County to recruit, hire and promote employees or applicants without regard to disability. Therefore, in interviewing applicants for employment, supervisors:

- cannot use interview questions that may have a discriminatory effect to a person with a disability;
- cannot use employment or skill tests which are not specifically job related;
- and should refer only to the current requirements of the position.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups

representing individuals with disabilities, are encouraged to submit suggestions to the County ADA Coordinator (HR Director) on how Morgan County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator (HR Director).

4.5.3 PREGNANT WORKERS FAIRNESS ACT (PWFA)

The Pregnancy Workers Fairness Act (PWFA) is a federal law that requires employers with 15 or more employees to provide reasonable accommodations for the known limitations of a qualified individual related to pregnancy, childbirth or related conditions, unless it would cause undue hardship.

Morgan County complies with all applicable laws requiring accommodating individuals with known limitations related to pregnancy, childbirth or related conditions in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission. The County does not discriminate against qualified individuals with known limitations related to pregnancy, childbirth or related conditions in regard to application procedures, hiring, advancement, discharge, compensation, training and other terms, conditions and privilege of employment.

Morgan County will reasonably accommodate qualified individuals with known limitations related to pregnancy, childbirth and any medical condition related to the employee's pregnancy or childbirth (including, but not limited to, lactation or the need to express breast milk for a nursing child) unless the requested accommodation results in an undue hardship to the County.

Examples of reasonable accommodations for pregnancy, childbirth or related medical conditions may include, but are not limited to:

- Flexible Breaks
- Changing food or drink policies
- Changing work locations or equipment
- Changing the dress code
- Temporary Reassignment
- Leave for appointments with health care professionals
- Light duty
- Leave to recover from childbirth

Morgan County will not take retaliatory action against an individual who requests or receives a reasonable accommodation related to pregnancy, childbirth or related conditions.

Human Resources is responsible for implementing this policy, including the resolution of reasonable accommodation, safety and undue hardship issues. Contact the Human Resources Director with any questions or requests for accommodation. **4.6**

LEAVE OF ABSENCE WITHOUT PAY

Employees must exhaust accrued leave and compensation time before going into unpaid leave status. FTPR employees, who have exhausted their twelve (12) weeks of FMLA leave, may be granted an unpaid leave of absence for an FMLA qualifying serious illness, injury, or condition. The Elected Official/Department Head has the authority to approve up to three (3) full working days for reasons to do with an employee's serious health condition or the serious health condition of a family member. Elected Officials/Department Heads do not have the discretion to approve more than three (3) days of unpaid leave per calendar year without Commissioners' approval. All PTO or comp time must be utilized before leave of absence without pay is requested.

Requests for leave without pay longer than three (3) days must be made in writing to the employee's supervisor and department head, as well as the HR Director, and are subject to approval by the Commissioners. Except in emergencies, the employee is required to make his/her request at least two weeks in advance of the anticipated leave. This request can be a partial shift, with the yearly total being no more than the equivalent of 3 full shifts.

The County Commissioners may approve a leave without pay for a specified period of time such leave shall not exceed ninety (90) days within a "rolling" twelve (12) month period when it is determined that no other leave form is appropriate. All such leaves are approved only after consideration of the effect of the leave on the department's operation and receipt of the appropriate documentation.

No leave benefits accrue while an employee is on leave without pay for more than twenty (20) days. If the employee wishes to continue to participate in the County's group health insurance program, he/she must make arrangements for the full payment of premiums with the County's payroll Department. This includes the employee portion, as well as the employer portion for all insurance premiums.

The employee is expected to return to work as noted on the approved leave request, unless an extension has been granted. If the employee wishes to return to work before the approved date, two weeks' notice must be given to his/her supervisor.

4.6.2 UNPAID ABSENCE TO ATTEND CERTAIN SCHOOL MEETINGS

Employees may request leave, one time per calendar year, to attend an attendance conference (as defined by IC 20-33-2.5) or a case conference committee (as defined by IC 20-35-9-3) on behalf of the employee's biological, adopted, foster, or stepchild. The absence is limited to the reasonable amount of time to attend and travel to and from the meeting and requires at least 5 days' advance notice. This absence is unpaid unless the employee is using available PTO or earned comp time. If requested, the employee must provide documentation from the school confirming the employee attended the meeting or conference, with the date, time, and duration

of the meeting or conference.

4.7 BEREAVEMENT LEAVE

FTPR employees are entitled to paid bereavement leave with permission of the Elected Official/Department Head. An employee wishing to take time off for the death of a family member should contact his/her Elected Official/Department Head immediately for approval.

Employees are eligible for five (5) consecutive regularly scheduled working days (maximum of 8 hours per day) for spouse, child, step-child, father, mother, stepfather, stepmother. Three (3) consecutive regularly scheduled working days (maximum of 8 hours per day) for sister, brother, step-sister, step-brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, grandson and granddaughter.

For other family members, employees may be eligible for one (1) day paid leave (maximum of 8 hours per day) at the discretion of the Elected Official/Department Head.

To be granted Bereavement Leave, all relations that are listed above must be current, and those which are dependent upon marriage must not have been severed by divorce.

Bereavement leave must be taken concurrent with the funeral services or memorial service for the immediate family member, or relative. Unless otherwise approved by the Department Head/Elected Official for certain cases. These specific instances should be reported to payroll. Total days allowed for bereavement should not exceed the number of days allowed. For days off allowed, the allotted hours shall be equal to the employee's work day, not to exceed 8 hours.

4.8 JURY DUTY AND COURT APPEARANCES

Morgan County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees must provide a copy of the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence.

If an FTPR employee is called for jury duty or subpoenaed to testify in a County court of law during any portion of the employee's regular scheduled working day, the employee shall receive his/her regular salary or wage in full for such time in court for up to eight (8) hours. All compensation received for court service shall be turned over to the County Auditor in full. FTA, PT, and Temporary employees are not eligible for paid jury duty.

The employee will be expected to report for work following jury duty, if a reasonable amount of time (two [2] hours or more) remains during his/her scheduled workday.

The employee is not entitled to overtime compensation should the jury duty service time

exceed their normal work hours for the day. The time the employee is away from work during jury services is not counted as "hours worked" for the purposes of counting overtime.

Time spent attending court or in deposition as a witness, including time spent meeting with County attorneys to prepare to testify, for matters related to your employment, shall be considered regular work time.

The County 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 juvenile, etc. Such absences will be charged against PTO, or compensatory time as applicable.

4.9 WORKERS' COMPENSATION INSURANCE

The County provides a comprehensive workers' compensation insurance program at no cost to the employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period.

While in a non-pay status on County payroll due to an absence resulting from a job-related injury or illness, the County Commissioners will pay the employee portion of medical and dental/vision insurance coverage normally deducted from payroll for a period up to thirteen (13) weeks. The employee will need to make arrangements with the Auditor's office regarding all other deductions that are normally deducted from payroll.

Any employee who sustains a work-related injury or illness shall inform his or her supervisor immediately. No matter how minor an on the job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. All injuries (treated and not treated) require an accident report be filled out and sent to Human Resources.

Neither the County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off duty recreational, social, or athletic activity sponsored by the employer.

An employee who willfully disobeys safety rules or laws or who self-inflicts an injury or is injured as a result of being impaired by alcohol or drugs shall have benefits denied and may be terminated.

For eligible employees, workers' compensation leave is considered FMLA leave beginning with the First day of leave. All FMLA leave time used counts against the employees' twelve (12) week FMLA entitlement.

While an employee is on workers' compensation leave, he/she shall not be engaged in

outside employment.

4.9.1 Light Duty Work

It is the policy of the County to ensure that employees returning to work following any illness or injury, including FMLA, are physically and mentally rehabilitated to safely perform their regular job duties. Employees who are temporarily unable to perform their regular duties because of an illness or injury may be temporarily assigned “light duty” work by the County that is consistent with their medical restrictions. Light Duty will be considered on a case-by-case basis, based on the needs of the employee’s respective department.

Before an employee shall return to full duty following an illness or injury, the employee is released from his/her medical provider to perform the full range of essential job duties of his/her position. The employee may be required to have a fitness for-duty examination by the doctor specified by the County and submit a certification form to the HR Director. If the examination indicates that the employee is released to perform the full range of essential job duties, then the employee shall be directed to return to his/her regular job. If the evaluation indicates that the employee shall not return to full duty, but is able to perform light duty, the County may explore light duty options.

4.10 EMPLOYEE INSURANCE

Full-time employees may enroll in the County's group insurance plans within thirty (30) days on the first day of hire for medical, dental and vision. Any voluntary products will be effective the first day of the month following 30 days after hire.

If you do not enroll when first eligible, you may only enroll in the occurrence of a life event within thirty (30) days of the life event or open enrollment.

4.10.1 Insurance For Retirees

Retirees may retain insurance coverage if they meet the following criteria as set forth in IC 5-10-8:

- You must be age 55 before retirement date.
- You are not yet eligible for Medicare. You have 20 years of credible service with a public employer before the retirement date-10 years of which must be completed immediately preceding the retirement date. You must have completed at least 15 years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date.
- You must pay the full monthly cost of the insurance.
- You must present a written request within 90 days of retirement.
- The coverage will end when you become eligible for Medicare.

4.11 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

Morgan County is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and has established guidelines regarding the privacy of individually identifiable health information accordingly. Morgan County has designated the HR Director as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures. The HR Director is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the HR Director.

4.12 BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility.

Employees and their families will have the opportunity for a temporary extension of health insurance coverage in certain instances where coverage under the County's health plan would otherwise end. Only those employees, employee's spouse and their dependents who were covered under the County's plan on the day before the event which triggered termination of coverage are eligible to elect continuation coverage.

If you are an employee of the County and are covered by its health insurance plan, you have a right to elect continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

When a qualifying event occurs, the County will provide the employee with the appropriate notice. For further information on continuation of coverage, see the HR Director.

Events which qualify to trigger the option to continue coverage are as follows:

1. Termination of the covered employee's employment (except for gross misconduct);
2. Death of a covered employee;
3. Divorce or legal separation of a covered employee from his or her spouse;
4. A dependent child of a covered employee ceases to be a dependent;
5. Employee's work hours reduced to less than the number required to maintain eligibility for coverage; or

A covered employee's becoming entitled to receive Medicare benefits.

4.13 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS) (Known as PERP)

Elected Officials, Department Heads, Full-time employees and Benefit Eligible Permanent Part-time employees are covered by INPRS, a 401 (A) qualified retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually.

The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS' Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement.

Questions concerning the program should be directed to the Auditor and/or Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis IN. 46204

- OR -

All questions about the program should be directed to INPRS.

- **Call (toll-free): (888) 526-1687**
- **Mailing address: One North Capitol, Suite 001 Indianapolis, IN 46204**
- **Email: questions@INPRS.in.gov**

Items that need addressed outside of Section 4

Page 26 – 3.16.5(A) Sheriff Deputy Compensatory Time-off

Sheriff Deputies may accrue up to 40 compensatory time hours; monetary compensation is paid for those hours in excess of 40 hours.

Page 30 – 3.20 Employment Termination

Employees terminated due to disciplinary action will not be compensated for PTO. Longevity will not be paid to an employee who terminates before the end of the calendar year.