

14-2011

ORDINANCE NO. 2011-_____

CLARK COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE AMENDING THE COUNTY OF CLARK, INDIANA PERSONNEL POLICIES HANDBOOK

WHEREAS the County of Clark, Indiana is an Equal Opportunity Employer, and

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

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

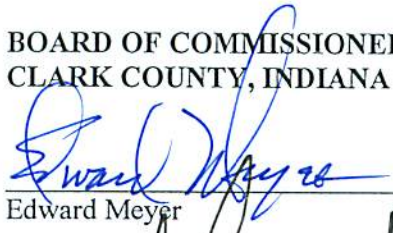
WHEREAS it is necessary to amend the County Personnel Policy from time-to-time.


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


The following is hereby repealed and deleted from all the County of Clark Personnel Policies Handbook in the *Security of Premises section*; and shall be in full force and effect on and after adoption; and shall supersede existing oral or written personnel policies and procedures. (Deleted section shown with strikethrough.)

~~Employees who intend to possess a firearm, ammunition, or other weapon in their personal vehicle while on County property shall complete a County Firearms Notification Form and submit a copy to the Auditor's Office before bringing the firearm, ammunition, or other weapon onto County property.~~

BOARD OF COMMISSIONERS
CLARK COUNTY, INDIANA


Edward Meyer


Mike Moore


Leslie (Les) Young

ATTEST:


R. Monty Snelling, Auditor

- E. The display or transmission of sexually-explicit images, messages and cartoons, including electronic display or transmission of such material.

Any employee who experiences sexual harassment should contact his/her elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain and submit a sexual harassment complaint form to the County Attorney. Employees should file such complaints immediately after the act occurs. An employee's job will not, in any way, be threatened by truthfully reporting any acts of sexual harassment as described above.

The County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. Accusations of sexual harassment found to be false can have lasting negative effect the County, and on the lives of those involved. As such, the County may discipline, up to and including termination, employees who are proved to have intentionally, maliciously and wrongly accused others of sexual harassment.

The best policy for eliminating sexual harassment is prevention. Employees shall be aware of situations that may be interpreted as sexual harassment, and are urged to situations that would encourage such activity.

6.7 SOLICITATION

There shall be no solicitation or distribution at any time in County facilities. This section does not apply to County vendors.

6.8 SECURITY OF PREMISES

Clark County strives to keep the work environment free of illegal drugs, alcohol, firearms, explosives, or other improper materials. As such, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Clark County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Clark County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

6.9 CONFIDENTIALITY/REQUESTS FOR INFORMATION

Employees shall consult with their elected official/department head before releasing information which could be confidential or privileged by law. It is a violation of State law for a public servant to knowingly or intentionally disclose information classified as confidential.

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices or projects. All such requests shall be referred to the elected official/department head.

6.10 EMPLOYEE CONDUCT

Behavior of Employees. In regulating the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct.

This classification system should not be construed to in any way limit the County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action up to and including termination. This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.

GROUP I OFFENSES.

(Examples of, but not limited to the following:)

1. Tardiness.

Waggoner • Irwin • Scheele
& Associates INC

MEMO

**TO: Clark County Commissioners
R. Monty Snelling, Auditor**

FROM: Kent Irwin

DATE: June 2, 2011

RE: Disclosure of Firearms Personnel Policy Amendment/Replacement Pages

On July 1, 2011, Indiana Code 34-28-8 will impose new restrictions on the “bring-your-gun-to-work” law that took effect in Indiana in July 2010.

Under the new law, employers may not: “require an applicant for employment or an employee to disclose information about whether the applicant or employee owns, possesses, uses, or transports a firearm or ammunition”; or “condition employment, or any rights, benefits, privileges, or opportunities offered by the employment, upon an agreement that the applicant for employment or the employee forego the (A) rights of the applicant or employee under this law or (B) otherwise lawful (i) ownership; (ii) possession; (iii) storage; (iv) transportation; or (v) use; of a firearm or ammunition.

The County’s policy requiring employees to disclose information about whether they own, possess or transport a gun, including information about whether they are bringing firearms to work in their vehicles, will be unlawful under this new law.

An employee may sue an employer that violates their rights granted by the new statute for damages. Courts may award actual damages, court costs, and attorney’s fees to the prevailing employee. To minimize this liability it is recommended to amend the personnel policy as specified in the attached amendment, and replace the corresponding page in the personnel policy. It is also recommend that all Firearms Notification Forms submitted to the County Auditor be destroyed.

Enclosed you will find a replacement page for all the Clark County Personnel Policies Handbook. *Security of Premises section has been revised as follows:*

“Clark County strives to keep the work environment free of illegal drugs, alcohol, firearms, explosives, or other improper materials. As such, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. However,

effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Clark County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Clark County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

~~Employees who intend to possess a firearm, ammunition, or other weapon in their personal vehicle while on County property shall complete a County Firearms Notification Form and submit a copy to the Auditor's Office before bringing the firearm, ammunition, or other weapon onto County property.~~

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice. ”

If you have any questions, do not hesitate to call.

Attachments