



**WELLS COUNTY ORDINANCE 2020- 07**

***An Ordinance Amending the  
Wells County, Indiana Personnel Policies Handbook***

WHEREAS, Wells County, Indiana is an Equal Opportunity Employer; and

WHEREAS, it is the intent of Wells County, Indiana to comply with applicable federal and State of Indiana employment laws and regulations; and

WHEREAS, Wells County, Indiana provides Wells County employees with information about established terms and conditions of employment and employee benefits; and

WHEREAS it is necessary to amend the County's Personnel Policy from time-to-time.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF WELLS, INDIANA BOARD OF COMMISSIONERS THAT:

The County of Wells, Indiana Personnel Policies Handbook is amended as specified in the attached section regarding Class III Offenses.

**Class III Offenses:** The County respects your privacy interests and recognizes your right to conduct your personal lives free from interference. Nonetheless, you should keep in mind that, even while off duty, you represent the County to the public. In addition, certain types of off-duty conduct may reflect poorly upon your character and judgment. This could also influence your standing as a County employee. Therefore, if you engage in criminal conduct or other unprofessional or serious misconduct off-duty that is determined to be harmful to the County's image, inconsistent with employee expectations or otherwise adversely affects legitimate governmental interests, you may be subject to disciplinary action up to and including dismissal from employment.

An employee may be subject to immediate discharge. Examples of these offenses include, but are not limited to:

(1) Falsifying, altering, or making an omission on an employment application to obtain employment or application for benefits, including, but not limited to, health insurance, through subterfuge, or any other business record, or giving false information to management personnel or concealing defective work. Recording of work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time sheets (your own or another employee's). Falsification of or making any material change to any County record, letter or document submitted to the County.

(2) Knowing violation of a rule of the County, including a rule regarding attendance. A County employee is hired to perform an important function in County government. As with any group effort, it takes cooperation and commitment from everyone to operate effectively; therefore, your attendance and punctuality are very important. Absences cause a slowdown in the work and added burdens for fellow employees. Whether your customer is a member of the public or another County employee, it is important that employees are available when needed. Good attendance is something that is expected from all employees. You are expected to report to work as scheduled, on time and prepared to start work. You are also expected to remain at work for your entire work schedule. Absenteeism and tardiness unfavorably impact you and your agency's productivity level. It also takes away from the overall customer service quality provided by the County and will not be tolerated. Tardiness and unauthorized absences will be cause for disciplinary action up to and including dismissal from employment.

(3) Theft, damage, or destruction of property, tools or equipment belonging to the County, or any other employee of Wells County or person through willful negligence.

(4) The County prohibits all forms of harassment which includes any unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's gender, race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age, sexual orientation, genetic predisposition, military status, domestic violence victim status or any other basis protected by federal, state or local law. Such conduct is unlawful and prohibited whenever it affects tangible job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

(5) Drinking, possessing alcoholic beverages or narcotic substances (other than medical prescriptions) on County premises during working hours, or reporting to work under the influence of alcohol or drugs.

(6) Conduct endangering safety of self or coworkers, bullying one another, or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s).

(7) Incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction.

(8) Any breach of duty in connection with work which is reasonably owed the County by an employee. Willful or deliberate violation of safety rules and practices which could endanger you, a co-worker, or any member of the public.

(9) Drinking or possession of alcoholic beverages, use or possession of drugs, or being under the influence of drugs or alcohol while on Wells County property. Testing positive on a drug test under IC 16-27-2.5.

(10) Fighting, provoking a fight or disorderly conduct of any kind, specifically including, but not limited to, striking a member of the public or co-worker. Disorderly conduct on facility property resulting in injury to any individual, or property damage or fighting on Wells County premises.

(11) Unauthorized removal of records or unauthorized copying, use of or disclosure of confidential information or information restricted by law.

(12) Sleeping or malingering on the job during working hours.

(13) Employees must not engage in intimidation, threats or hostile behaviors, bullying, physical abuse, vandalism, arson, sabotage, being in possession of or bringing in use of weapons (e.g., guns, knives, etc.), carrying weapons on to County property, or any other act, which in management's opinion is inappropriate to the workplace. In addition, employees must refrain from making bizarre or offensive comments regarding violent events and/or behavior. employees are expected to report any prohibited conduct to management.

(14) Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor. Even if you have reservations concerning a specific order or direction, carry it out as directed, unless doing so would create a definite health hazard to another, or would result in an illegal action. If, after having carried out the order/direction, you still seriously question its appropriateness, file a grievance concerning the action and have the matter settled through appropriate channels.

(15) Using abusive, profane, or threatening language to a supervisor, a fellow employee, or the public, or otherwise threatening, intimidating or coercing a supervisor, a fellow employee, or the public.

(16) A breach of duty reasonably owed to the County, which includes, but is not limited to, conduct which establishes that the employee:

(a) damaged the County's trust and confidence in the employee's ability to effectively perform the job;

(b) willfully failed to meet the County's reasonable expectation;

(c) chose a course of action that the employee knew, or should have known, would negatively impact the County's financial interests;

(d) demonstrated an intentional or substantial disregard for the County's interests;

(e) intentionally or knowingly injured, or attempted to injure, the County's financial interests;

(f) intentionally chose a course of action that pitted the employee's interests against the County's interests to the detriment of the County;

(g) showed carelessness or negligence to such a degree, or with such recurrence, as to cause damage to the County's interests; or

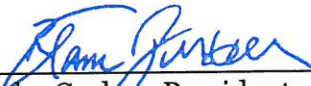


(h) performed some volitional act or exercised some control over the circumstances resulting in discharge from employment.

In all cases, the County retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, the County reserves the right to proceed directly to termination for misconduct or performance deficiency, without any prior disciplinary steps, when the County deems such action appropriate. At all times, the County retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action.

These amendments are hereby adopted and shall be in full force and effect on and after adoption, and shall supersede existing oral or written personnel policies and procedures.

**PASSED AND ADOPTED** by the Board of Commissioners of Wells County, Indiana on this 6 day of April, 2020, by the following vote:

WELLS COUNTY COMMISSIONERS:

<input checked="" type="checkbox"/>	<input type="checkbox"/>	 _____ Blake Gerber, President
<input checked="" type="checkbox"/>	<input type="checkbox"/>	 _____ Kevin Woodward, Vice-President
<input checked="" type="checkbox"/>	<input type="checkbox"/>	 _____ Tamara Robbins, Member

ATTEST:

  
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Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 116 South Main St., Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Lisa McCormick*