

## Ordinance No. 96-6

AN ORDINANCE AMENDING  
THE LEBANON CITY CODE RELATING TO  
EMPLOYMENT AND PERSONNEL POLICIES

WHEREAS, the City of Lebanon should establish fair and equitable employment practices for the benefit of the citizens of Lebanon as well as the employees of the City of Lebanon; and,

WHEREAS, the Common Council of the City of Lebanon recognizes that certain personnel polices contained within the Lebanon City Code are in need of update and amendment; and,

WHEREAS, a comprehensive personnel ordinance is desirable in order to codify certain employment policies, practices, rules, and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON as follows:

**Section 1. Scope.**

This Ordinance shall govern the conduct of all civilian municipal employees not otherwise expressly exempted from the provisions of this Ordinance. The following groups of employees are expressly excluded and are, therefore, exempt from the provisions of this Ordinance:

- a. Lebanon Municipal Utility employees.
- b. All elected officials.
- c. All department heads.
- d. Fire and Police personnel.

**Section 2. Equal Opportunity Employer.**

It is the policy of the City of Lebanon to fully support the provisions of Title VII of the Civil Rights Act of 1964 and all amendatory legislation thereto under Federal and State law. The City of Lebanon further subscribes to the Age Discrimination in Employment Act of 1967 and the Equal Pay Act of 1963 and all amendments thereto. It is the expressed policy of the City of Lebanon to prohibit any employment related decisions to be made on account of an applicant's or an employee's race, color, sex, religion, age, disability, or national origin and to prohibit any

other unlawful employment practice resulting in discrimination.

**Section 3. Drug Free Workplace.**

The City of Lebanon is committed to providing a drug free workplace and expects the cooperation and participation of all municipal employees in promoting this policy. Pursuant to the Drug Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensation, possession or use of a control substance in the City of Lebanon workplaces is prohibited. Any employee who violates this policy may be subject to disciplinary action including termination of employment. It is a condition of employment that all employees abide by the City's drug free workplace policy and procedure. Any municipal employee who is convicted of a drug statute violation arising from conduct occurring during employment or in the workplace must notify the office of the Mayor of the conviction not more than five (5) calendar days following such conviction.

**Section 4. Alcohol Free Workplace.**

Drinking alcoholic beverages on City property, while on City business, or while operating vehicles or equipment that is owned, leased or reimbursed for use by the City of Lebanon is expressly prohibited. Violation of this policy may result in disciplinary action including termination of employment.

**Section 5. Disability Non-discrimination Policy.**

The City of Lebanon shall not discriminate against a qualified individual with a disability in regard to job application procedures, hiring, advancement or discharge of employees, employee compensation, job training, or in any other terms, conditions and privileges of employment. An individual is considered a qualified individual with a disability if the individual can perform the essential functions of a job with or without reasonable accommodation. The City of Lebanon does comply with the Americans With Disabilities Act (ADA) and the City is bound by the provisions of the ADA.

**Section 6. Prohibition Against Sexual Harassment.**

It is the policy of the City of Lebanon to provide a work environment free of sexual harassment. It is a violation of

Title VII of the Civil Rights Act of 1964 and against the policy of the City of Lebanon for any employee, whether in a supervisory role or as a co-worker, to sexually harass another employee. Sexual harassment occurs when unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature become a condition to the employee's continued employment, affect other employment decisions regarding the employee, or create an intimidating, hostile or offensive working environment.

An employee who believes he or she has been sexually harassed should report the conduct immediately. A thorough and confidential investigation will follow and any employee of the City of Lebanon found to have sexually harassed another employee will be subject to appropriate disciplinary action, including termination dependent upon the circumstances.

**Section 7. Employee Classification.**

All municipal employees are classified as follows:

- a. Full time employee - a full time employee is an employee who works more than 32 hours per week for a continuous period of sixteen (16) weeks or longer.
- b. Part time employee - a part time employee is an employee working less than 32 hours per week for a continuous period more than sixteen (16) weeks.
- c. Seasonal employee - a seasonal employee is an employee working less than sixteen (16) weeks during the calendar year.
- d. Probationary employee - full time employees shall be considered probationary employees for the first six (6) months of employment. Full time employee benefits shall not accrue until after the six (6) month probationary period.

**Section 8. Hours of Work.**

The hours of work for each department shall be designated by the department head. A forty (40) hour work week is considered standard. All employees shall be entitled to a break during each one-half ( $\frac{1}{2}$ ) shift. Break time shall not exceed fifteen (15) minutes and the timing of the break shall be at the discretion of the supervisor. All employees shall be entitled to a sixty (60)

minute lunch break during a normal day's shift. Where an employee is unable to take a scheduled lunch break, special arrangements shall be made by the supervisor or department head in order to insure that all employees have an opportunity to eat lunch.

**Section 9. Holidays, vacation leave, and sick days.**

**Holidays:** Generally, the following holidays shall be observed in the City of Lebanon: New Year's Day, Martin Luther King Day, President's Day, Good Friday, Memorial Day, Independence Day, General election days (as observed locally), Labor Day, Veteran's Day, Thanksgiving Day and the day following, and Christmas Day. If any of these holidays fall on a Sunday, the following Monday shall be the observed holiday and, if any of these holidays fall on a Saturday, the preceding Friday shall be observed.

Any employee absent without authorization on the day preceding and/or following a holiday will not be compensated for the holiday.

Should any of the holidays listed above fall during an employee's vacation period, then such holiday will not be counted as part of the employee's accumulated vacation time.

**Vacation leave accrued:** The City of Lebanon recognizes the need for providing paid vacation leaves for its employees. A full time employee shall receive vacation days based on years of service as follows:

- a. Seven (7) calendar days after six (6) months' continuous service.
- b. After one (1) year continuous service, fourteen (14) calendar days.
- c. After eight (8) years' continuous service, twenty-one (21) calendar days.
- d. After fifteen (15) years' continuous service, twenty-eight (28) calendar days.
- e. After twenty-four (24) years' continuous service, thirty-five (35) calendar days.
- f. No municipal employee shall be deprived of any greater

benefits granted before the adoption of this Ordinance.

Scheduling of vacation leave will be at the discretion of the department head. Vacation time will not accumulate from year to year. The employees will give the department head adequate notice of intent to take a vacation. This notice shall be at least thirty (30) calendar days prior to the first vacation day. All department heads will have, at their discretion, authority to change vacation scheduling.

Family and medical leave: Family and medical leave is available under provisions of the Family and Medical Leave Act of 1993. This unpaid leave of up to twelve (12) weeks in one (1) year is available for all employees who have completed one (1) year of service and at least 1,250 hours over the previous year with the City. The one (1) year period will begin on the day of the employee's first scheduled leave. Leave will be granted to an employee for the following reasons:

a. To care for a newborn child in its first year, or a child adopted or placed with the employee for foster care within the preceding year.

b. To care for a spouse, child or parent with a serious health problem.

c. Because the employee's own serious health condition makes the employee unable to perform the functions of his or her position.

Employees seeking to use this FMLA leave may be required to provide:

a. Thirty (30) days advance notice of the need to take the leave when the need is foreseeable.

b. Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member.

c. Second or third medical opinions or periodic recertification of a condition at employer's expense.

d. Periodic written reports by the employee of the status of their leave and intent to return to work.

Based on information provided by the employee, the

department head may designate if an employee's use of paid leave (such as sick leave, personal leave or vacation) counts as FMLA leave. Employees may choose to use accrued paid leave to cover some or all of the FMLA leave.

The City will continue to provide health insurance for employees on FMLA leave until an employee notifies the City of the intent not to return to work. An employee will be required to contribute the same amount toward his or her health insurance during periods of unpaid leave as was contributed during the regular employment.

Additional benefits such as vacation, personal leave, sick leave, paid holidays as well as seniority will not continue to accrue during periods of unpaid FMLA leave, however, an FMLA leave period cannot be counted as a break in service for purposes of vesting or eligibility to participate in benefit programs.

The City will comply with all legal obligations under the Family and Medical Leave Act of 1993.

Sick days: Limited time off with pay will be granted to full time employees for illness or injury or when the employee's presence might jeopardize the health of fellow workers. Each full time employee may receive five (5) working days per calendar year, which days may not accumulate from year to year. For each calendar month during which a full time employee does not use any sick days, the employee will be granted one-half ( $\frac{1}{2}$ ) working day for personal leave.

Personal days: Each full time employee may receive two (2) working days for personal business within a calendar year. A personal day shall be considered a full working day. Personal days may not be accrued from year to year.

#### **Section 10. Disciplinary Action and Grievance Procedure.**

The City of Lebanon is committed to a progressive discipline system. Disciplinary action may arise in response to an employee's violation of rules, misconduct, or unexcused tardiness or absences.

(1) Major infractions: Major infractions are actions of an employee that may result in immediate termination. They include,

but are not limited to:

- a. Drinking in intoxicating liquor, beer, or wine on the job.
- b. Insubordination.
- c. Use of unlawful drugs.
- d. Fighting on the job.
- e. Stealing or destruction of municipal property.
- f. Falsification of employee application, requested reports or time cards.

(2) Minor infractions: Minor infractions are those actions of an employee which if unexcusably continued will result in written warnings and possible termination. They include, but are not limited to:

- a. Unexcused tardiness.
- b. Unexcused absences.
- c. Employee appearance.
- d. Failure to follow instructions.
- e. Abuse of sick time.
- f. Other actions as defined by the City Council.

The procedure for addressing minor infractions is a system of progressive discipline which includes the following:

- (1) Written warning.
- (2) One day suspension.
- (3) Termination/demotion.

Unexcused tardiness and absenteeism will result in discipline after two (2) occurrences in any one month period.

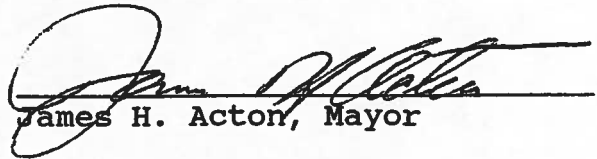
The City recognizes that problems may arise in any working environment. The employee is encouraged to air his problems as soon as they become apparent. Problems should be worked out within the department, whenever possible, following department procedures.

In the event a problem cannot be resolved within the department, the employee should submit a written, dated and signed statement of the grievance requesting a hearing with the Mayor, with a copy to the department head.

In the event this does not bring a satisfactory solution to

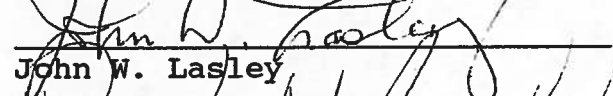
the employee and to the department, the matter may be taken to the Board of Public Works.

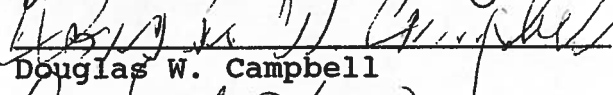
All of which is ORDAINED this 25th day of March, 1996.

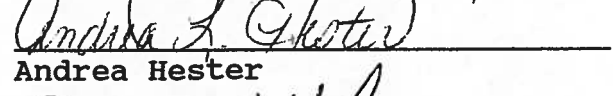
  
James H. Acton, Mayor

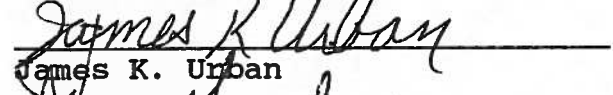
COMMON COUNCIL OF THE CITY OF  
LEBANON, INDIANA

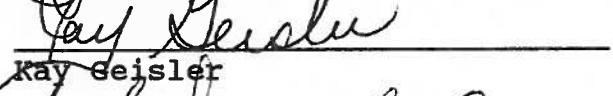
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Harold E. "Huck" Lewis

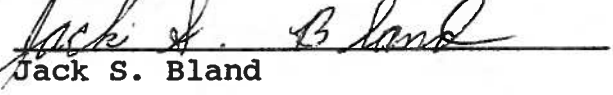
  
John W. Lasley

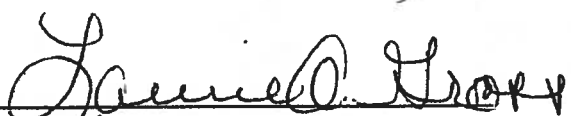
  
Douglas W. Campbell

  
Andrea Hester

  
James K. Urban

  
Ray Geisler

  
Jack S. Bland

Attest:   
Laurie A. Gross  
Clerk/Treasurer