

CHAPTER 5
PERSONNEL POLICY

Article 1. Personnel Classification.

Sec. 5-101. It is the policy of The Health and Hospital Corporation that pay scales and other compensation be fair, just and designed by the best methods possible to be competitive with compensation practices for similar jobs in similar settings in the available job market. Each Division of the Corporation will establish and maintain a compensation plan as is appropriate for each Division to insure internal equity within each Division and external equity as limited by the available budget for each Division. *[Gen.Ord. 6-1983(A) Passed 6/15/83 Effective Date 7/1/83]*

Article 2. Conditions Of Employment.

Sec. 5-201. Classifications Of Employees. The following classifications have been established to determine employee benefit eligibility:

(a) Regular Full-time: Employees who are scheduled to work forty (40) hours per week and/or eighty (80) hours per pay period. These employees are entitled to receive all employee benefits. Hospital Division employees will have the option to forego all benefits in exchange for a higher rate of pay.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

(b) Regular Part-time: Employees who are scheduled to work twenty (20) hours or more per week and/or forty (40) hours or more per pay period. These employees shall receive benefits commensurate with hours worked.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

(c) Regular Part-time (without benefits): Employees who are scheduled to work less than twenty (20) hours per week but who perform that work on a scheduled basis over an extended period of time. These employees shall not qualify for employee benefits.

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(d) Temporary Full-time: Employees who are employed for a definite period of time and who work forty (40) hours per week and/or eighty (80) hours per pay period. These employees shall not accrue continuous service time nor qualify for benefits. All other provisions of this ordinance shall apply to such employees except access to the grievance procedure.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

(e) Temporary Part-time: Employees who are employed for a definite period of time and who work less than twenty (20) hours per week and/or forty (40) hours per pay period. The employees shall not accrue continuous service time nor qualify for benefits. All other provisions of this ordinance shall apply to such employees except access to the grievance procedure.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

(f) Grant Fund: Employees whose positions are supported by financial grants from governmental or private agencies. Such employees may be full-time or part-time and will be subject to the provisions of this Personnel Policy as classified by this

section. Such positions will be considered as regular positions with The Corporation for the period during which grant monies are available. As such they will be eligible for appropriate employee benefits. In the event that grant funds and/or programs are terminated by the governmental external funding source or private agency concerned, the Corporation will endeavor to place affected individuals in regular budgeted positions. Such placement will be based on seniority, past performance, training, and proven experience. Placement will also be subject to the availability of funds and funded positions. Re-employment by the Corporation is subject to and in accordance with personnel policy regarding hiring. If a transfer is possible to a budget funded position, seniority and all other benefits will be retained and continue to accrue without break in service.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

(g) Initial Employment Orientation: All new employees will serve a minimum of a four month period of orientation. Employees serving the orientation period shall not have recourse through the grievance procedure.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

(h) Contractual/Durational: Employees who are appointed for a specific period of time to perform particular services on behalf of the Corporation as a result of a general human resource shortage or under circumstances of an emergency as determined by the responsible Personnel Department. Such appointment or the administration thereof must be approved by the responsible Personnel Department. Contractual/Durational employees will not be eligible for benefits unless otherwise stated in a written agreement nor shall the Corporation pay any form of taxes for such employment unless required by law.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

(i) Unit Pay: Employees who work on an irregular basis for a predetermined period of time to perform a particular function at an established price for the work period. Such employees do not accrue benefits but the Corporation will deduct taxes as prescribed by state and federal law for the amount of salary paid.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

Sec. 5-202. Change Of Status. If an employee changes his status to part-time from full-time, or vice versa, his benefits will change accordingly.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

Sec. 5-203. Seniority And Continuous Service.

(a) Definition. Seniority shall be the length of the employee's continuous employment with the Corporation since his last employment date, except as modified in subsection (b)(6), Re-employment, of this section.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

(b) The following actions affect continuous service as indicated:

(1) Resignation or Discharge. Continuous service shall be broken if an employee resigns or is discharged.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

(2) Leave of Absence Without Pay. Continuous service shall not be broken when an employee is on an authorized leave of absence. The granting of

any leave of absence or the renewal of any leave shall be at the discretion of the Corporation.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

- (3) Automatic Resignation. If an employee is absent without permission or notice for three (3) consecutive scheduled work days, such employee shall be considered having resigned his position.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

- (4) No Work Available. Continuous service of employees laid off because of lack of work shall not be broken, provided:

(a) The employee accepts another position if offered and reports to work on the date requested.

(b) The employee is recalled within six (6) months of his layoff date.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

- (5) Re-employment. Former employees with one (1) year or more service who are re-employed within two (2) years of termination date shall receive credit for that previous service after serving two (2) additional full years of continuous service.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

Article 3. Conflict Of Interest.

Sec. 5-301. Definitions. As used in this Article 3 and unless the context clearly indicates otherwise:

- (a) "Business entity" means a proprietorship, partnership, unincorporated association, trust, firm or corporation operated for profit.
- (b) "Compensation" means any money, thing of value, service or economic benefit conferred upon or received by any person in return for services rendered or for services to be rendered.
- (c) "Confidential information" means information which has not been, or will not be, communicated to the general public in the regular course of business.
- (d) "Corporation" means The Health and Hospital Corporation of Marion County, Indiana.
- (e) "Doing business" means engaging in an activity for profit or gain.
- (f) "Employee" means any person receiving compensation for services performed for The Health and Hospital Corporation of Marion County, Indiana, except for those who perform services pursuant to a contract of engagement for specific services. For the purposes of this Article, "Employee" includes members of the Board of Trustees of The Health and Hospital Corporation of Marion County, Indiana.
- (g) "Fair market value" means the price that is paid by a willing buyer to a willing seller in a good faith, arms-length transaction which neither party is compelled to enter.
- (h) "Gift" means any money or thing of value conferred upon or received by any person.
- (i) "Immediate family" means a spouse or minor child.
- (j) "Material interest" means ownership of five percent or more of a business entity.
- (k) "University employee" means a person employed by and receiving compensation

from Indiana University for services to, for or at Wishard Health Services, which are reimbursed by The Health and Hospital Corporation of Marion County, Indiana on an annual basis.

- (l) The masculine gender, when used in this Ordinance, includes the feminine.
- (m) The singular form of any noun, when used in this Ordinance, includes the plural whenever appropriate.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-302. The employees of the Corporation shall avoid any activity which conflicts with their duty to act strictly in the interest of the Corporation, the citizens of Marion County, Indiana and those patients and persons whom they serve. Activity prohibited by this policy includes, but is not limited to, the following:

- (a) No employee or member of an employee's immediate family shall own a material interest in any business entity doing business with the Corporation unless the business is performed pursuant to a contract awarded with public competition to the lowest and best bidder. In this event, competitive bidding will be undertaken regardless of the dollar amount of the contract. Any employee with such an interest in a contract under competitive bid shall disqualify and disassociate himself with any consideration or activity concerning the award of such contract, and shall disclose his interest to the President/Executive Director prior to the consideration of the bid.
- (b) No employee shall solicit or accept compensation other than his salary or fixed compensation for the performance of his official duties. Employees may be granted unpaid leaves of absence upon prior written request for specific terms and reasons, and, during such times, such employees may be compensated by other persons for employment outside the Corporation. This section shall not be construed as prohibiting attendance, speaking engagements, presentation of papers or other similar activities at professional or educational meetings, including those for which honoraria are offered and accepted.
- (c) No employee shall solicit or accept a gift from any person or business entity doing business with, or seeking to do business with the Corporation, under circumstances from which it could reasonably be inferred that the gift was intended to influence the employee in the performance of his duties or as a reward for his official action.
- (d) No employee or member of an employee's immediate family shall receive compensation in excess of fair market value for the sale or lease of property to the Corporation.
- (e) No employee shall use confidential information derived by virtue of his employment for his private gain or advantage.
- (f) No employee shall disclose confidential information derived by virtue of his employment to any person to whom he would not regularly communicate the information in the performance of his official duties.
- (g) No employee shall use or attempt to use his official position or perform his official duties to secure privileges or benefits not ordinarily available to members of the public or to secure exemptions from code enforcement requirements for himself.

- (h) No employee shall use equipment, supplies, or facilities of the Corporation for personal use.
- (i) No employee shall engage in or accept other employment or perform services which interfere with the proper discharge of his official Corporation duties. No employee shall engage in other employment which is dependent upon or affected by information or action from the employee's position with the Corporation or regulated by the department or division of the Corporation in which the employee is assigned.
- (j) No employee shall seek to circumvent the provisions of this Ordinance by seeking benefits for members of his immediate family by engaging in activities prohibited by this section.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-303. Enforcement.

- (a) The Corporation's Conflicts Committee is responsible for reviewing potential conflicts. Employees who have questions as to whether or not they have a conflict of interest should submit their questions, in writing, to the Conflicts Committee which is comprised of the Corporation's Compliance Officer, Health and Hospital Corporation ("HHC") Chief of Staff, HHC General Counsel, Wishard Health Services ("WHS") Counsel, WHS Executive Vice President of Human Resources, Public Health ("PH") Bureau Chief of Population Health, and the PH Bureau Chief of Environmental Health. Forms for submission of questions related to conflicts are available on the internet in Legal Offices or in the Compliance Office. The Conflicts Committee will render a written opinion to the employee's questions and the Corporation will be bound by the Committee's determination.
- (b) The Chairman of the Board shall have the authority to investigate possible violations of this policy by a Director of a Division, Officers or Trustees of the Corporation. In the event a majority of the Board of Trustees finds that a violation has occurred by a Director, Officer or a Trustee, the Chairman of the Board may take all appropriate action determined by the Chairman to be necessary to correct the violation, up to and including discharge. The appointing authorities for Trustees found by the Board of Trustees to be in violation of this Article shall be notified of a violation by a Board member.
- (c) University employees who are shown to have conducted their duties in the operation of WHS in a manner which may constitute a violation of the provisions of this Article if they were employees as defined in this Article shall be referred to the office of the Dean of the Indiana University School of Medicine, managing agent for WHS, for any appropriate discipline under the University procedures. Additionally, if in the opinion of the Trustees, the violation merits such action, the Trustees may request that the Dean remove such person(s) from WHS. The Dean shall take such request under consideration in determining the appropriate action to be taken.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Article 4. Equal Employment Opportunity Policy Statement. The Corporation has adopted and implemented an the following Equal Employment Opportunity Policy:

Sec. 5-401. It is the policy of the Corporation to offer equal employment opportunity without regard to race, creed, color, sex, age, national origin, handicap, disability, sexual orientation or status as Vietnam era veteran.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Article 5. General Conditions About Pay.

Sec. 5-501. Salary.

The Division of Public Health and the Division of Public Hospitals shall each develop rates, scales or levels of compensation for employees assigned to those respective Divisions consistent with the policy established in Section 5-101, above. Corporation administrative personnel apart from the main operating Divisions shall be governed by the system established for the Division of Public Health. Description of Division salary systems shall be submitted to the Board of Trustees annually accompanying Division budget requests. The Board may review and modify such systems in accordance with action establishing the annual budget for the Corporation.

[Gen.Ord. 6-1983(A) Passed 6/15/83 Effective Date 7/1/83]

Sec. 5-502. Overtime.

(a) Requirements. Overtime shall be paid to all employees, except those employees declared exempt from overtime provisions on the basis of hours worked in excess of forty (40) in a work week. Where appropriate, departments may elect to adopt an "8 and 80" work schedule. Overtime is paid in accordance with this schedule for hours worked in excess of eight (8) in any day or eighty (80) in a bi-weekly pay period. Before such a schedule is adopted, there must be agreement among a majority of the employees in that department. Supervisors have the option of granting compensatory time in lieu of paying overtime to non-exempt employees. If granted, the compensatory hours will be one and one-half (1 1/2) times the number of overtime hours worked.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

(b) No employees except personnel exempt from overtime regulations shall work overtime, unless proper authorization to do so is secured by the employee's supervisor before the overtime is worked. Employees may be required to work a reasonable amount of overtime when Corporation priorities and workload indicate such a need.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

(c) Only actual time worked shall be counted when computing pay for overtime. Paid time off, vacation time, holidays, sick leave with pay, military leave, funerals, authorized time off for work related injuries, court leave, or any other leave of absence with or without pay shall not be counted as time worked when determining whether an employee has worked overtime.

1. Authorized overtime worked shall be paid for at the premium rate of one and one-half (1 1/2) times the employee's regular hourly rate.
2. Employees in classifications exempt from overtime regulations may be granted compensatory time off, without loss of pay, for overtime worked, provided approval is secured from the Division Director before the overtime is worked, and the compensatory time off is taken within twelve (12) weeks of the date overtime is worked.
3. In addition to the general requirement that employees may be required to work a reasonable amount of overtime, as set forth above, employees may be required to work overtime in case of emergency or disaster, as determined by the Division Director.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

(d) Special Regular Time. Hours paid exceeding forty (40) hours in a regular work week period that do not qualify for overtime pay shall be listed as "special regular" hours. Such hours shall be paid at the employee's regular hourly rate.

[Gen.Ord. 4-1981(A) Passed 5/20/81 Effective Date 7/1/81]

Sec. 5-503. Shift Differentials. The shift premium policy will be set by each of the divisions of the Corporation upon approval by the Board and President of the Corporation.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-505. Waiver Of Premium.

Authority is delegated to the President to determine periods of time in which the premium paid for work beyond the normal work schedule and/or for work on a holiday may be waived. In the event the President makes such a determination, each Division Director has the option to waive the premium in its entirety or designate a lesser premium for work beyond the normal work schedule and/or for work on a holiday; provided, that if the option is exercised on one or both of these premiums, the waiver or lesser premium shall extend to all personnel in the affected division uniformly. The determination and option to implement the waiver or lesser premium, as provided in this section, shall be considered only in situations of serious need and be utilized for a limited period of time.

[Gen.Ord. 9-1982 Passed 11/17/82 Effective Date 11/17/82]

Article 6. Personal Conduct And Corporation Rules.

Sec. 5-601. Rules Of Conduct.

Corporation employees shall be governed by and conduct themselves in accordance with the procedures and rules established for the Division in which the employee is assigned. Such procedures and rules shall be prescribed and adopted by the Division directors, providing for standards of behavior, attention to work, respect for rights and property of employees and of the Corporation, courtesy to the public and quality assurance in performance. Copies of such rules and procedures shall be provided to applicants and employees, together with explanations of disciplinary proceedings which result from violations of such rules.

[Gen.Ord. 6-1983(A) Passed 6/15/83 Effective Date 7/1/83]

Sec. 5-602. Grievance Procedure.

The Divisions of the Corporation shall establish internal grievance procedures to accommodate and provide for the orderly disposition of disputes as defined by the management of the Division. The Directors of each Division shall be the final authority regarding disposition of all issues presented in such a grievance. Corporation administrative personnel shall be governed by similar procedures established by the President/Executive Director. The President/Executive Director shall be the final authority in disposing of issues raised by a grievance of an administration employee.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Article 7. Benefit Program

Sec. 5-701. Time Off Work.

Each Division of the Corporation shall establish and maintain a compensation plan for time off work with pay as appropriate for each division to insure internal equity within each division and external equity as limited by the available budget of each division. The prior approval of the Board and President of the Corporation will be required for the Division's time off compensation to be valid. The structure of the compensation plan for time off will be included in each Division's personnel manual and will be made available to all employees upon commencing employment with the Corporation.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-704. Funeral Leave.

A department head may grant time off with pay not to exceed three (3) days, to employees who are eligible for benefits for the purpose of attending to funeral arrangements, personal affairs of or attending funeral service for a member of the immediate family as defined herein: husband, wife, son, daughter, mother, father, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandfather, grandmother, grandson, granddaughter. Step-relatives will be considered the same as natural relatives for the purpose of this policy. Reasonable proof of death and attendance of funeral shall be supplied by the employee when requested by the Corporation. Temporary employees and employees who have not completed the new employment orientation period shall not be paid for time off for death in the family, but time off without pay will be granted instead of funeral leave when circumstances permit.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-705. Leaves Of Absence Without Pay.

(a) Personal Leave of Absence. The department head/bureau chief may grant an employee a personal leave of absence without pay not to exceed thirty (30) days. The thirty (30) day period may be extended by approval of the Division Director as circumstances warrant.

(b) The Corporation shall ensure that eligible employees are granted family medical leave in accordance with the Family Medical leave Act of 1993 and its subsequent amendments.

- (c) While on leave of absence, an employee may continue his membership with the payroll deductible insurance plans, provided necessary arrangements for payment of the premium are made with the Human Resources. (Details of an employee's insurance coverage during a leave of absence are available in the Human Resources.)
- (d) An employee's leave of absence may be canceled and employment terminated if the employee:
 - (1) Accepts employment with another employer.
 - (2) Is certified to return to work by a physician but does not do so; or
 - (3) Does not return to work or notify his supervisor of his intent to return after expiration of the granted leave.
- (e) An employee returning to work at the expiration of a leave of absence may be returned to his former job classification or a comparable job classification, if possible. If no vacancy exists, the leave may be extended until such time as a subsequent vacancy may occur in a position the employee has the ability to perform.
- (f) Permission to return to work prior to the expiration of a leave may be granted upon request to the supervisor.
- (g) A leave of absence does not constitute a break in service.
- (h) An employee will not be paid for holidays observed during the duration of the leave of absence.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-707. National, State And Local Elections.

All employees are encouraged to exercise their right of voting at all elections. If an employee's work schedule does not allow a three (3) hour period free from work during the open hours of the polls, each supervisor shall allow a reasonable time off for voting without loss of pay, which shall not exceed a maximum of three (3) hours.

[Gen.Ord. 6-1983(A) Passed 6/15/83 Effective Date 7/1/83]

Sec. 5-708. Military Leave.

- (a) Employees who are members of the Indiana National Guard, a military reserve component, or retired from the naval air or ground forces of the United States, and who are ordered to training or other military duties, will be entitled to a leave of absence without loss of pay or vacation for up to fifteen (15) days in any calendar year.
- (b) Employees are required to notify their supervisor and Human Resources as soon as they become aware of their upcoming military assignment, and as soon as practicable must provide supporting documentation to Human Resources.
- (c) Military absences extending beyond fifteen (15) days will be without military leave pay.
- (d) The Human Resources Department will responsible for ensuring compliance with The Uniformed Services Employment and Reemployment Rights Act (USERRA) 38 U.S.C. 4301 *et. seq.* and all other federal and state laws applicable to employees engaged in military activities.

[Gen.Ord. 2-2003 Passed 4/15/03 Effective Date 4/15/03]

Sec. 5-709. Court Leave.

Time off with pay shall be granted an employee who is summoned for jury duty, or subpoenaed as a witness in any action in any court, unless the court action is a private action involving the employee directly as a plaintiff or defendant and unrelated to Corporation employment. Any jury duty or witness fee so received shall be paid to the Division Treasurer up to the amount of regular Corporation pay.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-710. Work Related Injuries And Illness.

Employees absent from work because of compensable work related injuries or occupational illness arising out of and in the course of their employment with the Corporation shall receive compensation as required under Indiana law. During the first seven calendar days absent from work because of compensable illness or injury, an employee may use accrued sick and/or vacation time or paid time off if applicable until such time as compensation becomes payable under state law. It is the responsibility of both the employee and the supervisor to report any instance of an injury or illness which is job related through the established incident reporting system.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]

Sec. 5-711. Leave Of Absence With Pay For Special Education Or Training.

When deemed necessary for the operation of the Corporation, a leave of absence with pay for special education or training directly related to an employee's job may be granted. The primary purpose of this section is to make possible the procurement of specialized education or training, not normally available, and necessary or beneficial to the operation of the Division concerned.

- (a) Approval may be made contingent on the employee signing a contractual agreement to stay in the employ of the Corporation for a specified period of time following the completion of the education or training. Such period of time shall be designated by the Division Director.

[Gen.Ord. 6-1983(A) Passed 6/15/83 Effective Date 7/1/83]

Sec. 5-712. Insurance.

The Corporation shall maintain or make available group medical, life and accidental death insurance. Details of insurance coverage are available in the Personnel Offices.

[Gen.Ord. 5-1990 Passed 11/21/90 Effective Date 12/1/90]

Article 8. Policy Management Responsibility.

Sec. 5-801. The foregoing general policy provisions and any other specific personnel resolutions or policies based upon the provisions of this chapter, together with all rules, regulations, policies and procedures established under authority delegated by this chapter to Division management, shall be administered and be the responsibility of the Directors of the Divisions and shall govern the employees assigned to each, respectively. The

President/Executive Director shall be responsible for such rules and procedures for the Corporation administrative personnel.

[Gen.Ord. 10-2004 Passed 1/10/05 Effective Date 1/10/05]