



Board of Public Works & Safety and Stormwater Board

Regular Meeting Agenda

2:00 p.m., January 24, 2022

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

To access online streaming of the meeting, go to <https://goshenindiana.org/calendar>

Call to Order by Mayor Jeremy Stutsman

Approval of Minutes: Jan. 18, 2022

Approval of Agenda

- 1) Fire Department: Promotion of Wesley A. White to Private First Class F
- 2) Fire Department: Resignation of Private First Class Adam Peisker
- 3) Police Department: Conditional offer of employment to Tanner Ray Warlick
- 4) Transit Services Agreement with MACOG
- 5) Resolution 2022-05 Approving City of Goshen Policies and Repealing Various Policies
- 6) Agreement with Greencroft Goshen, Inc. for completion of project at 2096 Whispering Pines (JN: 2020-2017)
- 7) Approval of infrastructure/maintenance bond for North Main Street Improvement project (JN: 2016-0020)
- 8) Approval of temporary right-of-entry agreement for pedestrian path at Dierdorff Road (JN: 2020-0027)
- 9) Change Order No. 4 for the Douglas, Reynolds, and 16th Streets Project (JN: 2020-0017)
- 10) 2022 draft meeting calendar for the Board of Public Works & Safety



Privilege of the Floor

CITY OF GOSHEN STORMWATER BOARD

Regular Meeting Agenda

2:00 p.m., Jan. 24, 2022

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Members: Mayor Stutsman and members Mike Landis and Mary Nichols

1) Acceptance of post-construction stormwater management plan for Lippert Components, Inc. Plant #30 Beam Yard (JN: 2019-2019)

2) Acceptance of post-construction stormwater management plan for D&M Sangha II LLC (JN: 2020-2004)

Board of Public Works and Safety Order: 214 E. Clinton St. (Ron Davidhizar)

Approval of Civil City and Utility Claims

Adjournment



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE JAN. 18, 2022 REGULAR MEETING

Convened at 2 p.m. at Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Mayor Jeremy Stutsman and members Mike Landis, Mary Nichols, DeWayne Riouse and Barb Swartley

Absent: None

Call to Order: Mayor Stutsman called the meeting to order at 2 p.m.

Review/approval of Minutes: Minutes of the Jan. 10, 2022 meeting of the Board of Works & Safety & Stormwater Board were presented. Board member DeWayne Riouse moved to approve the minutes as presented and the motion was seconded by Board member Barb Swartley. Motion passed 5-0.

Review/approval of Agenda: Mayor Stutsman presented the Board agenda with two added items, designated as agenda items #1. Resignation of Goshen Police Officer Rayven A. Johnson and #10. Goshen Utilities: Request for late fee waiver because of U.S. Post Office mail delivery delays. Board member Riouse moved to approve the agenda as suggested. Board member Swartley seconded the motion. Motion passed 5-0.

1) Goshen Police Department: Resignation of Officer Rayven A. Johnson (Chief José Miller)

Goshen Police Chief José Miller asked the Board to accept the resignation of Officer Rayven A. Johnson, effective Jan. 28, 2022. Chief Miller said Officer Johnson submitted her resignation on Jan. 14. In her resignation letter, Officer Johnson stated that she had a child in mid-November and had decided that her best option would be to leave her full-time position due to certain circumstances. Officer Johnson further stated that she appreciated the support she had received and would be interested in serving as a reserve officer if that was allowed. In a memorandum asking that Board accept the resignation (**EXHIBIT #1**), Chief Miller wrote that he supported Officer Johnson's decision and wished her the best of luck in her future endeavors. **Mayor Stutsman** affirmed the request.

Riouse/Swartley moved to accept the resignation of Officer Rayven A. Johnson, effective Jan. 28, 2022. Motion passed 5-0.

2) Goshen Police Department: Promotion of Officer Warren C. O'Neal as Sergeant (Chief José Miller)

Goshen Police Chief José Miller asked the Board to approve the promotion of Officer Warren C. O'Neal from the position of Patrol Officer to the rank of Sergeant. Chief Miller said Officer O'Neal received the highest score for the testing of this position. Chief Miller said Officer O'Neal has worked for the Police Department about three years and has demonstrated he will be an asset to the department as a supervisor. Chief Miller asked that the promotion be retroactive to Jan. 14, 2022.

Riouse/Swartley moved to approve the promotion of Officer Warren C. O'Neal from the position of Patrol Officer to the rank of Sergeant, retroactive to Jan. 14, 2022. Motion passed 5-0. After the promotion was approved, Mayor Stutsman swore in Warren C. O'Neal as a Sergeant for the Goshen Police Department.



3) Petition to place dumpster at 415 Queen St., Jan. 24-31, 2022 (Randy Green)

Randy Green of 415 Queen St. in Goshen asked the Board to approve the placement of a dumpster at 415 Queen Street, from Jan. 24-31, 2022. Green said he has purchased a new home in Goshen and is moving. Green said he has informed his neighbors and they were OK with this request. In his written request, Green said the dumpster would be placed 25 feet west of alley and seven feet off of the sidewalk and would be 10-feet long and 5.5-feet wide.

Director of Public Works & Utilities Dustin K. Sailor said the corridor is tight, so he recommended that cones or barricades be maintained at the corners to advise motorists about the dumpster. **Goshen Street Commissioner David Gibbs** wrote an email concurring with Sailor's recommendation.

Riouse/Swartley moved to approve the request for the placement of a dumpster at 415 Queen Street, from Jan. 24-31, 2022, on the condition that cones or barricades be maintained at the corners of the dumpster and that the arrangement for these be made with City staff. Motion passed 5-0.

4) Lippert Components, Inc.: Additional driveway request at 1206 Eisenhower Drive South

Representatives of Lippert Components, Inc. asked the Board to approve a driveway for Lippert Components, Inc. at 1206 Eisenhower Drive South. **Debra S. Hughes**, a senior professional engineer for Marbach, Brady & Weaver, Inc. of Elkhart, which is representing Lippert, said the driveway is being requested to allow for the safe unloading of containers onto a new outdoor loading platform at the west end of Plant 228. The proposed driveway would allow tractors to unload the container on the outdoor loading platform then exit to Eisenhower Drive South. Acknowledging opposition to the request from the City Engineering Department, Hughes said Lippert recognizes that this property already has multiple driveways to Eisenhower Drive South, and that requesting an additional driveway could appear unreasonable. As a result, Hughes said Lippert is offering to remove 180 feet of existing driveway frontage on Eisenhower Drive South. This would be in exchange for one proposed driveway of 24 feet wide. Lippert believes that this exchange will be a net benefit to the City.

City Engineer Josh Corwin said the proposed driveway drive does not meet the requirements for a new access along this corridor. He cited the following concerns:

1. Drainage/Safety – The flat grade, lack of drainage features, and excessive number of drives along Eisenhower South has resulted in drainage issues along the corridor. Along with the number of drives, the excessive widths of many of the drives also creates a safety issue along the corridor. State guidance documents would suggest limiting the number of access points for this parcel to five at a minimum spacing of 200-250 feet, with each being limited by city standards to a maximum width of 36 feet. Currently, the parcel has seven access points measuring a total of approximately 890 feet in width. Lippert has proposed removing portions of the existing drives totaling 185 feet in width in an attempt to mitigate the increase in drainage and safety concerns resulting from the new drive.
2. Purpose/Use – The drive is being requested not as a means of ingress and egress from the parcel, but instead to provide space for trucks to maneuver to access the recently installed loading dock. While many exceptions exist throughout the city, City standards and policies prohibit the use of right-of-way for truck maneuvering to access loading docks.

Corwin added that due to the non-standard use proposed for the drive, as well as the excessive number and widths of existing drives for this parcel, Engineering cannot permit the new access without review and approval by the Board of Works & Safety. **Mayor Stutsman** noted that Lippert was giving up existing driveway access to add this new driveway and that he had previously reviewed the request, and saw no reason to oppose it.



Board member Mike Landis asked if there was any special reason why the driveway was requested at the proposed location. Landis said there didn't appear to be any openings to the plant at the proposed driveway site.

Steve Jenkins, vice president of operations for Lippert, responded that the driveway site was chosen because it is level and has newly installed concrete. Jenkins said there have been two near-accidents at the current location, putting employees at risk. He said the new drive would also be adjacent to an area where raw material is stored.

Board member Barb Swartley asked if Lippert planned to create a new plant entrance near the proposed driveway. **Jenkins** said that wasn't planned. He said material will be unloaded outside by the new driveway and transported to an outdoor storage area, avoiding the current process of dragging new material through the building. Jenkins said the project was originated by the plant's environmental, health and safety group as a way to enhance safety. He said it will not generate more containers or revenue. He said the plant unloads about three or four containers a day.

Landis said it would have been better for Lippert to have requested the new driveway before pouring new concrete instead of doing so after the fact. **Mayor Stutsman** agreed with Landis.

Riouse/Swartley moved to approve the request by Lippert Components, Inc. for a new driveway at 1206 Eisenhower Drive South. Motion passed 5-0.

5) Goshen Police Department: Conditional offer of employment to Huntley Z. Davis

Shannon Marks, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to Huntley Z. Davis as a probationary patrol officer and approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Huntley Z. Davis. The agreement set forth the conditions that Davis must meet prior to beginning employment with the Police Department as a probationary patrol officer, and requires him to successfully complete all training requirements once employed. The Police Department will ask the Board to confirm the offer of employment when a position opening becomes available.

Riouse/Swartley moved to extend a conditional offer of employment to Huntley Z. Davis as a probationary patrol officer and approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Davis. Motion passed 5-0.

6) Goshen Police Department: Conditional Offer of Employment to Eduardo Osoria

Shannon Marks, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to Eduardo Osoria as a probationary patrol officer and approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Eduardo Osoria. The agreement sets forth the conditions that Osoria must meet prior to beginning employment with the Police Department as a probationary patrol officer, and requires him to successfully complete all training requirements once employed. The Police Department will ask the Board to confirm the offer of employment when a position opening becomes available.

Riouse/Swartley moved to extend a conditional offer of employment to Eduardo Osoria as a probationary patrol officer and approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Osoria. Motion passed 5-0.

7) Resolution 2022-04 Service Delivery Agreement between County of Elkhart and Goshen Police Department for 2022 Elkhart County Drug-Free Community Funds



Shannon Marks, a paralegal with the City Legal Department, asked the Board to pass and adopt Resolution 2022-04, Service Delivery Agreement between County of Elkhart and the Goshen Police Department for 2022 Elkhart County Drug-Free Community Funds, and to authorize the Mayor to execute the agreement on behalf of the City. Marks said the Police Department applied for \$29,500 in grant funds for two K9s. The Elkhart County Drug-Free Partnership has recommended full funding, with an additional \$7,400 to be used for K9 vests and equipment for a department vehicle. **Chief Miller** said officers have been identified to work with the new K9s.

Riouse/Swartley moved to pass and adopt Resolution 2022-04, Service Delivery Agreement between County of Elkhart and the Goshen Police Department for 2022 Elkhart County Drug-Free Community Funds and to authorize the Mayor to execute the agreement on behalf of the City. Motion passed 5-0.

8) Encumbrances from the 2021 budget to the 2022 budget

Deputy Clerk-Treasurer Jeffery Weaver asked the Board to approve \$7,274,302.02 of encumbrances from the 2021 budget to the 2022 budget. In a memorandum to the Board, Weaver stated that at the end of each year, department heads review any unspent budget and compare it to their outstanding invoices or contracts. If any 2021 unspent budget is available to pay an outstanding 2021 invoice or contract, then the amount can be encumbered into 2022, but only for the approved expense. An accompanying list shows budgeted amounts remaining in the 2021 budget that department heads requested to encumber into 2022. For each encumbrance, the department heads presented an invoice, purchase order or executed agreement or contract. They were reviewed by the Clerk-Treasurer and the Mayor. The final approval for these encumbrances falls on the Board of Works to approve the total encumbrance amount. The encumbrances rolled into 2022 total \$7,274,302.02. This is the largest amount the City has encumbered due primarily to delays in capital projects. Seventy-three percent of the total encumbrances, or \$5,303,086.90, are capital projects, and the remaining amounts are contracts or invoices for services and supplies.

The following encumbrances from the 2021 budget to the 2022 budget were requested:

101-510-07-442.0001	BD Works/Capital Projects	\$ 807,230.75
101-520-11-422.0153	Police/Drug Unit	1,797.12
101-510-05-439.0901	Legal/Other Services and Charge	2,188.00
101-510-07-421.0500	Bd Works/Other Office Exp	5,801.60
101-510-07-431.0501	Bd Works/Services Contractual	66,000.00
101-510-07-445.0201	Bd Works/Other Equipment	646,522.80
101-510-09-445.0501	Cemeteries/Machinery & Tools	7,945.00
101-510-10-432.0201	Engineer/Postage	230.00
101-510-15-431.0301	Bldg Dept/Professional Service	13,634.67
101-550-46-442.0146	Env/Infrastructure Capital	7,365.90
101-520-11-432.0301	Police/Travel Expenses	111.00
101-520-11-422.0151	Police/Other Supplies	3,318.46
101-520-11-436.0501	Police/Maintenance Contracts	1,635.27
101-520-12-413.0703	Fire/Saved Clothing Allowance	20,609.52
101-520-12-439.0911	Ambulance/Instruction	1,361.97
202-530-00-431.0501	Local RD & ST/Service Contract	254,427.00
203-530-00-444.0402	MVH Rest/Capital Projects	721,784.88
204-550-00-423.0110	P&R/Bldg Matrs& Supplies	2,680.00



204-550-00-423.0125	P&R/Street, Alley & Sewer Matl	\$6,765.00
204-550-00-429.0002	P&R/Other Supplies	4,979.05
204-550-00-422.0311	P&R/Institutional & Medical	568.02
204-550-00-431.0503	P&R/Other Professional Service	14,300.00
204-550-00-433.0501	P&R/Other Printing & Advert	4,000.00
204-550-00-439.0910	P&R/Education	1,921.98
204-550-00-436.0101	P&R/Repairs to Bldg & Structure	4,171.72
204-550-00-442.0001	P&R/Capital Projects	28,150.00
204-550-00-442.0100	P&R/Infrastructure Capital Expense	34,178.69
204-550-00-445.0500	P&R/Playground Equipment	2,508.00
204-550-00-445.0200	P&R/Motor Vehicles	89,035.47
218-560-00-431.0501	EDIT Tax/Services Contractual	341,003.48
218-560-00-431.0502	EDIT Tax/Chamber of Commerce	50,000.00
218-560-00-431.0504	EDIT Tax/Downtown Goshen Inc.	70,000.00
218-560-00-431.0510	EDIT Tax/Econ Dev Corp/Elk County	65,000.00
218-560-00-431.0514	EDIT Tax/Goshen Theatre Inc.	75,000.00
218-560-00-431.0520	EDIT Tax/Marketing & Promotion	1,002.96
218-560-00-442.0006	EDIT Tax/Capital Projects	1,788,477.27
249-520-00-445.0200	PS LOIT/Motor Vehicle	80,428.75
402-570-00-431.0501	CCD/Serv Contractual	56,184.43
402-570-00-445.0101	CCD/Office Equipment	28,011.04
402-570-00-445.0201	CCD/Equip-Mtr Vehicle	109,280.09
433-510-00-436.0501	CCI Fire/Repairs to Bldg	8,440.00
433-510-00-445.0501	CCI Fire/Other Equipment	131,986.18
439-530-00-442.0001	Stormwater/Capital	200,000.00
471-510-00-443.0501	Cemetery Cap Improv/Columbarium	8,989.00
473-560-00-431.0502	SE E.D. TIF/Contr Services	512,404.87
473-560-00-442.0000	SE E.D. TIF/Capital Projects	301,640.08
480-560-00-431.0502	Cons RR/Us33/Contractual Services	381,679.00
480-560-00-442.0000	Cons RR/US 33/Capital Project	41,635.00
484-560-00-442.0000	TIF Plymouth Ave/Capital Project	267,918.00
TOTAL:		\$ 7,274,302.02

Deputy Clerk-Treasurer Weaver offered to show Board members additional details about the proposed encumbrances. **Mayor Stutsman** said Weaver and the Clerk-Treasurer's Office do a fantastic job of keeping track of the encumbrances and communicating with City Departments. Asked by the Mayor if the Board needed to take action today or could take a week to examine the proposed encumbrances, **Weaver** said approval wasn't necessary today. **Riouse/Swartley** moved to approve \$7,274,302.02 of encumbrances from the 2021 budget to the 2022 budget. **Motion passed 5-0.**



9) Resolution 2022-05 Approving City of Goshen policies and repealing various policies

Goshen City Attorney Bodie Stegelmann asked the Board to approve Resolution 2022-05 - Approving City of Goshen Policies and Repealing Various Policies. The policies will be included in the City of Goshen Policy Manual, a compilation of personnel and procedural policies that affect all city employees, offices, and departments, unless otherwise specified.

Mayor Stutsman said when City staff began reviewing City policies, they discovered that some dated back to the 1980s and some policies had never been formally approved. So an initiative was launched to review and revise all of the policies. The Mayor said a nine-member committee of City staff conducted a comprehensive review of the policies and City Attorney Stegelmann and the Legal Department helped make the necessary updates.

City Attorney Stegelmann said all of the policies have been reviewed multiple times. He said the review began several years ago, but was interrupted by the COVID-19 pandemic and other matters. Conceding that there were many policies to be reviewed, Stegelmann told Board members that they didn't have to approve all of the policies today in they wanted additional time to review the policies. Stegelmann said he would be willing to answer questions from individual Board members about how the policies were written. He said the policies could be approved today, but there would be no harm in waiting for one or two weeks.

Mayor Stutsman said there had been updates in changes to many policies, including sick leave and the funeral leave. He said many updates were made. During the review, the Mayor said it was discovered that many employees had missed policy updates and still had outdated policies in their employee manuals. Going forward, Mayor Stutsman said all of the policies will be posted online, where the latest versions will be available.

City Attorney Stegelmann said the review helped reveal the latest versions of policies and that this helped with the revision process. **Mayor Stutsman** said that the policies before the Board today didn't include those for the Fire and Police departments. He said those revised policies will be presented to the Board in one or two months.

Board member Swartley said she had a chance to review the draft policies over the weekend and would be ready to take action today. **Board member Landis** said that he had a number of questions and would be comfortable raising them with City Attorney Stegelmann.

Landis said he wondered who was designated as the Secretary of the Board of Works and Safety. **Mayor Stutsman** said he thought that was the Clerk-Treasurer. **City Attorney Stegelmann** concurred.

Landis also asked about whose policies would take precedence in case of a conflict because city-wide policies can be advanced by the Mayor, the City Council and the Board of Works. **City Attorney Stegelmann** said the Mayor, Council and Board of Works can approve certain kinds of policies. He said it was unclear what would happen if there were conflicts, but he didn't think it would be a problem because all three are working together well. Asked by Landis if there should be a process to resolve conflicts, Stegelmann said that could be developed. He said the Council, as a legislative body, could be well positioned to reconcile conflicts. Landis said maybe a procedure to resolve conflicts should be developed.

Landis said he would like another week to review the policies and to ask the City Attorney some questions. **Mayor Stutsman** said another approach might be to approve the policies today and bring back any substantial revisions later. Landis said he wasn't necessarily suggesting revisions. He just wanted some more time to read the policies as long as that wouldn't cause a problem. Mayor Stutsman said a delay would not matter. **Clerk-Treasurer Aguirre** said a delay would not be a problem, but he asked Board members to keep their copies of the policies so that they would not have to be printed again. He said that printing the policies again for the Board would use a lot of paper.



The following policies are included: INTRODUCTION OF POLICIES; INTERPRETATION OF POLICIES AND APPEAL; INCORPORATION OF SALARY ORDINANCES; NON-DISCRIMINATION IN EMPLOYMENT; DISCRIMINATION AND HARASSMENT; ADA COORDINATOR AND GRIEVANCE PROCEDURES; EMPLOYMENT OF RELATIVES BY CITY; CONTRACTING WITH THE CITY; DRUG-FREE WORKPLACE; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING; DRUG AND ALCOHOL TESTING FOR SAFETY SENSITIVE POSITIONS; DRESS CODE; PERSONNEL PERFORMANCE EVALUATION; DISCIPLINE; TRANSFER BETWEEN DEPARTMENTS; CHILD PROTECTION; HOURS OF WORK AND COMPENSATION; VACATION DAYS; FAMILY SICK LEAVE; TRANSFER OF SICK TIME, VACATION LEAVE, OR COMPENSATORY TIME TO ANOTHER EMPLOYEE; COURT DUTY; FUNERAL LEAVE AND FEES; MILITARY LEAVE; FAMILY AND MEDICAL LEAVE ACT ("FMLA"); EXTENDED MEDICAL LEAVE; CONTINUATION OF HEALTH INSURANCE COVERAGE UNDER COBRA; BEGINNING WAGES; INCREMENT PAY; WORKER'S COMPENSATION; CLOTHING, FOOTWEAR, PHYSICAL FITNESS ALLOWANCE; EDUCATIONAL ASSISTANCE; NON-SMOKING DESIGNATION; EMERGENCY PREPAREDNESS; SMALL PURCHASE; TRAVEL; CREDIT CARD USE; SOLICITATION OF FUNDS; GIFTS; CAPITALIZATION & INVENTORY CONTROL; FLEET MANAGEMENT; MOTOR VEHICLE DRIVING POLICY; REDUCED IDLING; PERSONAL USE OF CITY VEHICLES; E-MAIL, DIGITAL MEDIA, INTERNET, FAX, AND TELEPHONE USE; CELL PHONE; DIGITAL MEDIA; and TELECOMMUTING POLICY.

The following current City of Goshen Policies would be repealed: INTRODUCTION OF POLICIES, Policy Number: 100-01; INTERPRETATION OF POLICIES AND APPEAL, Policy Number: 100-02; NON-DISCRIMINATION IN EMPLOYMENT, Policy Number: 200-01; DISCRIMINATION AND HARASSMENT, Policy Number: 400-02, Resolution 2015-Y; EMPLOYMENT OF RELATIVES BY CITY, Policy Number: 200-02; CONTRACTING WITH THE CITY, Policy Number: 800-07, Resolution 2012-15; DRUG-FREE WORKPLACE, Policy Number: 400-03; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING, Policy Number: 400-04; DRESS CODE, Policy Number: 400-01; PERSONNEL PERFORMANCE EVALUATION, Policy Number: 200-05; DISCIPLINE, Policy Number: 300-20; TRANSFER BETWEEN DEPARTMENTS, Policy Number: 300-19; HOURS OF WORK AND COMPENSATION, Policy Number: 300-01; POSITION STATUS AND EMPLOYMENT BENEFITS ELIGIBILITY, Policy Number: 300-02; VACATION DAYS, Policy Number: 300-11; SICK LEAVE, Policy Number: 300-13; PERSONAL LEAVE DAYS, Policy Number: 300-14; TRANSFER OF SICK TIME, VACATION LEAVE, OR COMPENSATORY TIME TO ANOTHER EMPLOYEE, Policy Number: 300-18; JURY DUTY, Policy Number: 300-10; FUNERAL LEAVE, Policy Number: 300-17; FAMILY AND MEDICAL LEAVE ACT ("FMLA"), Policy Number: 300-16; EXTENDED MEDICAL LEAVE, Policy Number: 300-15; CONTINUATION OF HEALTH INSURANCE COVERAGE UNDER COBRA, Policy Number: 300-05; TIMEKEEPING POLICY, Policy Number: 300-06; BEGINNING WAGES; INCREMENT PAY, Policy Number: 300-07; LONGEVITY PAY, Policy Number: 300-08; WORKER'S COMPENSATION, Policy Number: 300-09; HOLIDAYS, Policy Number: 300-12; CLOTHING, FOOTWEAR, PHYSICAL FITNESS ALLOWANCE, Resolution 2016-Y; EDUCATIONAL ASSISTANCE; NON-SMOKING DESIGNATION, Policy Number: 500-01; WELLNESS PROGRAM, Policy Number: 500-03; INDEPENDENT MEDICAL EXAMINATIONS, Policy Number: 500-04; TORNADO, Policy Number: 500-07; INVENTORY CONTROL, Policy Number: 600-01; USE OF FAX MACHINES AND SIMILAR DEVICES, Policy Number: 700-01; COPIER COSTS, Policy Number: 700-02; SMALL PURCHASE, Policy Number: 800-04; TRAVEL, Policy Number: 800-03; CREDIT CARD USE, Policy Number: 800-01; MILEAGE REIMBURSEMENT, Policy Number: 800-02; SOLICITATION OF FUNDS, Policy Number: 900-02; GIFTS, Policy Number: 900-03.



These other City of Goshen Policies would be repealed ADA COORDINATOR AND GRIEVANCE PROCEDURES, Resolution 2011-P; MOTOR VEHICLE DRIVING POLICY, Policy Number: 700-09; REDUCED IDLING, Policy Number: 700-08; PERSONAL USE OF CITY VEHICLES, Policy Number: 700-03; E-MAIL & INTERNET, Policy Number: 700-04; CELL PHONE, Resolution 2013-H; TELECOMMUTING POLICY, Policy Number: 700-07; and STOP SMOKING 500-02.

Stutsman/Swartley moved to table Resolution 2022-05 – Approving City of Goshen Policies and Repealing Various Policies – with the intent to consider the matter at the Board’s Jan. 24 meeting. Motion passed 5-0.

10) Goshen Utilities: Request for late fee waiver because of U.S. Post Office mail delivery delays
City Utilities Manager Kelly Saenz asked the Board to approve a late fee waiver in January and February for customers affected by the late delivery of their payments due to mail delivery delays by the U.S. Post Office. In support of her request, Saenz distributed a City of Goshen news release (*EXHIBIT 2*) which stated that some bill payments have been arriving late because of mail delivery delays by the U.S. Post Office. She asked for a late fee waiver for such customers for two months if those customers can demonstrate that their payments were dated before the bill due date. Mayor Stutsman said he supported the request and noted that the fee waiver may need to be extended. He also encouraged customers to opt for automatic payments drawn from their accounts to ensure their bills are never late. Saenz noted there are additional ways to ensure utility bills are paid on time.

Riouse/Swartley moved to allow Goshen Utilities to provide a late fee waiver in January and February for customers affected by the late delivery of payments that were dated before the due date. Motion passed 5-0.

Privilege of the Floor:

Mayor Stutsman opened Privilege of the Floor at 2:35 p.m.

Clerk-Treasurer Aguirre distributed a draft Board of Works & Safety meeting calendar for 2022. (*EXHIBIT 3*). He asked Board members to review the calendar and to note the dates they will be unavailable. Next week Aguirre said he will share a draft calendar for review and approval by the Board. It will then be posted on the City’s website.

No one else asked to speak, so the Mayor closed Privilege of the Floor at 2:37 p.m.

As there were no further matters before the Board, Mayor Stutsman/Swartley moved to approve Civil City and Utility claims and to adjourn the meeting. Motion passed 5-0. The meeting was adjourned at 2:37 p.m.

EXHIBIT #1: Memorandum from Goshen Police Chief José Miller requesting that the Board of Works & Safety approve the resignation of Officer Rayven A. Johnson, effective Jan. 28, 2022.

EXHIBIT #2: City of Goshen new release on utility payment late fees in support of a request from Utilities Manager Kelly Saenz that the Board of Works & Safety approve a late fee waiver in January and February for customers affected by the late delivery of their of their payments due to mail delivery delays by the U.S. Post Office.

EXHIBIT #3: Board of Works & Safety & Stormwater Board draft meeting calendar for 2022



APPROVED

Jeremy Stutsman, Chair

Michael Landis, Member

Mary Nichols, Member

Barb Swartley, Member

DeWayne Riouse, Member

ATTEST

Richard R. Aguirre, Clerk-Treasurer



Danny C. Sink, Chief
FIRE DEPARTMENT, CITY OF GOSHEN

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January 18, 2022

To: Board of Works and Public safety

RE: Promotion of Wesley A. White to Private First Class

From: Fire Chief Danny Sink

Wesley White completed his probationary year at GFD on January 04, 2022. Based on his performance and recommendations from his shift Battalion Chief and Training Officer; it is my pleasure to request that Wesley be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive to January 04, 2022. Thank you



ANTHONY D. POWELL, ASSISTANT CHIEF
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January 19, 2022

To: Board of Public Works and Safety

RE: Resignation of Private First-Class Adam Peisker

From: Assistant Fire Chief Anthony Powell

Adam Peisker has submitted his letter of resignation from Goshen Fire Department effective January 26, 2022 and I ask that you affirm his resignation.

We have enjoyed working together with Adam and thank him for his service to GFD and our community. All of us at GFD wish him the very best in his new endeavors.

Dear Chiefs,

Please accept this letter as notice of my resignation from my position on GFD. My last day will be January 26th 2022. The current state of the world has made the wife and I think about future plans and goals. We have thought through this for awhile now and we have decided we want to move south within the next year/ year an a half. With that said it is not in best interest of the department or myself to start an 18mn medic course an a 3 year commitment after that. I have accepted a job that will more easily transfer once we have our ducks in a row to move.

GFD has been a fantastic place to work and I have many memories and have learned so much from so many in that time. I have met some great people along the way and I will miss working with all of you. Your dedication and compassion to training the next generation of firefighters was and will continue to be one of the best things about the great men and women of the department. I wish everyone the best and thank you for everything once again.

Adam Peisker

Sent from my Sprint Samsung Galaxy A71 5G.
Get [Outlook for Android](#)



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

January 24, 2022

To: Board of Public Works and Safety

From: Shannon Marks

Subject: Police Department Conditional Offer of Employment to Tanner Ray Warlick

On behalf of the Police Department, it is recommended that the Board extend a conditional offer of employment to Tanner Ray Warlick, as well as approve and authorize the Mayor to execute the attached Conditional Offer of Employment Agreement.

The agreement sets forth the conditions that the prospective employee must meet prior to beginning employment with the Police Department as a probationary patrol officer, and requires Tanner to successfully complete all training requirements once employed.

The Police Department will request the Board to confirm the offer of employment when a position opening becomes available in the Department.

Suggested motions:

- (1) Move to extend a conditional offer of employment to Tanner Ray Warlick as a probationary patrol officer.
- (2) Move to approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Tanner Ray Warlick.

GOSHEN POLICE DEPARTMENT CONDITIONAL OFFER OF EMPLOYMENT AGREEMENT

THIS AGREEMENT is entered into on _____, 20____, which is the last signature date set forth below, by and between **Tanner Ray Warlick** ("Warlick") and **City of Goshen, Indiana**, acting through the Goshen Board of Public Works and Safety ("City").

In consideration of the terms, conditions and mutual covenants contained in this agreement, City and Warlick agree as follows:

PREREQUISITES TO BEGINNING EMPLOYMENT

City conditionally offers Warlick employment as a probationary patrol officer of the Goshen Police Department. Warlick accepts City's conditional offer of employment. City does not have a current position available in the Goshen Police Department. City and Warlick understand and agree that the offer of employment is contingent upon the following:

- (1) A personnel vacancy in the Goshen Police Department rank and file must exist. Warlick understands that currently no vacancy exists in the rank and file of the Police Department. Although the Police Department is initiating the pension physical and psychological testing, Warlick understands that no permanent employment will be offered until such time that a personnel vacancy is available and/or additional staffing is hired to increase the number of police officers.
- (2) Warlick must and agrees to submit a complete application for membership to the Indiana Public Retirement System (InPRS) and the 1977 Police Officers' and Firefighters' Pension and Disability Fund (1977 Fund). Warlick understands that the application for membership requires the completion of a comprehensive medical history and the administration and successful passage of the baseline statewide physical examination and baseline statewide mental examination.
- (3) City agrees to pay the initial cost for Warlick to complete the baseline statewide physical examination and baseline statewide mental examination as required by Indiana Code §§ 36-8-8-7(a) and 36-8-8-19. In the event that InPRS requires any additional reports and/or testing to establish physical and mental fitness beyond the baseline statewide physical examination and baseline statewide mental examination requirements, such costs for the additional reports and/or testing shall be at Warlick's expense.
- (4) InPRS will determine whether Warlick has any Class 3 excludable conditions. Warlick understands that if InPRS finds that Warlick has any Class 3 excludable conditions, Warlick will be prevented from receiving certain Class 3 impairment benefits for a certain period of time and will be disqualified from receiving disability benefits from the 1977 Fund throughout Warlick's employment if the disability is related to the Class 3 excludable

condition. In addition, City will review the InPRS findings to determine whether the City's conditional offer of employment will be withdrawn.

- (5) City and Warlick understand that the board of trustees of the InPRS must approve the application for membership to the 1977 Fund. City will confirm its offer of employment to Warlick if the board of trustees of the InPRS approves the application for membership to the 1977 Fund. City's confirmation will occur when a position opening becomes available in the Goshen Police Department. In the event that approval is not given by the board of trustees of the InPRS, City withdraws this conditional offer of employment, and Warlick accepts City's withdrawal and this agreement shall be terminated.

AGREE TO ENROLL AND COMPLETE ALL TRAINING REQUIREMENTS

- (1) As a condition of employment, Warlick is required to successfully complete the pre-basic course required by Indiana Code § 5-2-1-9(e) in order to exercise police powers. Warlick agrees to attend the pre-basic course when instructed to do so, and successfully complete the pre-basic course within sixty (60) days of Warlick's first day of employment with City.
- (2) As a further condition of employment, City shall require and Warlick agrees to attend and successfully complete the basic training requirements established by the Indiana Law Enforcement Training Board at a certified law enforcement academy. Warlick agrees to maintain a physical condition in order to pass the physical entrance standards to the law enforcement academy as established by the Indianan Law Enforcement Training Board.
- (3) Warlick will be paid for the time Warlick spends in the pre-basic course under paragraph (1) and the basic training under paragraph (2). City will pay the cost of the pre-basic course and the basic training one (1) time.
- (4) If Warlick fails to successfully complete the pre-basic course, is unable to pass the physical entrance standards to the law enforcement academy, or fails to successfully complete the basic training requirements at any time within one (1) year of Warlick's first day of employment with City, Warlick's employment with City and the Goshen Police Department shall terminate.

AMENDMENT

This agreement may be amended only by the mutual written consent of the parties and approval by the Goshen Board of Public Works and Safety.

SEVERABILITY

The provisions of this agreement are severable, and if any provision shall be held invalid or unenforceable, in whole or in part, then such invalidity or unenforceability shall affect only such provision, and shall not affect any other provision of this agreement.

INDIANA LAW

This agreement shall be governed by and construed in accordance with the laws of the State of Indiana. Proper venue to enforce the terms and conditions of this agreement shall be in Elkhart County, Indiana.

BINDING EFFECT

This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns.

ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the parties, and supersedes all prior negotiations, agreements and understandings between the parties concerning, the subject matter hereof.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates as set forth below.

Tanner Ray Warlick

Date: _____

Jeremy P. Stutsman, Mayor
City of Goshen, Indiana

Date: _____



**Legal Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 2 • Goshen, IN 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
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To: Board of Public Works and Safety
From: Bodie J. Stegelmann
Date: January 13, 2022
Re: Transit Services Agreement with MACOG

Michiana Area Council of Governments (“MACOG”) is the recipient of grant funds which are used to provide the Interurban Trolley and Interurban Trolley ADA Paratransit Services. This agreement will have the City contribute \$62,000.00 in 2022 as local matching funds to be used for this transit program administered by MACOG.

Suggested Motion: Move to approve the Transit Services Agreement with MACOG and authorize the Mayor to sign on behalf of the Board of Public Works and Safety.

Transit Services Agreement

This Agreement is made by and between the City of Goshen, Indiana (hereinafter known as the "City"), and the Michiana Area Council of Governments (hereinafter referred to as "MACOG"),

WITNESSETH THAT:

1. WHEREAS, the City, realizing that a need exists for a usable form of transportation services to certain targeted segments and the general population, desires to address said need in the form of a fixed-route bus system known as The Interurban Trolley and Interurban Trolley Access ADA Paratransit Services (hereinafter referred to as the "Program").

2. WHEREAS, MACOG is, under certain terms and conditions, willing to perform and administer the Program of Projects as described within the FTA Section 5307 grant. Federal Transit Administration (FTA) programs are shown in the Catalog of Federal Domestic Assistance under Section 20.500.

3. WHEREAS, as part of the City's participation in public transit, it is required to perform certain duties and obligations which it desires MACOG to perform and administer, and,

NOW THEREFORE, the parties agree as follows:

1. That MACOG is the recipient of grants from the Indiana Department of Transportation (INDOT) and from the Federal Transit Administration (FTA). The City agrees that said funds shall be used expressly for the purpose of the Program's administration, operation, and capital equipment needs as outlined in the annual Elkhart-Goshen Urbanized Area Program of Projects.

2. That the City shall make available to MACOG \$62,000 (Sixty-Two Thousand Dollars) in local matching funds for the express purposes stated above for the period January 1, 2022 through December 31, 2022.

3. That the City shall comply with all requirements prescribed by the Federal Transit Administration (FTA) and the Indiana Department of Transportation (INDOT) under the Program, to be administered by MACOG, including, but not limited to the signing and execution of all documents, applications, reports, and the like.

4. MACOG shall administer the Program pursuant to the terms of the grant agreement between MACOG and the State of Indiana, and the Section 5307 grant between MACOG and FTA.

Transit Services Agreement

5. The City hereby designates MACOG as the administering agency for the purpose of FTA and INDOT, including but not limited to the authority to deal directly with all persons, contract agencies, and grantors for the purpose of providing the Program of Projects for the Elkhart-Goshen Urbanized Area.

6. MACOG shall maintain books and records as required by FTA and INDOT as desirable for the administration of said grants and the same shall be available for inspection to the City at any time upon request.

7. MACOG shall be responsible for meeting all audit requirements and other bookkeeping standards prescribed of any Federal or State Agency under which FTA or INDOT is conducted.

8. The City and MACOG agree that neither incurs any liability for the actions of the other in conjunction with the performance of the duties hereunder.

9. MACOG shall contract with qualified transportation providers as required to fulfill and execute the Program.

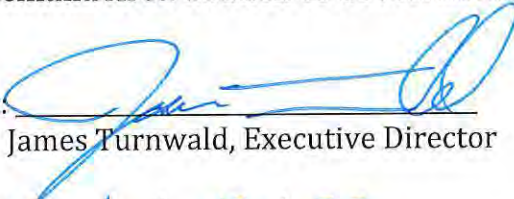
EXECUTED by:

City of Goshen, Indiana

By: _____
Jeremy Stutsman, Mayor

Date: ____/____/____

Michiana Area Council of Governments

By: 
James Turnwald, Executive Director

Date: 1 / 10 / 22



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To: Board of Public Works and Safety

From: Bodie J. Stegelmann

Subject: Resolution 2022-05 – Approving City of Goshen Policies and Repealing Various Policies

Date: January 24, 2022

On January 18, 2022, the Board tabled the proposed revisions to City Policies to allow for further questions and review. References to the Secretary of the Board of Works and Common Council was found to be imprecise and I made changes to the draft policies (see attached document showing changes from “secretary” to “clerk”). I also revised the heading of each policy to show a revision date of January 24, 2022, if approved by the Board. The committee of City of Goshen Staff continues to recommend that the Board approve the policies identified in Resolution 2022-05 and repeal the existing policies, also identified in such Resolution.

Suggested Motion: Move to approve Resolution 2022-05 - Approving City of Goshen Policies and Repealing Various Policies.

INTRODUCTION OF POLICIES

Adopted By: Board of Public Works and Safety

Date Adopted: April 22, 1996

Revised: January 1824, 2022

Employees Affected: All Departments, Offices, and Employees

The City of Goshen Policy Manual is a compilation of personnel and procedural policies that affect all city employees, offices, and departments, unless otherwise specified. This Policy Manual shall be comprehensive in nature, and the policies contained herein shall replace all prior City of Goshen Policies, or portions thereof, that are in conflict. This Policy Manual, however, is not intended to affect provisions of any collective bargaining agreement or policy of the Goshen Police Department or Goshen Fire Department that might conflict with the provisions of the Policies of this Manual, and the provisions of a collective bargaining agreement or policy of the Goshen Police Department or Goshen Fire Department shall supersede any conflicting policy, or portion of policy in this manual for the employees affected.

This Policy Manual is organized in sections with headings to facilitate its usage. Each policy shall include the adopting authority, date of adoption, date of revision (if any), a designation of the employees affected by the policy, and the policy text.

Changing city standards will require that policies be adopted, revised, or repealed from time to time. An up to date electronic version of each properly adopted policy shall be maintained on the City's website in a location accessible to each City employee. Copies of policies comprising the Policy Manual will be maintained in print version in each City Department and on the City's website accessible to all employees. An Employee Handbook summarizing the Policy Manual will be provided to all employees as each employee commences employment with the City. Each employee shall acknowledge their ability to access a physical copy of all policies, the location of policies on the City's website, and their need to monitor policies for subsequent revisions.

A policy affecting all city employees, offices, and departments may be adopted by the Mayor, by the Board of Public Works and Safety, or by the Common Council. The City Court Judge, the Clerk-Treasurer, and City Department heads may adopt policies that affect the operation of each Department, but such policies must first be submitted to the Mayor and Human Resources Manager before they take effect. A proposed policy shall be reviewed by the Legal Department before its introduction.

A policy may be revised or repealed by the authority under which it was adopted. To ensure the prompt revision of the Policy Manual, the elected official, the secretaryClerk of the Board of Public Works and Safety, or the SecretaryClerk of the Common Council shall submit a copy of the adopted policy to the Human Resources Manager. The Human Resources Manager will disseminate any changes to all departments and offices.

DRUG-FREE WORKPLACE

Adopted By: Board of Public Works and Safety

Date Adopted: January 28, 1991

Revised: January 18~~24~~²⁴, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Objective.

- A. This Policy is established pursuant to the Federal Drug-Free Workplace Act of 1988 (41 U.S.C. §701 *et seq.*; Public Law 100-690, Title V, Subtitle D) and implementing regulations. The City of Goshen is subject to these regulations because of its receipt of Federal grants.
- B. This Policy is adopted to assure, to the maximum extent possible, that the work of Employees is carried out in a drug-free Workplace. This Policy is supplementary to any other policies of the City of Goshen. This statement of policy does not replace or limit the provisions or applicability of any other policy of the City.

Section 2. Policy.

- A. The unlawful manufacture, distribution, dispensing, possession, or use of Controlled Substances by an Employee in the Workplace is prohibited.
- B. Any Employee convicted of violation of any criminal drug statute in the Workplace shall be subject to the following:
 - 1. Suspension, without pay, pending satisfactory completion of an approved drug abuse assistance or rehabilitation counseling/treatment program; or
 - 2. Dismissal.
- C. Determination of the sanction to be applied shall be determined by the Board of Public Works and Safety within thirty (30) days of notice of such conviction, after a hearing at which the Employee may submit evidence and be represented by counsel

Section 3. Definitions

- A. "Employee" shall mean any person employed by the City.
- B. "Workplace" shall include any location where an Employee is carrying out activities of the City.
- C. "Controlled Substances" shall mean any substance identified in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. §812), and as further defined by regulations at 21 CFR §§1308.11 through 1308.15.

Section 4. Agreement by Employees

As a condition of employment, Employees must:

- A. Abide by the terms of this Policy.

- B. Notify the City, through the Employee's department head, the ~~Secretary~~Clerk of the Board of Works or the Mayor, of any criminal drug statute conviction for a violation occurring in the Workplace no later than five (5) days after such conviction.

Section 5. Drug-Free Workplace Awareness Program

There is hereby established a Drug-Free Workplace Awareness Program to be administered by the Mayor or the Mayor's designee, which program shall include the development and dissemination of information with respect to:

- A. The dangers of drug abuse in the Workplace;
- B. The City's policy of maintaining a drug-free Workplace;
- C. Any available drug counseling, rehabilitation, and employee assistance programs; and
- D. The penalties that may be imposed upon Employees for drug abuse violations occurring in the Workplace.

Section 6. Notifications

- A. The Mayor or the Mayor's designee shall provide each Employee with a copy of this Policy statement.
- B. The Mayor or the Mayor's designee shall notify the US Department of Housing and Urban Development and/or other applicable Federal agency granting money to the City of Goshen of any criminal conviction for a violation of a drug statute occurring in the Workplace no later than ten (10) days after receiving notice of such conviction.

RESOLUTION 2022-05

Approving City of Goshen Policies and Repealing Various Policies

WHEREAS, a committee consisting of City of Goshen staff has performed a comprehensive review of certain City of Goshen Policies that generally relate to City of Goshen employees;

WHEREAS, the committee made suggested revisions to the City of Goshen Policies reviewed by the committee;

WHEREAS, the committee recommended to the Goshen Board of Public Works and Safety that it adopt the proposed Policies identified in this Resolution as revisions and amendments to the identified City of Goshen Policies;

WHEREAS, if the identified Policies are adopted, that as part of adopting the proposed Policies identified in this Resolution as revisions and amendments to the identified City of Goshen Policies, the committee suggests that Policies in effect prior to the approval of the Policies identified in this Resolution be repealed upon such adoption; and

WHEREAS, the Goshen Board of Public Works and Safety finds that it is appropriate to approve the Policies identified below, as recommended by the committee who made the suggested revisions, and to repeal Policies, Rules and Regulations in effect prior to the approval of such Policies, also identified below.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety that the following City of Goshen Policies, copies of which are attached hereto and made a part hereof, are hereby approved:

- INTRODUCTION OF POLICIES;
- INTERPRETATION OF POLICIES AND APPEAL;
- INCORPORATION OF SALARY ORDINANCES
- NON-DISCRIMINATION IN EMPLOYMENT
- DISCRIMINATION AND HARASSMENT
- ADA COORDINATOR AND GRIEVANCE PROCEDURES
- EMPLOYMENT OF RELATIVES BY CITY
- CONTRACTING WITH THE CITY
- DRUG-FREE WORKPLACE
- CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING
- DRUG AND ALCOHOL TESTING FOR SAFETY SENSITIVE POSITIONS
- DRESS CODE
- PERSONNEL PERFORMANCE EVALUATION
- DISCIPLINE
- TRANSFER BETWEEN DEPARTMENTS

- CHILD PROTECTION
- HOURS OF WORK AND COMPENSATION
- VACATION DAYS
- FAMILY SICK LEAVE
- TRANSFER OF SICK TIME, VACATION LEAVE, OR COMPENSATORY TIME TO ANOTHER EMPLOYEE
- COURT DUTY
- FUNERAL LEAVE AND FEES
- MILITARY LEAVE
- FAMILY AND MEDICAL LEAVE ACT (“FMLA”)
- EXTENDED MEDICAL LEAVE
- CONTINUATION OF HEALTH INSURANCE COVERAGE UNDER COBRA
- BEGINNING WAGES
- INCREMENT PAY
- WORKER’S COMPENSATION
- CLOTHING/FOOTWEAR/PHYSICAL FITNESS ALLOWANCE
- EDUCATIONAL ASSISTANCE
- NON-SMOKING DESIGNATION
- EMERGENCY PREPAREDNESS
- SMALL PURCHASE
- TRAVEL
- CREDIT CARD USE
- SOLICITATION OF FUNDS
- GIFTS
- CAPITALIZATION & INVENTORY CONTROL
- FLEET MANAGEMENT
- MOTOR VEHICLE DRIVING POLICY
- REDUCED IDLING
- PERSONAL USE OF CITY VEHICLES
- E-MAIL, DIGITAL MEDIA, INTERNET, FAX, AND TELEPHONE USE
- CELL PHONE
- DIGITAL MEDIA
- TELECOMMUTING POLICY

BE IT FURTHER RESOLVED by the Goshen Board of Public Works and Safety that, upon the approval of the above-described Policies, the following current City of Goshen Policies are hereby repealed:

- INTRODUCTION OF POLICIES, Policy Number: 100-01;
- INTERPRETATION OF POLICIES AND APPEAL, Policy Number: 100-02;
- NON-DISCRIMINATION IN EMPLOYMENT, Policy Number: 200-01;
- DISCRIMINATION AND HARASSMENT, Policy Number: 400-02, Resolution 2015-Y;
- EMPLOYMENT OF RELATIVES BY CITY, Policy Number: 200-02;

- CONTRACTING WITH THE CITY, Policy Number: 800-07, Resolution 2012-15;
- DRUG-FREE WORKPLACE, Policy Number: 400-03;
- CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING, Policy Number: 400-04;
- DRESS CODE, Policy Number: 400-01;
- PERSONNEL PERFORMANCE EVALUATION, Policy Number: 200-05;
- DISCIPLINE, Policy Number: 300-20;
- TRANSFER BETWEEN DEPARTMENTS, Policy Number: 300-19;
- HOURS OF WORK AND COMPENSATION, Policy Number: 300-01;
- POSITION STATUS AND EMPLOYMENT BENEFITS ELIGIBILITY, Policy Number: 300-02;
- VACATION DAYS, Policy Number: 300-11;
- SICK LEAVE, Policy Number: 300-13;
- PERSONAL LEAVE DAYS, Policy Number: 300-14;
- TRANSFER OF SICK TIME, VACATION LEAVE, OR COMPENSATORY TIME TO ANOTHER EMPLOYEE, Policy Number: 300-18;
- JURY DUTY, Policy Number: 300-10;
- FUNERAL LEAVE, Policy Number: 300-17;
- FAMILY AND MEDICAL LEAVE ACT (“FMLA”), Policy Number: 300-16;
- EXTENDED MEDICAL LEAVE, Policy Number: 300-15;
- CONTINUATION OF HEALTH INSURANCE COVERAGE UNDER COBRA, Policy Number: 300-05;
- TIMEKEEPING POLICY, Policy Number: 300-06;
- BEGINNING WAGES;
- INCREMENT PAY, Policy Number: 300-07;
- LONGEVITY PAY, Policy Number: 300-08;
- WORKER’S COMPENSATION, Policy Number: 300-09;
- HOLIDAYS, Policy Number: 300-12;
- CLOTHING/FOOTWEAR/PHYSICAL FITNESS ALLOWANCE, Resolution 2016-Y;
- EDUCATIONAL ASSISTANCE;
- NON-SMOKING DESIGNATION, Policy Number: 500-01;
- WELLNESS PROGRAM, Policy Number: 500-03;
- INDEPENDENT MEDICAL EXAMINATIONS, Policy Number: 500-04;
- TORNADO, Policy Number: 500-07;
- INVENTORY CONTROL, Policy Number: 600-01;
- USE OF FAX MACHINES AND SIMILAR DEVICES, Policy Number: 700-01;
- COPIER COSTS, Policy Number: 700-02;
- SMALL PURCHASE, Policy Number: 800-04;
- TRAVEL, Policy Number: 800-03;
- CREDIT CARD USE, Policy Number: 800-01;
- MILEAGE REIMBURSEMENT, Policy Number: 800-02;
- SOLICITATION OF FUNDS, Policy Number: 900-02;

- GIFTS, Policy Number: 900-03;
- ADA COORDINATOR AND GRIEVANCE PROCEDURES, Resolution 2011-P;
- MOTOR VEHICLE DRIVING POLICY, Policy Number: 700-09;
- REDUCED IDLING, Policy Number: 700-08;
- PERSONAL USE OF CITY VEHICLES, Policy Number: 700-03;
- E-MAIL & INTERNET, Policy Number: 700-04;
- CELL PHONE, Resolution 2013-H;
- TELECOMMUTING POLICY, Policy Number: 700-07;
- STOP SMOKING 500-02.

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on January _____, 2022.

Jeremy P. Stutsman, Mayor

Mary Nichols, Member

DeWayne Riouse, Member

Michael A. Landis, Member

Barb Swartley, Member

INTRODUCTION OF POLICIES

Adopted By: Board of Public Works and Safety

Date Adopted: April 22, 1996

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

The City of Goshen Policy Manual is a compilation of personnel and procedural policies that affect all city employees, offices, and departments, unless otherwise specified. This Policy Manual shall be comprehensive in nature, and the policies contained herein shall replace all prior City of Goshen Policies, or portions thereof, that are in conflict. This Policy Manual, however, is not intended to affect provisions of any collective bargaining agreement or policy of the Goshen Police Department or Goshen Fire Department that might conflict with the provisions of the Policies of this Manual, and the provisions of a collective bargaining agreement or policy of the Goshen Police Department or Goshen Fire Department shall supersede any conflicting policy, or portion of policy in this manual for the employees affected.

This Policy Manual is organized in sections with headings to facilitate its usage. Each policy shall include the adopting authority, date of adoption, date of revision (if any), a designation of the employees affected by the policy, and the policy text.

Changing city standards will require that policies be adopted, revised, or repealed from time to time. An up to date electronic version of each properly adopted policy shall be maintained on the City's website in a location accessible to each City employee. Copies of policies comprising the Policy Manual will be maintained in print version in each City Department and on the City's website accessible to all employees. An Employee Handbook summarizing the Policy Manual will be provided to all employees as each employee commences employment with the City. Each employee shall acknowledge their ability to access a physical copy of all policies, the location of policies on the City's website, and their need to monitor policies for subsequent revisions.

A policy affecting all city employees, offices, and departments may be adopted by the Mayor, by the Board of Public Works and Safety, or by the Common Council. The City Court Judge, the Clerk-Treasurer, and City Department heads may adopt policies that affect the operation of each Department, but such policies must first be submitted to the Mayor and Human Resources Manager before they take effect. A proposed policy shall be reviewed by the Legal Department before its introduction.

A policy may be revised or repealed by the authority under which it was adopted. To ensure the prompt revision of the Policy Manual, the elected official, the Clerk of the Board of Public Works and Safety, or the Clerk of the Common Council shall submit a copy of the adopted policy to the Human Resources Manager. The Human Resources Manager will disseminate any changes to all departments and offices.

INTERPRETATION OF POLICIES AND APPEAL

Adopted By: Board of Public Works and Safety

Date Adopted: April 22, 1996

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Whenever a question arises regarding the interpretation of a policy, such inquiries should be directed to the Legal Department for interpretation. Any employee believing that a policy was interpreted incorrectly by the Legal Department may appeal that interpretation in writing to the authority who adopted the policy. The appeal should be submitted in writing to the Mayor. A written response to the appeal shall be given to both the employee and the Legal Department within a reasonable time. The response may affirm, further clarify, or reverse the interpretation of the Legal Department.

INCORPORATION OF SALARY ORDINANCES

Adopted By: Board of Public Works and Safety

Date Adopted: January 24, 2022

Revised: N/A

Employees Affected: All Departments, Offices, and Employees

Each year the Goshen Common Council adopts ordinances that set the compensation of Civil City and Utility Employees, Elected Officials, Fire Department Employees, Police Department Employees, and Police Reserve Officers (“Salary Ordinances”). The annual Salary Ordinances also determine City observed holidays for the year and contain employee benefit provisions that supplement Policies adopted by the City. Employees of the City of Goshen should be familiar with the provisions of the Salary Ordinances, as adopted by the Common Council from year to year, as the Salary Ordinances contain provisions that affect employees’ employment and benefits. Employees shall have access to the Salary Ordinances, and be given a copy of such upon request.

NON-DISCRIMINATION IN EMPLOYMENT

Adopted By: Board of Public Works and Safety

Date Adopted: April 22, 1996

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

The City of Goshen is an equal opportunity employer and shall comply with and uphold all federal laws and administrative guidelines prohibiting discrimination on the basis of race, color, religion, sex, gender identity, age, gender, disability, ancestry, genetic information, or national origin. It is the policy of the City of Goshen that no employee or applicant for employment shall be discriminated against, excluded from participating in, denied the benefits of, or otherwise subjected to discrimination in any program, activity or other privilege of employment based on the above causes of prejudice.

In order for appropriate review and/or correction actions to take place, employees or applicants for employment with questions or potential complaints regarding equal employment opportunities are encouraged to contact the Human Resources Manager for the City of Goshen, the employee's supervisor, or the employee's Department Head. Employees or applicants for employment who believe that they have been denied an equal employment opportunity by the City of Goshen may file a complaint with the Equal Employment Opportunity Commission and/or the Indiana Civil Rights Commission.

DISCRIMINATION AND HARASSMENT

Adopted By: Board of Public Works and Safety

Date Adopted: October 26, 1998

Revised: December 21, 2015; January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Discrimination and Harassment Prohibited

- A. Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (“ADEA”), and the Americans with Disabilities Act of 1990, (“ADA”). It is the policy of the City of Goshen provide a workplace free of job-related discrimination and on-the-job harassment of any employee.
- B. The City of Goshen will not tolerate any form of discrimination or harassment of its employees or potential employees. Harassment includes unwelcome conduct that is based on race, color, religion, sex (including pregnancy), gender, physical appearance, sexual orientation, gender identity, citizenship, marital status, veteran status, national origin, age, disability, or the known association with a known disabled individual, or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- C. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:
 1. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
 2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
 3. Unlawful harassment may occur without economic injury to, or discharge of, the victim.
- D. Harassment includes unwelcome sexual advances, request for sexual favors, unwelcome or offensive touching, and other unwelcome or offensive verbal, graphic, pictorial, or physical conduct of a sexual nature when:
 1. Such conduct has the effect of unreasonably interfering with an individual’s work or creating an intimidating, hostile, or offensive working environment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment related decisions; or
 3. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- E. Any form of discrimination or harassment by an employee violating this Policy shall subject the offending employee to disciplinary action, up to and including termination.

Section 2. Reporting; Investigation

- A. It is the responsibility of each City of Goshen employee, management and non-management alike, to keep the workplace free from discrimination or harassment. This shared responsibility includes reporting such conduct which could be in violation of these prohibitions, regardless of whether such conduct was directed to the employee or was conduct an employee has witnessed being directed toward another employee.
- B. If an employee believes that he or she is the victim of discrimination or harassment, the employee should immediately report the behavior to the employee's supervisor, department head, or to the Human Resources Manager.
- C. A formal complaint of alleged discrimination or harassment must be put in writing and submitted to the Human Resources Manager. The accused offender will be notified of the accusation against him or her. All complaints will be thoroughly investigated within fourteen (14) days. Only those individuals responsible for administering city policy or who may otherwise need to know in order to ensure a thorough and fair investigation of any claim will have access to the allegation of a complaint, and all employees with access to the complaint shall keep such confidential, as the law permits.

Section 3. Retaliation Prohibited

The City of Goshen will not tolerate any form of retaliatory conduct or harassment directed against any employee or potential employee who reports any discrimination or harassment; files a discrimination charge; testifies or participates in any way in an investigation, proceeding, or lawsuit; or opposing employment practices that they reasonably believe discriminate against individuals in violation of this Policy. Any such retaliatory conduct or threat of retaliatory conduct shall be reported to the Human Resources Manager. Such reports will be investigated and, if found valid, shall subject the offending employee to disciplinary action, up to and including termination.

Section 4. Hearing

Any employee disciplined under this Policy may submit a grievance to the Board of Public Works and Safety within three (3) days of learning of the disciplinary action. The Board of Public Works and Safety shall then hold a hearing within fourteen (14) days with the employee and his or her representative, to ascertain the facts in dispute and recommend final action to be taken. At the hearing, the employee is entitled to be represented by counsel, to require the production of evidence, to call and cross-examine witnesses, and to have subpoenas issued, served, and executed in the county. The Board of Public Works and Safety may, at its own discretion, grant an extension of time for the hearing. There shall be no further administrative appeal from the Board's final decision.

ADA COORDINATOR AND GRIEVANCE PROCEDURES

Adopted By: Board of Public Works and Safety

Date Adopted: January 27, 1992,

Revised: December 12, 2011,

Employees Affected: All Employees

Section 1. **Policy.**

In compliance with the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act of 1973, the City of Goshen is committed to removing barriers that prevent employees with disabilities, who are otherwise qualified, from enjoying the same employment opportunities that are available to those without disabilities. It is the intent of the City to comply with all applicable requirements of the ADA. The City will not discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment.

Section 2. **ADA Coordinator.**

The City of Goshen Human Resource Manager is designated as the ADA Coordinator for the City of Goshen. If the individual filling the Human Resources Manager position changes, the Notices and Grievance Procedure shall be modified to identify the person filling the position of Human Resource Manager.

Section 3. **Notice.**

The City of Goshen adopts the Notice under the Americans with Disabilities Act, a copy of which is attached as Exhibit A, as the City of Goshen’s Notice under the Americans with Disabilities Act.

Section 4. **Grievance Procedure.**

The City of Goshen adopts the Grievance Procedure for ADA Complaints, a copy of which is attached hereto as Exhibit B, as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Goshen.

Section 5. **Posting.**

In compliance with Federal and State laws, the City of Goshen resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and City of Goshen Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

EMPLOYMENT OF RELATIVES BY CITY

Adopted By: Common Council (Resolution 2012-14)

Date Adopted: May 15, 2012

Revised: January 24, 2022 (Board of Works and Safety)

Employees Affected: All Departments, Offices, and Employees

Section 1. Purpose

The purpose of this Policy is to ensure a fair and measured approach to employment of relatives and to avoid the conflicts that can arise from nepotism.

Section 2. Employment of Relatives

- A. The City of Goshen may not employ an individual in a position that results in that employee being in the Direct Line of Supervision of a Relative.
- B. An employee of the city may retain the position or rank the employee held on the day the employee's Relative begins serving a term of elected office with the city.
- C. An employee whose Relative begins serving a term of elected office may not be moved to a position in the Relative's Direct Line of Supervision.
- D. This Policy does not abrogate or affect an employment contract with the city that an individual is a party to and is in effect on the date the individual's Relative begins serving a term of an elected office of the city.
- E. An individual who is employed by the city on July 1, 2012, is not subject to this Policy unless the individual has a break in employment with the city. The following are not considered a break in employment with the city:
 1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
 2. The individual's employment with the city is terminated followed by immediate reemployment by the city without the loss of payroll time.

Section 3. Annual Certification

Each elected officer of the city shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated Indiana Code § 36-1-20.2 *et seq.*, as amended, or this Policy. An elected officer shall submit the certification to the Clerk-Treasurer no later than December 31 of each year.

Section 4. Definitions

- A. "Direct Line of Supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation of the subordinate employee. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the city, as provided

by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the city.

- B. “Employed” means an individual who provides services for the City in exchange for compensation for such services on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the city.
- C. “Relative” means any of the following:
 - 1. A spouse.
 - 2. A parent or step-parent.
 - 3. A child, step-child, or adopted child.
 - 4. A sibling, step-sibling, or half-sibling.
 - 5. A niece or nephew.
 - 6. An aunt or uncle.
 - 7. A daughter-in-law or son-in-law.

Section 5. Interpretation

The City of Goshen Common Council adopted this Policy with the intent that its adoption and implementation would comply with the requirements of I.C. § 36-1-20.2-1 *et seq.*, as amended. This Policy shall be construed and interpreted to be consistent with I.C. § 36-1-20.2-1 *et seq.*, as amended.

CONTRACTING WITH THE CITY

Adopted By: Common Council

Date Adopted: May 15, 2012

Revised: January 24, 2022 (Board of Works and Safety)

Employees Affected: All Departments, Offices, and Employees

Section 1. Contracting with Relatives

- A. The City of Goshen may enter into a contract or renew a contract for the procurement of goods and/or services, or a contract for public works with:
1. an individual who is a relative of an Official or
 2. a business entity that is wholly or partially owned by a relative of an Official only if the requirements of this Policy are satisfied and the Official does not violate Indiana Code § 35-44.1-1-3, Conflicts of Interest.
- B. The City may enter into a contract or renew a contract with an individual or business entity described in section 1(A) if:
1. the Official files with the City a disclosure, which must:
 - a. be in writing;
 - b. describe the contract or purchase to be made by the City;
 - c. describe the relationship that the Official has to the individual or business entity that contracts or purchases;
 - d. be affirmed under penalty of perjury;
 - e. be submitted to the Common Council and accepted by the Common Council in a public meeting prior to final action on the contract or purchase; and
 - f. be filed, not later than fifteen (15) days after final action on the contract or purchase, with the State Board of Accounts and the Clerk of the Elkhart Circuit Court;
 2. the appropriate contracting body of the City:
 - a. makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - b. makes a certified statement of the reasons why the vendor or contractor was selected; and
 3. the City satisfies any other requirements under I.C. 5-22, Public Purchasing, or I.C. 36-1-12, Public Construction.

- C. An Official shall also comply with the disclosure provisions of I.C. § 35-44-1-3, Conflicts of Interest, if applicable.
- D. This Policy does not affect the initial term of a contract in existence at the time the term of office of the Official begins.

Section 2. Annual Certification

Each elected officer of the City shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with I.C. 36-1-21 *et seq.* and this Policy. An elected officer shall submit the certification to the Mayor no later than December 31 of each year.

Section 3. Definitions

- A. “Official” means an individual elected or appointed to serve the City of Goshen, including the Mayor, the Clerk-Treasurer, the City Court Judge, a member of the Common Council of the City of Goshen, Department Heads, members of the Board of Public Works and Safety, members of the Plan Commission, Board of Zoning Appeals, Park Board, and other similar positions.
- B. “Relative” means any of the following:
 - 1. A spouse.
 - 2. A parent or stepparent.
 - 3. A child or stepchild. For the purposes of this section, an adopted child of an individual is treated as a natural child of the individual.
 - 4. A brother, sister, stepbrother, or stepsister. For the purposes of this section, the terms brother and sister include a brother or sister by the half blood.
 - 5. A niece or nephew.
 - 6. An aunt or uncle.
 - 7. A daughter-in-law or son-in-law.

DRUG-FREE WORKPLACE

Adopted By: Board of Public Works and Safety

Date Adopted: January 28, 1991

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Objective.

- A. This Policy is established pursuant to the Federal Drug-Free Workplace Act of 1988 (41 U.S.C. §701 *et seq.*; Public Law 100-690, Title V, Subtitle D) and implementing regulations. The City of Goshen is subject to these regulations because of its receipt of Federal grants.
- B. This Policy is adopted to assure, to the maximum extent possible, that the work of Employees is carried out in a drug-free Workplace. This Policy is supplementary to any other policies of the City of Goshen. This statement of policy does not replace or limit the provisions or applicability of any other policy of the City.

Section 2. Policy.

- A. The unlawful manufacture, distribution, dispensing, possession, or use of Controlled Substances by an Employee in the Workplace is prohibited.
- B. Any Employee convicted of violation of any criminal drug statute in the Workplace shall be subject to the following:
 - 1. Suspension, without pay, pending satisfactory completion of an approved drug abuse assistance or rehabilitation counseling/treatment program; or
 - 2. Dismissal.
- C. Determination of the sanction to be applied shall be determined by the Board of Public Works and Safety within thirty (30) days of notice of such conviction, after a hearing at which the Employee may submit evidence and be represented by counsel

Section 3. Definitions

- A. “Employee” shall mean any person employed by the City.
- B. “Workplace” shall include any location where an Employee is carrying out activities of the City.
- C. “Controlled Substances” shall mean any substance identified in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. §812), and as further defined by regulations at 21 CFR §§1308.11 through 1308.15.

Section 4. Agreement by Employees

As a condition of employment, Employees must:

- A. Abide by the terms of this Policy.

- B. Notify the City, through the Employee's department head, the Clerk of the Board of Works or the Mayor, of any criminal drug statute conviction for a violation occurring in the Workplace no later than five (5) days after such conviction.

Section 5. Drug-Free Workplace Awareness Program

There is hereby established a Drug-Free Workplace Awareness Program to be administered by the Mayor or the Mayor's designee, which program shall include the development and dissemination of information with respect to:

- A. The dangers of drug abuse in the Workplace;
- B. The City's policy of maintaining a drug-free Workplace;
- C. Any available drug counseling, rehabilitation, and employee assistance programs; and
- D. The penalties that may be imposed upon Employees for drug abuse violations occurring in the Workplace.

Section 6. Notifications

- A. The Mayor or the Mayor's designee shall provide each Employee with a copy of this Policy statement.
- B. The Mayor or the Mayor's designee shall notify the US Department of Housing and Urban Development and/or other applicable Federal agency granting money to the City of Goshen of any criminal conviction for a violation of a drug statute occurring in the Workplace no later than ten (10) days after receiving notice of such conviction.

CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

Adopted By: Board of Public Works and Safety

Date Adopted: May 28, 1996

Revised: January 24, 2022

Employees Affected: All Employees (and applicants for employment) and Officials required to possess a commercial driver's license

Section 1. Purpose and Applicability

- A. The purpose of this Policy is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial motor vehicles. (49 CFR § 382.101).
- B. This Policy shall apply to every employee or applicant for employment required to possess a commercial driver's license ("CDL") and operate a commercial motor vehicle as a requirement of their position with the City of Goshen. This shall include full-time, part-time, and occasional or intermittent drivers. (49 CFR § 382.103).
- C. This Policy is in addition to any other policy of the City of Goshen regarding the use and/or possession of alcohol or controlled substances. This Policy does not replace or limit the provisions or applicability of any other policy of the city.

Section 2. Definitions

- A. "Alcohol use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. (49 CFR § 382.107).
- B. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - 1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - 2. Has a gross vehicle weight rating of 26,001 or more pounds;
 - 3. Is designed to transport 16 or more passengers, including the driver; or
 - 4. Is of any size and used in the transportation of materials found to be hazardous which require the motor vehicle to be placarded. (49 CFR § 382.107).
- C. "Controlled substance use" means, for the purpose of this Policy, the inhalation, injection, ingestion or absorption of marijuana, cocaine, opiates, amphetamines or phencyclidine.
- D. "Performing a safety-sensitive function" includes any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive function. (49 CFR § 382.107).
- E. "Refuse to submit to an alcohol or controlled substances test" means that a driver :

1. Fails to show up for any test within a reasonable time after being directed to do so by the employer or to remain at the testing site until the testing process is complete. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see § 40.61(a) of Title 49);
 2. Fails to provide a urine specimen for any drug test required by this part;
 3. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen (§§ 40.67(k) and 40.69(g) of Title 49);
 4. Fails to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure (see § 40.193(d)(2) of Title 49).
 5. Fails or declines to take a second test the employer has directed following a negative dilute result (see § 40.197(g) of Title 49)
 6. Fails to undergo an additional medical examination, as directed by the MRO as part of the verification process, or as directed by the DER concerning the evaluation as part of the “shy bladder” procedures in part 40, subpart I, of Title 49
 7. Fails to cooperate (*e.g.*, leaves the test site before the collection process is completed, refuses to empty pockets) with any part of the testing process. (49 CFR § 382.107).
- F. "Safety-sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:
1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
 2. All time inspecting equipment as required by §§ 392.7 and 392.8 of Title 49, Subtitle B, Chapter III, Subchapter B or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 3. All time spent at the driving controls of a commercial motor vehicle in operation;
 4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of § 393.76 of Title 49, Subtitle B, Chapter III, Subchapter B);
 5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
 6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Section 3. Prohibited Conduct

- A. The following shall be considered "prohibited conduct" for the purposes of this Policy:
1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions. (49 CFR § 382.201).
 2. On-Duty Alcohol Use. No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions. (49 CFR § 382.205).
 3. Pre-Duty Alcohol Use. No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions. (49 CFR § 382.207).
 4. Alcohol Use Following an Accident. No driver required to take a post-accident alcohol test under § 382.303 shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR § 382.209).
 5. Controlled Substance Use.
 - a. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in § 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
 - b. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
 - c. An employer may require a driver to inform the employer of any therapeutic drug use. 382.213).
 6. Controlled Substance Testing. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions. (49 CFR § 382.215).
 7. Refuse to Submit to Test. No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under § 382.303, a random alcohol or controlled substances test required under § 382.305, a reasonable suspicion

alcohol or controlled substances test required under § 382.307, or a follow-up alcohol or controlled substances test required under § 382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. (49 CFR § 382.211).

- B. If a driver engages in prohibited conduct, the driver is not qualified to drive a commercial motor vehicle for the City of Goshen and shall be immediately removed from service. The City of Goshen may take disciplinary action against a driver, up to and including termination from employment, or the city may, in its discretion and at the request of the driver, keep the driver's position open while such driver attempts to become requalified.
- C. A driver who refuses to submit to any alcohol and/or controlled substances test as required under this Policy will not be permitted to perform a safety-sensitive function and will be subject to disciplinary action, up to and including termination from employment. An applicant who refuses to submit to any alcohol and/or controlled substances test as required under this Policy will be removed from further consideration for employment with the City of Goshen.
- D. No driver or applicant for employment tested under the provisions of subpart C of 49 CFR § 382 who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including driving a commercial motor vehicle, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. (49 CFR § 382.505(a))

Section 4. Required Testing

- A. Pre-Employment Testing.
 - 1. A driver/applicant shall undergo testing for alcohol and controlled substances prior to being employed and allowed to perform a safety-sensitive function for the City of Goshen. (49 CFR § 382.301(a)).
 - 2. As a condition for employment, a driver/applicant must provide the city with written authorization to obtain the driver's alcohol and controlled substances test results from all previous employers for the preceding two years, including any refusal to be tested. (49 CFR § 382.413).
 - 3. The City of Goshen will not allow a driver to perform a safety-sensitive function unless the driver has received a controlled substances test result indicating a verified negative test result. (49 CFR § 382.301(a)).
 - 4. The cost of pre-employment testing will be paid by the City of Goshen.
- B. Post-Accident Testing.
 - 1. As soon as practicable (within two hours) following an accident involving a commercial motor vehicle, each driver:

- a. Who was performing any safety-sensitive function with respect to the vehicle, if the accident involved the loss of human life; or
- b. Who receives a citation under state or local law for a moving traffic violation arising from the accident

shall report to the city's testing site to be tested for alcohol and controlled substances. (49 CFR § 382.303(a) and (b)).

2. A driver who is subject to post-accident testing shall remain readily available for such testing or he or she may be deemed by the city to have refused to submit to testing. (49 CFR § 382.303(e)).
3. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. (49 CFR § 382.303(e)).
4. If a driver is directed to submit to an alcohol and/or controlled substances test at the accident scene by a federal, state or local law enforcement officer, and the test results are provided to the city, such tests shall meet the requirements of this section and the driver will not be required to take another alcohol and/or controlled substances test at the city's testing site. (49 CFR § 382.303(g)).
5. The cost of post-accident testing will initially be paid by the City of Goshen. However, if the driver's test results indicate an alcohol concentration of 0.04 or greater or a controlled substances test indicates a positive test result, the driver shall reimburse the city for the costs of the post-accident testing.

C. Random Testing.

1. A driver may be selected at random to be tested for alcohol and/or controlled substances and every driver must submit to random testing under this Policy.
2. The minimum annual percentage rate for random alcohol testing shall be ten (10) percent of the average number of driver positions. The minimum annual percentage rate for controlled substances testing shall be 50 percent of the average number of driver positions. The minimum rates for random testing may be increased based on any decision of the FMCSA Administrator. (49 CFR § 382.305(b)).
3. Under the random selection process, each driver shall have an equal chance of being tested each time selections are made. Such random tests will be unannounced throughout the calendar year. (49 CFR § 382.305(i) and (k)).
4. Whenever a driver is randomly selected and notified to be tested, he or she shall immediately proceed to the testing site. If a driver does not immediately proceed to the testing site, he or she may be deemed by the city to have refused to submit to testing. (49 CFR § 382.305(l))

5. The cost of random testing will be paid by the City of Goshen.

D. Reasonable Suspicion Testing.

1. A driver may be required to submit to an alcohol and/or controlled substances test whenever the city has reasonable suspicion to believe that the driver has violated the prohibitions of this Policy. (49 CFR § 382.307(a) and (b)).
2. Reasonable suspicion shall be determined based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of a driver. The observations may also include indications of the chronic and withdrawal effects of controlled substances. Such observations must be personally observed and documented in writing by a supervisor or other properly trained city official and must be made during, just before, or just after the period of the work day that the driver performs a safety-sensitive function. (49 CFR § 382.307(a)-(d)).
3. Whenever a driver is notified that there is reasonable suspicion to be tested for alcohol and/or controlled substances, the driver will be immediately transported by a supervisor to the city's testing site. The city will make arrangements to transport the driver either home or back to work after the test is completed.
4. The cost of reasonable suspicion testing will initially be paid by the City of Goshen. However, if the driver's test results indicate an alcohol concentration of 0.04 or greater or a controlled substances test indicates a positive test result, the driver shall reimburse the city for the costs of the reasonable suspicion testing.

E. Return-to-Duty Testing and Follow-Up Testing.

1. Prior to returning to a safety-sensitive duty, a driver who has engaged in conduct that is prohibited by this Policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with the misuse of alcohol and/or use of controlled substances. The city will provide the employee with the names, addresses, and telephone numbers of substance abuse professionals for this purpose. (49 CFR § 40.289)
2. Following evaluation and treatment, if any, in order for an employee to become requalified to perform a safety-sensitive function for the City of Goshen, the driver shall undergo a return-to-duty alcohol and/or controlled substances test. The alcohol test results must indicate an alcohol concentration of less than 0.02, and the controlled substances test must indicate a verified negative test result. (49 CFR § 40.305)
3. In addition, a driver identified by a substance abuse professional as needing assistance in resolving problems associated with the misuse of alcohol and/or use of controlled substances shall be subject to further evaluation by a substance abuse professional to determine if the driver has properly followed any rehabilitation program as prescribed, and shall be subject to unannounced follow-

up alcohol and/or controlled substances testing after the driver's return to duty. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional. (49 CFR § 40.307)

4. The costs of return-to-duty testing and follow-up testing, evaluation and rehabilitation shall be paid by the driver.

Section 5. Testing Methodology and Integrity

- A. All alcohol and controlled substances testing procedures shall be conducted in accordance with the provisions of 49 CFR § 40, together with any amendments which are incorporated into this Policy by reference. (49 CFR § 382.105)
- B. Controlled Substances Testing.
 1. Controlled substances testing will be conducted by analysis of a urine specimen provided by a driver at the city's designated testing site. However, if a driver is directed to submit to a controlled substances test at an accident scene by a federal, state or local law enforcement officer, and the results of a urine test are provided to the city, the driver will not be required to take another controlled substances test at the city's testing site.
 2. The collection site person is responsible for maintaining the integrity of the specimen collection and transfer process, carefully ensuring the modesty and privacy of the driver. (49 CFR § 40, Subpart E)
 3. The urine specimen will be analyzed to determine whether it is negative for the following classes of drugs:
 - a. Marijuana metabolites;
 - b. Cocaine metabolites;
 - c. Opiates;
 - d. Phencyclidine (PCP); and
 - e. Amphetamines. (49 CFR § 40.85)
 4. Before reporting a verified positive test result to the city, the medical review officer will attempt to contact the driver directly to discuss the test result with him or her. If the medical review officer is unable to contact the driver directly, the medical review officer will contact a representative of the city's legal department, and this representative will contact the driver and direct him or her to immediately contact the medical review officer no later than the next scheduled business day. (49 CFR § 40.131)
 5. The medical review officer may verify a test as positive without directly communicating with the driver if:
 - a. The driver expressly declines the opportunity to discuss the test result;
 - b. The representative of the city's legal department has successfully made and documented contact with the driver and instructed him or her to

contact the medical review officer, and more than 72 hours have passed since the time the legal department contacted the employee; or

- c. Neither the medical review officer nor the legal department, after making and documenting all reasonable efforts, has been able to contact the employee within ten days of the date on which the medical review officer receives the confirmed test result from the laboratory. (49 CFR § 40.133)

6. If a test is verified positive, the driver may request the medical review officer to do a reanalysis of the original urine specimen within 72 hours of being informed of a verified positive test. The driver making the request must pre-pay all costs associated with the reanalysis. (49 CFR § 40.153)

C. Alcohol Testing.

1. Alcohol testing will be conducted through use of an evidential breath testing device given by a trained breath alcohol technician at the city's designated testing site. However, if a driver is directed to submit to an alcohol test at an accident scene by a federal, state or local law enforcement officer, and the results of the test are provided to the city, the driver will not be required to take another alcohol test at the city's testing site. (49 CFR § 382.303(g))
2. If the result of a screening test is a breath alcohol concentration of less than 0.02, no further testing is required. (49 CFR § 40.255)
3. If the result of a screening test is a breath alcohol concentration of 0.02 or greater, a confirmation test will be performed in compliance with 49 CFR § 40 Subparts L and M.
4. The breath alcohol technician shall report the alcohol testing results of the affected driver to a designated city representative. (49 CFR § 255)

Section 6. Availability of Controlled Substances and Alcohol Test Records

- A. The results of all controlled substances and alcohol tests will be kept in a secure location with controlled access. (49 CFR § 382.401(a)).
- B. The release of any records pertaining to a driver's use of alcohol and/or controlled substances, including any test results, will only be given upon receipt of a written request or authorization form from a driver, or as otherwise required or authorized by the Department of Transportation's regulations or other applicable federal or state law. (49 CFR § 382.405).

DRUG AND ALCOHOL TESTING FOR SAFETY SENSITIVE POSITIONS

Adopted By: Board of Public Works and Safety

Date Adopted: January 24, 2022

Revised: N/A

Employees Affected: All Employees and Officials who Operate City Owned vehicles or Heavy Equipment as Part of their Job Duties who do not Hold a CDL Driver's License

Section 1. Purpose

- A. The City of Goshen is committed to providing a safe, healthy, and productive workplace that is free from alcohol and controlled substances while employees are on duty and operating vehicles and heavy equipment. Employees that work while under the influence of drugs or alcohol pose a safety risk to themselves, others with whom they work, and the general public.
- B. Driving a motor vehicle and operating heavy equipment are safety sensitive positions that call for additional oversight to ensure safe operation.

Section 2. Policy

- A. No employee who operates a City owned or leased motor vehicle or heavy equipment as part of the employee's job duties shall report for duty or remain on duty when the driver or heavy equipment operator uses alcohol or any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the driver or equipment operator that the substance will not adversely affect the employee's ability to safely operate a vehicle or equipment.
- B. This Policy is intended to comply with applicable laws regarding drug and alcohol testing and current employee privacy rights.
- C. Except for employees governed by a Collective Bargaining Agreement, City employees who operate motor vehicles or heavy equipment as part of their job duties are subject to drug and alcohol testing on a random basis, and must submit to drug and alcohol testing when asked to do so.
- D. Employees involved in any work-related accident or incident, including those involving the violation of any safety or security procedures, shall report to the City's testing site to be tested for alcohol and controlled substances, regardless of whether the incident resulted in injury to any person or any property damage. The employee shall report to the nearest hospital if the accident or incident occurs after the City's testing site closed.
- E. While the use of marijuana has been legalized by certain states for medicinal and/or recreational uses, it remains an illegal drug under Indiana and federal law and its use as it impacts the workplace is prohibited by this Policy.

Section 3. Testing Procedures

- A. All drug and alcohol testing under this Policy will be conducted by an independent testing facility. The City of Goshen will pay for the full cost of the test. Employees will be compensated at their regular rate of pay for time spent submitting to a drug and alcohol test required by this Policy. Employees shall arrange for a ride to the testing facility; the employee being tested shall not drive to the testing facility.
- B. The minimum annual percentage rate for random alcohol and controlled substances testing shall be 50 percent of the average number of combined driver and heavy equipment operator positions. Under the random selection process, each driver shall have an equal chance of being tested each time selections are made. Such random tests will be unannounced throughout the calendar year. Whenever a driver is randomly selected and notified to be tested, he or she shall immediately proceed to the testing site. If a driver does not immediately proceed to the testing site, he or she may be deemed by the city to have refused to submit to testing. The cost of random testing will be paid by the City of Goshen.

Section 4. Confidentiality

All records relating to an employee or applicant's drug and alcohol test results will be kept confidential and maintained separately from the individual's personnel file.

Section 5. Consequences of a Positive Test or Refusal to Submit to Test

Employees who refuse to submit to a test or who test positive to alcohol or controlled substances will be subject to discipline according to the City's Discipline Policy and could lose their privilege to drive City owned or leased vehicles.

Section 6. Employee Assistance Program

The City of Goshen provides an employee assistance program ("EAP") for all employees. The EAP is designed to help individuals manage personal problems that can impact their well-being and work performance. Treatment is confidential and will not become a part of an employee's personnel records. For more information about the EAP, contact the Human Resources Manager.

Section 7. Administration of this Policy

The Legal Department and the Human Resources Manager are responsible for the administration of this Policy. If you have any questions regarding this Policy or if you have questions about drug testing in the workplace that are not addressed in this Policy, please contact the Legal Department.

DRESS CODE

Adopted By: Board of Public Works and Safety

Date Adopted: September 18, 2006

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Objective.

The City of Goshen establishes this dress code to encourage employees to project a professional, business-like image, while allowing employees to experience the comfort advantages of less formal and more casual clothing. This Policy outlines how the City of Goshen expects its employees to dress at work. Employees' appearance matters when representing the City. An employee's appearance can create a positive or negative impression that reflects on the City's reputation and culture.

Section 2. Policy.

- A. City of Goshen employees shall adhere to a business casual dress standard during the employee's hours of employment with the City. Business casual represents a middle ground between formal business clothes and casual clothes. Business casual attire requires employees to present themselves in a professional manner, while looking relaxed, clean, and pulled together.
- B. City of Goshen employees shall present themselves for work in a clean and well-groomed condition. Clothing worn by employees must be work-appropriate; project professionalism; and be clean, in good shape, and in good taste.
- C. Men should consider wearing the following office appropriate clothing:
 1. neutral colored short-sleeved button down shirts, button-up or collared shirt, sports coat, and sweaters in a mix of colors and patterns;
 2. semi-formal pants, dress slacks, chinos, or dark jeans; and
 3. tie-up shoes, dark leather shoes, or loafers.
- D. Women should consider wearing the following office appropriate clothing:
 1. blouses, elegant sleeveless shirts, vests, blazers, turtle necks, dressy tops, neutral or solid colored sheath dresses, casual dresses and skirts that split at or below the knee;
 2. pencil-cut skirts, knee-length skirts, dress pants (khaki, corduroy, twill, or cotton); and
 3. flats, pumps, stilettos, open-toed heels, and closed kitten heels.
- E. Closed toe and closed heel shoes are encouraged in office environments, and are required in non-office environments. Sandals are acceptable in office environments if the person's feet are clean and well groomed. Flip-flops and slippers may not be worn.

- F. Jewelry, makeup, and perfumes should be worn in good taste. Tasteful piercings, such as simple earrings or simple nose studs, may be visible, but piercings may not create a distraction or annoyance to co-workers or to the public with whom the employee comes in contact.
- G. Employees may not wear or display any of the following:
 1. clothing that is too revealing, including those that expose midriffs, bare shoulders, or undergarments;
 2. tank tops, sheer tops (unless layered), halter tops, form fitting apparel, sweatpants, exercise apparel, or shorts, skirts, or dresses with a length shorter than two (2) inches above the knee,
 3. hats or other headgear in an office environment, unless the employee wears head covering for health or medical reasons, for authentic religious purposes, or to honor cultural traditions;
 4. clothing or body art with offensive or inappropriate words, terms, logos, pictures, cartoons, or slogans;
 5. torn, dirty, faded, or frayed clothing; and
 6. any clothing or apparel that causes a distraction or annoyance in the workplace.
- H. Each Department Head shall develop standards and allow or require exceptions, on a department by department and a position by position basis, that honor the spirit of the business casual standard, yet take into account job duties, work environments, and safety concerns that make strict application of this Policy unreasonable, impractical, dangerous, or overly burdensome. More formal attire may be appropriate if an employee attends a banquet, awards ceremony, or other event where business formal attire would be appropriate, and the employee attends such event as a representative of the City of Goshen.

Section 3. Clothing Allowance

- A. The City shall pay to eligible employees who are not represented by a collective bargaining agreement an allowance for the purchase of work-related clothing or footwear according to the terms and conditions stated in the City's annual salary ordinance.
- B. To receive this reimbursement allowance, employees must provide to the employees' Department Head copies of invoices or receipts for eligible purchases. If used, the payment of the clothing allowance will be included on employees' W-2 form according to the IRS Public Employer tax guide.

Section 4. Enforcement

- A. Any employee with a question as to appropriate business casual attire should raise the question with the employee's Department Head prior to wearing to work any attire in question.

- B. If an employee's clothing fails to meet the standards established by this Policy, the employee will be informed of the nonconformity and asked not to wear the nonconforming apparel to work prospectively. If nonconformity persists for a given employee, the employee's Department Head may direct the employee to return home to correct the nonconformity. Disciplinary action may be taken against an employee for repeated violations of this Policy.
- C. No dress code can cover all contingencies and circumstances will dictate that occasional deviation from this Policy may be appropriate. Therefore, Department Heads must apply good judgment and flexibility in enforcing this Policy.
- D. In no event will an employee face discipline for exercising a strongly held religious belief, and appropriate exceptions to this Policy shall be allowed for the exercise of such beliefs.

PERSONNEL PERFORMANCE EVALUATION

Adopted By: City Steering Committee

Date Adopted: June 1, 1994

Revised: April 12, 2007; January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Policy

The development of a system for personnel performance evaluation on a standard basis within our organization is essential for maintaining a high level of service with quality employees. The City of Goshen shall conduct regularly scheduled performance evaluations of each person employed by the City.

Section 2. Procedure

- A. Each City Department shall conduct performance evaluations on all employees within each Department on at least an annual basis.
- B. In addition to annual evaluations, City Departments may perform performance evaluations on an as needed basis.
- C. The City's Human Resources Manager shall develop and revise from time to time performance evaluation forms and provide the forms to each City Department, except for the Police Department who shall maintain its own performance evaluation system and forms.
- D. An employee's immediate supervisor shall complete the performance evaluation form, including the comment section (optional for the employee), prior to meeting with the employee.
- E. Before the immediate supervisor meets with the employee to review the completed performance evaluation form, the immediate supervisor must review the performance evaluation form with his or her Department Head.
- F. The employee's immediate supervisor shall then meet with the employee and discuss the performance evaluation.
- G. Both the immediate supervisor and the employee whose performance is being evaluated shall sign and date the performance evaluation form and the employee may receive a copy of such.
- H. Performance evaluation forms should be kept in the employee's personnel file located in the Human Resources Manager's office for at least two years from the date of the evaluation.

DISCIPLINE

Adopted By: Board of Public Works and Safety

Date Adopted: January 24, 2022

Revised: N/A

Employees Affected: All Departments, Offices, and Employees

Section 1. Purpose.

- A. The purpose of this Policy is to:
1. Help employees work together harmoniously according to the standards the City has established for efficient and courteous service to and for our community.
 2. Establish rules pertaining to employee conduct, performance, and responsibilities so that all personnel can conduct themselves according to certain rules of good behavior and good conduct.
 3. Establish rules concerning personal conduct of employees so that the City may function safely and effectively.
- B. The City believes that its employees want to, and will, do a good job if they know what is required of them to perform their jobs properly. Supervisors are responsible for ensuring that employees know what is expected of them in their job. Further, it is the City's intention that employees be given opportunity to improve their job performance, and to correct employment problems.

Section 2. Policy.

- A. Discipline shall generally be imposed in a progressive manner and used to provide employees with the opportunity to correct the employee's performance. In general, discipline should follow the following disciplinary steps:
1. An employee should be given an oral warning(s) relative to the employee's conduct involving relatively minor violations of City policies or rules.
 2. An employee should be given a written warning(s) relative to the employee's conduct if the employee's conduct leading to an oral warning is not corrected, or if an offense is serious enough to warrant a written warning.
 3. An employee may be suspended from employment without pay for a stated period of time if the employee's conduct leading to an oral or written warning is not corrected, or if an offense is serious enough to warrant a suspension.
 4. Discharge from employment is the final and most severe form of discipline normally reserved for the most serious violations of the City's policies or rules and for repeat, uncorrected violations of the City's policies or rules.

Employees should be advised when they are disciplined of the City's policy or rule being broken, and the consequences of further violations, including progressively more severe forms of discipline up to and including termination, without additional warning. There is no set standard of how many oral warnings must be given prior to a written warning, or how many written warnings must precede termination.

- B. Factors to be considered in determining the level discipline include:
 - 1. The number of different offenses involved.
 - 2. The seriousness of the offense(s).
 - 3. The time interval between discipline, or the frequency thereof, and employee response to prior disciplinary action(s).
 - 4. Previous work history of the employee.
- C. Written warnings, suspensions, and discharges from employment shall only be imposed after the supervisor and/or Department Head of the employee to be disciplined has consulted with the Human Resources Manager.
- D. An employee being suspended without pay may elect to use Float time or Vacation time to fill the time the employee serves the suspension.
- E. Any step or steps of the disciplinary process may be skipped at the discretion of the City, as long as the City investigates and analyzes the totality of the circumstances before invoking discipline and the discipline is in accordance with applicable collective bargaining agreements. Immediate suspension without pay or termination of employment may be the first and only disciplinary step taken for serious offenses, such as fighting, theft, insubordination, dishonesty, threats of violence, the illegal sale or possession of drugs, use of alcohol during work hours, and offenses serious enough to warrant the more severe form of discipline.

Section 3. Documentation

The City will document each instance of discipline, including oral warning. A report of the disciplinary action will be retained in the employee's personnel file.

Section 4. Appeal

An employee receiving disciplinary action may appeal the employee's discipline to the employee's Department Head. If the employee wishes to appeal a decision of a Department Head, the employee may appeal to the Mayor. The purpose of appeal is to provide an avenue of review so that discipline is administered fairly across City departments.

TRANSFER BETWEEN DEPARTMENTS

Adopted By: Board of Public Works and Safety

Date Adopted: December 13, 2004

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. General Policy.

Any City of Goshen employee, other than a sworn member of the Police Department or a sworn member of the Fire Department, transferring from one City Department to any other Department will make such transfer without loss of benefits including health insurance, holiday pay, floating holidays, compensatory time, increment pay, longevity bonus (if applicable), vacation leave, and seniority unless modified by the provisions of the applicable collective bargaining agreement. However, when non-sworn employees of the Police Department transfer to another Department, the benefits will accrue at the rate established in the employee's new Department.

Section 2. Sworn members of Police and Fire Departments.

All sworn members of the Police Department and sworn members of the Fire Department, who transfer to another City position outside of their Department, do not carry previously earned benefits to the new position except that such transferred employee will be entitled to health insurance coverage from the first day of employment in the new position, provided there has been no more than a thirty day lapse between the last day worked for the Police Department or the Fire Department and the first day worked for the new City department. All benefits other than Health Insurance will be terminated at the time of the transfer. The transferring employee will be paid at the time of transfer for all benefits that would be paid if the employee terminated employment with the City.

Section 3. Transfer to Police or Fire Department.

- A. Any City employee who transfers to the Fire Department or to the Police Department will be paid at the time of the transfer for all benefits that would be paid if the employee terminated employment with the City. With the exception of increment pay and health insurance, all other benefits will begin as if the employee were a new hire.
- B. An employee who transfers from City employment to a sworn position with either the Fire Department or the Police Department will be entitled to their full increment pay at year end. For the first year, the increment pay will be paid by the Department from which the employee transferred. In the second year of employment as a sworn member of either the Fire Department or the Police Department, the employee will be entitled to full increment pay as long as it does not exceed the maximum amount of increment pay that a member of the Fire Department or Police Department, as applicable, may earn.

CHILD PROTECTION

Adopted By: Board of Public Works and Safety

Date Adopted: January 24, 2022

Revised: N/A

Employees Affected: All Departments, Offices, and Employees

Section 1. Purpose

To ensure the care, safety and protection of our community, staff and volunteers in compliance with local, state and federal laws.

Section 2. Policy

- A. The City is committed to protecting the safety and well-being of minor children who participate in unstructured activities on City property, as well as City sponsored programs and activities, including but not limited to:
1. Day Camp;
 2. Sport Leagues and Camps;
 3. Summer Camps;
 4. Swim Lessons and Public Swim;
 5. Internships,
 6. Employment; and
 7. All similar youth classes, programs, activities and special events.
- B. The participation of children in City sponsored programs and activities requires an increased level of care, and the City requires all of its employees, agents, and volunteers to conduct themselves appropriately in the presence of children during City sponsored programs and activities involving minor children.
- C. All City employees and agents who interact with minor children as part of their work-related duties, as well as City volunteers who have contact with minor children, must be familiar with and abide by this Policy.

Section 3. Reporting Abuse or Neglect

- A. Duty to Report
1. Indiana Code § 31-33-5-1 requires any person who has reason to believe that a child is a victim of child abuse or neglect to make an oral report to the Indiana Department of Child Services; Child Protective Services (“CPS”); or to local law enforcement officials. Reporting must be immediate. This duty is critical; failure to report abuse or neglect may result in criminal charges.

2. City employees, agents, and volunteers shall also report any suspected or known child abuse or neglect to the City Attorney who shall report any suspected abuse to CPS.

B. Reporting Procedures

1. When a City employee, agent, or volunteer suspects child abuse or neglect, or believes a minor child is in immediate danger, the City employee, agent, or volunteer with information must report it immediately to CPS (Indiana Child Abuse Hotline (800-800-5556)) and/or to local law enforcement (911).
2. City employees, agents, or volunteers must also report suspected cases of child abuse or neglect to the City Attorney, or his or her designee.
3. Individuals who receive a report of child abuse or neglect, or who reasonably believe such abuse has occurred, must immediately report the abuse or neglect to local law enforcement and/or CPS and to the City Attorney.
4. Individuals must report observed or alleged inappropriate conduct to their immediate Department Head or to the Human Resources Manager. These offices will review the allegation(s) of inappropriate conduct with consultation with the City Legal Department.

Section 4. Background Checks

- A. Any City Department who anticipates any City employee, agent, and volunteer having direct, repetitive contact with children, City employees having occasional contact with children in City Parks; or having the potential to work one-on-one with minor children must order a local and federal criminal background check and a sex offender registry check prior to them working with children, and at least annually thereafter.
- B. No City employee, agent, or volunteer may participate in any City sponsored program, event, or activity where minor children will be participating if the person's criminal background and/or sex offender registry check includes a record of sexually based offenses or crimes against minor children. Each city employee, agent and volunteer working near or with children must submit an application in which they consent to a local and federal criminal background check and sex offender registry check. If a person's criminal background includes a record of other types of criminal offenses, the Legal Department must be contacted to determine if those offenses should preclude participation.
- C. The City shall utilize an outside provider to perform background checks and sex offender registry checks to screen potential employees, agents and/or volunteers for any positions that will have direct, repetitive contact with children, or who have the potential to work one-on-one with minor children. The City's Legal Department will consider all information provided in these checks, as well as all other circumstances when making the final decision on determination as to whether the background of a potential employee, agent and/or volunteer disqualifies them from working with children.

Section 5. Supervision

- A. Supervision by adults who have undergone a criminal background check and a sex offender registry check with no excluding offenses is required for all programs or activities run by the City where minor children are participating.
- B. Outside organizations who run programs or activities described in Section 2A on City owned or leased property and minor children participating must comply with the terms of the Policy and take full responsibility for the safety of children participating in such programs.
- C. Two or more authorized adult supervisors must be present at activities involving minor children and inside each vehicle transporting minor children. In the event this is not possible, at a minimum, one authorized adult and another adult are required for all such activities. Unsupervised one-on-one contact with minor children is prohibited.
- D. All individuals, to whom this Policy applies, must make every reasonable effort to ensure the safety of minor children participating in programs covered by this Policy, including removal of minor children from dangerous or potentially dangerous situations, irrespective of any other limitation or requirement. City sponsored programs that include or serve minor children shall have in place (and must enforce) policies that address the following areas, if they are applicable to the program:
 - 1. Transportation – including the transportation of minor children at the beginning and end of the program, to and from the program, and within the program, whether by parents, guardians, staff or others. City programs must also comply with City policies regarding drivers and vehicles.
 - 2. Plans for weather emergencies if the program is not inside a City owned or leased structure where such plans are in place.
 - 3. Appropriate levels of access to and supervision of minor children.
 - 4. Appropriate physical contact and communication by program participants, with minor children based on the age of the children/minor and the nature of the programs.
 - 5. Appropriate protocols for adults visiting programs involving minor children, as well as drop off and pick up of children participating in such programs.
 - 6. Appropriate forms including permission forms, medical contact information and liability waivers. Forms should be safeguarded and readily available.
 - 7. First aid treatment.

Section 6. Conduct Requirements

- A. City employees, agents, and volunteers must conduct themselves appropriately in the presence of minor children.
- B. Inappropriate conduct includes, but is not limited to, the following types of conduct, which is explicitly prohibited:

1. Any form of physical (*e.g.*, striking, hitting, shaking, administering corporal punishment), verbal, or emotional abuse of a minor child.
2. Sexually inappropriate conduct of any kind toward or in the presence of a minor child, including but not limited to:
 - a. sexual abuse of a minor child;
 - b. touching a minor child in an inappropriate or illegal manner;
 - c. making pornography or other sexually inappropriate materials in any form available to a minor child or assisting a minor child in gaining access to such materials; and
 - d. Using inappropriate language or making sexually suggestive comments around minor children;
3. Use of alcohol or controlled substances, or being under the influence of alcohol or controlled substances during programs or activities for minor children.
4. Enabling, facilitating, or failing to appropriately address a child's/minor's use of alcohol or illegal/ non-prescribed drugs.
5. Neglecting the duty of care for a minor child under the adult's supervision, including but not limited to:
 - a. failing to protect children's/minor's health and safety;
 - b. failing to ensure the use of appropriate protective equipment (for example, in laboratory or athletic participation);
 - c. leaving minor children unsupervised, absent highly unusual circumstances where the health and safety of an adult or minor child is at risk; and
 - d. using inappropriate language (*e.g.*, curse words or words discriminatory in nature) in the presence of minor children.
6. Bullying, which constitutes the harassment or aggressive behavior meant to intimidate, dominate, coerce, or hurt another person mentally, emotionally, or physically. Any verbal, physical, criminal, and/or social acts or conduct intended to cause such behavior is strictly prohibited.

Section 7. Retaliation

- A. Retaliatory action against anyone acting in good faith who has reported inappropriate conduct/child abuse or neglect in accordance with this Policy, or who has been involved in reporting, cooperating in an investigation, or responding to inappropriate conduct/child abuse or neglect, is a violation of this Policy. Retaliatory acts may include, but are not limited to:
 1. employment actions affecting salary, promotion, job duties, work schedules and/or work locations;

2. any action involving harassment and/or intimidation.
- B. Individuals are required to report all allegations of retaliation under this Policy to the Human Resource Manager.

Section 8. Training Requirements

All City employees, agents, and volunteers who have contact with minor children as part of their job duties must complete appropriate City-approved training concerning including but limited to, child abuse and neglect incident awareness, recognition of inappropriate behavior, recognition of symptoms of abuse, prevention, and incident reporting. Employees being trained on this Policy must sign an acknowledgement of their receipt of this Policy, their understanding of the City's "Zero Tolerance" practice of this Policy, and of the requirements of this Policy.

Section 9. Responsibility

- A. Each Department Head shall be responsible for compliance with this Policy.
- B. Each Department Head shall maintain records of any reported abuse or neglect. Such records shall be maintained in a secure manner and be kept confidential, except as required by applicable law.
- C. Any questions that arise relative to the actions governed by this Policy or the application of this Policy must be immediately referred to the Legal Department.
- D. City sponsored programs that include minor children must maintain an up-to-date list of those programs. Such list should include each program's dates, times, locations, attendance (age range and number of participants), and a program contact, so that in the event of an emergency, consideration may be given to the possible presence of minor children, and the appropriate course of action to address their health and safety.
- E. This Policy supplements and does not supersede any other legal requirements, for example, childcare or teacher licensure.

Section 10. Sanctions

Any violations of this Policy will be dealt with in accordance with the City's Discipline Policy, which may include immediate suspension pending an investigation or termination of employment. Abusive conduct or neglect, or failure to report such conduct, can also result in criminal charges being filed.

HOURS OF WORK AND COMPENSATION

Adopted By: Board of Public Works and Safety

Date Adopted: April 15, 1986

Revised: August 30, 1999, October 30, 2000, June 28, 2004; January 24, 2022

Employees Affected: All Employees

Section 1. Purpose

Given the need for public employers to be accountable for expenditures of public money, the purpose of this Policy is to establish standards for the hours of work and compensation for all employees of the City of Goshen, Indiana.

Section 2. Application.

The provisions of this Policy shall apply to all employees of the City of Goshen. This Policy refers to four general classes of employees distinguished as follows:

- A. **Covered, Non-Exempt Employees.** A covered, non-exempt employee is covered by the minimum wage, overtime and record keeping provisions of the Fair Labor Standards Act (“FLSA”). Non-exempt employees include hourly employees.
- B. **Covered, Exempt Employees.** A covered, exempt employee is covered by the record keeping provisions of the FLSA, however, is not covered by the minimum wage and overtime provisions. Exempt employees are primarily those considered to be executive, administrative, and professional employees as established by the FLSA.
- C. **Covered, Recreational Exempt Employees.** A covered, recreational exempt employee is covered by the record keeping provisions of the FLSA, however, is not covered by the overtime requirements. Recreational exempt employees include certain employees employed by the park department in a program that does not operate for more than seven months of the year.
- D. **Non-Covered Employees.** A non-covered employee is not covered by the FLSA, but is covered by the provisions of this Policy. Non-covered employees primarily include the following categories:
 - 1. Elected officials;
 - 2. Personal staff members of elected officials;
 - 3. Policy-making appointees;
 - 4. Legal advisors; and
 - 5. Legislative employees.
- E. Exhibit A of the applicable salary ordinance classifies each city position pursuant to the FLSA and this Policy.

Section 3. Workweek.

- A. The workweek is seven consecutive days, beginning at 12:00 a.m. on Friday and ending at 11:59 p.m. the following Thursday, unless specified otherwise by a collective bargaining agreement.
- B. Hours worked and compensation received shall be calculated on the workweek basis.

Section 4. Hours Worked.

Employees shall be compensated for all time during which the employee is performing the employee's assigned job duties. "Hours worked" includes all time during which the employee is required to be on the city's premises, on duty, or at a prescribed workplace, and any other time the employee is suffered or permitted to work.

- A. **Compensable Working Time.** Examples of compensable working time, or work-related matters which will be considered as hours worked shall include the following, unless specified otherwise by a collective bargaining agreement:
 - 1. Time spent performing work.
 - 2. Rest periods of 15 minutes or less.
 - 3. Attendance at meetings or training programs required by city management.
 - 4. Time spent traveling during the workday as part of the employee's principal activity, including time spent traveling during the workday for a special assignment.
 - 5. On-call time where the employee's liberty is unduly restricted.
 - 6. Whether out of town travel qualifies as compensable working time shall be determined by the City's Travel Policy.
- B. **Non-Compensable Working Time.** Examples of non-compensable working time, or work-related matters which will not be considered as hours worked shall include the following, unless specified otherwise by a collective bargaining agreement:
 - 1. Certain occasional absences, including sick leave, compensatory time off, and weather-related absences.
 - 2. Meal periods involving no duties and lasting at least 30 minutes.
 - 3. Training programs that are voluntarily attended outside regular working hours, even if the training is directly related to the employee's job or paid for by the city.
 - 4. On-call time where the employee's liberty is not unduly restricted.
- C. **Other "Hours Worked."** For the purposes of this Policy, the following shall be considered as "hours worked" for the purpose of computing overtime compensation:
 - 1. Holidays.
 - 2. Personal days (Police and Fire Departments only).
 - 3. Float days.

4. Vacation days.
 5. Funeral leave.
 6. Time off for court/jury duties.
- D. **Work Schedules.** An employee's schedule of hours to be worked or permitted to be worked, including all regular hours and any overtime hours, shall be determined and authorized by the employee's department head.

Section 5. Regular Hours Worked, Overtime Hours Worked and Compensation Due.

A. **Covered, Non-Exempt Employees.**

1. **Regular Hours.** Covered, non-exempt employees shall be compensated their regular hourly wage for all hours worked up to 40 hours per workweek.
2. **Overtime Hours.** Covered, non-exempt employees shall be compensated for each hour worked in excess of 40 hours per workweek either, or in a combination of:
 - a. Monetary overtime pay at a rate of one and one-half times their regular rate of pay for each hour of overtime worked.
 - b. Compensatory time off at a rate of one and one-half times of compensatory time for each hour of overtime worked. Compensatory time off shall be given pursuant to the provisions of Section 7 of this Policy.
 - c. Overtime must be approved by the employee's supervisor before it is performed.
3. **Regular Rate of Pay.** The regular rate of pay for a covered, non-exempt employee is a rate per hour, and shall not be less than the minimum wage currently in effect. The regular rate of pay of an employee is determined by dividing the employee's total remuneration in a workweek by the total number of hours actually worked in that workweek.
 - a. Examples of compensation paid to an employee that are includable in the regular rate of pay are:
 - i) Hourly wage rate.
 - ii) Shift differential.
 - iii) Increment pay.
 - iv) Longevity bonus.
 - v) Certification or specialty skills pay.
 - b. Examples of payments to an employee that are not includable in the regular rate of pay are:

- i) Absence pay for infrequent or unpredictable absences (*i.e.*, vacation leave, sick leave, personal leave, funeral leave, and jury duty pay).
 - ii) Holiday pay.
 - iii) Payments made for use of accrued compensatory time.
 - iv) Health benefits.
 - v) Travel expenses.
 - vi) Premium pay, including call back premium pay.
 - vii) Weekly overtime pay.
- c. Wage deductions, such as charitable contributions, garnishments, savings plan contributions, health plan contributions, union dues and fees, and tax withholdings are includable in the employee's regular rate of pay.

B. Covered, Exempt Employees.

1. Regular Hours. Covered, exempt employees shall be compensated their regular weekly salary for all hours worked up to 40 hours per workweek.
2. Overtime Hours. Covered, exempt employees, with the approval of the employee's department head, shall be compensated for each hour worked in excess of 40 hours per workweek compensatory time off at a rate of one and one-half hours of compensatory time for each hour of overtime worked. Compensatory time off shall be given pursuant to the provisions of Section 7 of this Policy.

C. Covered, Recreational Exempt Employees.

Covered, recreational exempt employees shall be compensated their regular hourly wage for all hours worked per workweek, including each hour worked in excess of 40 hours per workweek.

D. Non-Covered Employees.

1. Regular Hours. Certain non-covered employees designated as "eligible" in the applicable salary ordinance Exhibit shall be compensated their regular weekly salary for all hours worked up to 40 hours per workweek.
2. Overtime Hours. Certain non-covered employees designated as "eligible" in the applicable salary ordinance Exhibit shall be compensated for each hour worked in excess of 40 hours per workweek compensatory time off at a rate of one and one-half hours of compensatory time for each hour of overtime worked. Compensatory time off shall be given pursuant to the provisions of Section 7 of this Policy.
3. All Hours Worked. Certain non-covered employees designated as "ineligible" in the applicable salary ordinance Exhibit shall be compensated their regular weekly

salary for all hours worked in a workweek, regardless the number of hours worked.

- E. Unless specified otherwise by a collective bargaining agreement, an employee is not necessarily entitled to overtime pay or compensatory time off for work in excess of eight hours a day or for work on weekends, unless such hours worked are in excess of 40 hours per workweek.

Section 6. Compensatory Time.

Where a department's budget will not allow for monetary payment of all overtime, employees may be given compensatory time off for each hour worked in excess of 40 hours per workweek. Compensatory time off is paid time off the job which is earned and accrued by an employee.

- A. **Agreement or Understanding Prior to Performance of Work.** Unless specified by a collective bargaining agreement, the department head giving compensatory time off to an employee shall inform each affected employee before performance of the work that compensatory time will be given, otherwise overtime compensation will be paid.
- B. **Eligibility; Rate.** All covered, non-exempt employees, covered exempt employees, and non-covered "eligible" employees may be given compensatory time off in lieu of monetary overtime compensation at the rate of one and one-half times of compensatory time for each hour of overtime worked.
- C. **Accrual Caps.**
 - 1. Covered, Non-Exempt Employees. Covered, non-exempt employees whose positions involve a public safety activity, emergency response activity, or seasonal activity may accrue not more than 480 hours of compensatory time (320 hours of actual overtime work). All other covered, non-exempt employees may accrue not more than 240 hours of compensatory time (160 hours of actual overtime work). Any covered, non-exempt employee who has accrued 480 or 240 hours, as the case may be, of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.
 - 2. Covered, Exempt and Non-Covered "Eligible" Employees. All covered, exempt and non-covered "eligible" employees may accrue not more than 240 hours of compensatory time (160 hours of actual overtime work).
 - 3. Transfer of Accrued Time. Employees transferring from a position involving a public safety activity, emergency response activity, or seasonal activity to a position subject to the 240-hour limit may carry over to the new position any accrued compensatory time. The employee, however, must be compensated in cash wages for any subsequent overtime hours worked until the number of accrued compensatory time falls below the 240-hour limit.
- D. **Use of Accrued Compensatory Time.**
 - 1. An employee who has accrued compensatory time and requests use of the time will be permitted to do so within a reasonable time after making the request, and

as long as the employee's time off does not unduly disrupt the operations of the department or office.

2. Compensatory time off will not be considered as hours worked for the purpose of computing overtime compensation, unless specified otherwise by a collective bargaining agreement.

E. Payment for Unused Compensatory Time.

1. The city may freely substitute cash payment at the employee's current regular rate, in whole or in part, for unused compensatory time. Such substitution will not affect subsequent granting of compensatory time off in future workweeks.
2. In the event an employee leaves employment with the city, the employee will be compensated for unused compensatory time figured at the higher rate of:
 - a. The average regular rate received by the employee during the last three years of the employee's employment with the city; or
 - b. The final regular rate received by the employee.

Section 7. Record Keeping.

- A. Time Records.** Given the need for public employers to be accountable for expenditures of public money, all covered and non-covered employees, excluding all Elected Officials and Board of Public Works and Safety Members, shall be required to complete an individual time record reflecting the time spent on the job performing assigned duties.
1. All hours worked shall be recorded to the nearest quarter of the hour.
 2. Each employee shall be responsible for completing their individual time record at the end of each workday, and totaling the number of regular hours worked, overtime hours worked, and any paid absences taken each workweek. The employee shall sign the time record to certify the accuracy of all time recorded.
 3. If a department has installed a time clock for record-keeping purposes, it shall be used at all times to record hours worked. At no time shall an employee alter or record hours worked by any other means without the express authorization of his or her supervisor. Hand-written notations on a time card will be allowed for explanatory purposes only. Nonexempt employees are to "punch in" no more than 5 minutes prior to their scheduled starting time and "punch out" no more than 5 minutes after their scheduled stop time without prior authorization from their supervisor
 4. The supervisor shall verify the total regular hours and overtime hours worked each workweek, as well as any paid absences taken (*i.e.*, vacation leave, sick leave, personal leave, compensatory time off, funeral leave, time absent for jury duty, and holiday leave) prior to turning time records into the payroll department at the end of the pay period.

5. Should a supervisor make any change to an employee's time record, the supervisor must discuss the reason for the change with the employee and the supervisor and employee must initial such change.
 6. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.
- B. **Compensatory Time Records.** All covered, non-exempt employees, covered exempt employees, and non-covered "eligible" employees shall be required to record the total number of hours of compensatory time earned and used each workweek. The supervisor shall verify compensatory time records prior to turning time records into the payroll department at the end of the pay period.
- C. **Official Records.** The Clerk-Treasurer's Office will keep the official time records for all employees of the City of Goshen, including the time records of employees of the Water and Sewer Department. In additions to reflecting pay rates and hours worked, these records will reflect all accrued leave.

An employee's accrued leave information will be reflected on the employee's payroll check stub. Discrepancies must be reported to the appropriate payroll department within thirty (30) days of the issuance date of the check. The payroll department will review the discrepancy and make necessary adjustments, if any. The payroll department will inform the employee and the Clerk-Treasurer's Office of its decision.

Section 8. **Miscellaneous.**

- A. **Multiple Jobs/Dual Employment.** Employees, at their option and with the approval of the Human Resources Manager, may be permitted to work for more than one city department.
- B. **Volunteering.** Employees may not volunteer for the city when the volunteer hours involve the same type of service which the employee normally performs for the city.

VACATION DAYS

Adopted By: Common Council

Date Adopted: July 18, 1995

Revised: January 24, 2022

Employees Affected: All Employees

Section 1. Vacation Allowance

- A. The vacation allowance for eligible employees for each vacation year shall be based upon each employee's length of service according to the applicable Salary Ordinance.
- B. Employees are not eligible for paid vacation during the employee's first year of employment, unless negotiated at the time of the employee's hire and with the Mayor's approval.
- C. Length of service is defined as the number of years an employee has worked for the City of Goshen figured from the date of full-time employment with the city, and not calendar years.

Section 2. Eligibility Provisions - General.

- A. Vacation benefits under this Policy apply to all permanent full-time employees and permanent part-time employees normally scheduled to work at least 20 hours per week.
- B. Part-time employees normally scheduled to work less than 20 hours per week and part-time temporary employees are not eligible for paid vacation benefits.

Section 3. Eligibility Provisions - Holidays, Leave of Absence, Illness Occurring During Vacation.

- A. If a designated holiday is observed during an employee's vacation period, the employee will be eligible for additional time off with pay equal to the holiday time off for which the employee is eligible.
- B. An employee will not receive additional vacation time off due to illness or disability occurring while on vacation.

Section 4. Vacation Pay.

- A. Weekly vacation pay for eligible part-time employees will be computed by multiplying the employee's current straight time hourly rate by the average number of hours the employee worked, per week, during the previous vacation year (total number of hours worked during the previous year, divided by the number of weeks the employee worked).
- B. Weekly vacation pay for bi-weekly payroll employees is at the employee's current weekly salary rate.

Section 5. Vacation Scheduling.

- A. Vacations will be scheduled by department heads with due consideration given to staffing requirements, employee's length of service and employee preferences, in the order listed. Employees covered by the contract between Chauffeurs, Teamsters, and Helpers, Local Union No. 364 will select vacation times in accordance with the applicable provisions of the Union contract. Employees are notified of the scheduled starting date of vacations not less than 60 days in advance, except where individual employee circumstances preclude such notice.
- B. A vacation may be scheduled at any time during the employee's vacation year and may be taken over the vacation year end, provided it commences in the vacation year in which due.
- C. Vacations should normally be taken in units of one week. An employee may, however, take one week of his or her vacation allowance in separate days, subject to department head approval. Any employee wishing to take a vacation of longer than one week must first gain approval of the employee's department head, and the department head must notify the Mayor and all other department heads.
- D. Employees shall take their total vacation during the vacation year in which it is due. If workload or staffing requirements preclude an employee from taking their total vacation during the vacation year in which it is due, upon receiving written request from the employee, the Mayor may authorize, in writing, the employee to carry over the unused vacation into the following vacation year. However, vacation cannot be carried over in consecutive years. Pay in lieu of vacation will not be granted.
- E. Each department head will keep records of all vacation time earned and taken.
- F. An employee's vacation year begins on his or her date of hire anniversary date, and ends on the employee's date of hire anniversary day one year later.
- G. Employees who were employed by the City of Goshen on or before December 31, 1988, shall continue to have their vacations determined under the vacation method which was used in their department as of December 31, 1988, even though that method may conflict with this Policy. Employees hired by the City of Goshen on or after January 1, 1989, shall have their vacations determined on an anniversary date method as outlined herein.

Section 6. Eligibility Provisions – Terminating Employees.

- A. In all cases, a terminating employee will receive pay in lieu of any unused vacation allowance earned as of the employee's most recent employment anniversary date – terminating employees may not use vacation days after the last day the terminating employee provides services to the City.
- B. Additionally, a terminating employee will receive pay in lieu of vacation allowance accrued during the current vacation year, provided the termination was due to one of the following reasons:
 - 1. Resignation with notice;
 - 2. Release of the employee, including termination of grant;

3. Retirement; or
4. Death of the employee.

Section 7. For the purpose of vacation, continuous service will be from the date of full-time employment and will not be considered interrupted by sort-term disability or sickness. Accrual will not continue during long-term disability, and any leave of absence, including, but not limited to maternity leave, military leave, etc.

Section 8. The city intends that every employee shall take the vacation to which he or she is entitled, but if for any reason, an employee forgoes his or her vacation at the city's request, the employee will be given his or her vacation pay in addition to his or her regular pay for time actually worked.

FAMILY SICK LEAVE

Adopted By: Board of Public Works and Safety

Date Adopted: October 29, 2001

Revised: May 12, 2014; January 24, 2022

Employees Affected: All Employees

Section 1. Accrual of Sick Leave

- A. Employees shall accrue sick leave pursuant to the salary ordinance adopted by the Common Council from year to year.
- B. An employee will not accrue sick leave if the employee is on an unpaid leave of absence of thirty (30) days or longer.
- C. The employee's department head shall maintain an accurate record of each employee's accrual and authorized use of sick leave, and submit such record to the Clerk-Treasurer's Office with payroll each pay period. The Clerk-Treasurer's Office will provide the employee a listing of the employee's accrual, use, and balance of sick leave at least once a quarter.

Section 2. Use of Sick Leave

- A. An employee may use accrued sick leave for paid time off work due to the employee's own illness, injury, or other health condition, or for the medical diagnosis, care or treatment (including preventative medical treatment, dental care, and optometric care) of the employee's physical or mental illness, injury, or other health condition. An employee may also use accrued sick leave for paid time off work to provide care to the employee's spouse, domestic partner, child, parent, or sibling who is experiencing an illness, injury, or other health condition, or seeking the medical diagnosis, care or treatment (including preventative medical treatment, dental care, and optometric care) of a physical or mental illness, injury, or other health condition.
- B. An employee who is unable to report to work due to illness, injury, or other health condition must notify the employee's department in accordance with the department's procedure. The employee must personally notify the employee's department unless the employee is unable to contact the department head or designated representative due to hospitalization or other similar circumstances. In such cases, a family member or other person may contact the department head or designated representative on behalf of the employee.
- C. An employee may use sick leave to attend an appointment for the medical diagnosis, care or treatment of the employee's physical or mental illness, injury, or other health condition of the employee, or of the employee's spouse, domestic partner, child (including adopted and foster children), parent, or sibling. The employee shall work with the employee's department head or designated representative and make a reasonable effort to schedule

the appointment during non-working hours or at such a time so as to not unduly disrupt the operations of the department.

- D. Where an employee takes three (3) consecutive days of sick leave, a department head may require reasonable documentation to substantiate that the sick leave was used for the employee's own illness, injury, or other health condition, or to attend an appointment for the medical diagnosis, care or treatment of the employee's physical or mental illness, injury, or other health condition, or that of the employee's spouse, domestic partner, child, parent, or sibling. A department head may require reasonable documentation to substantiate that sick leave was properly taken where the department head suspects a misuse of sick time (*see* Section 4(B)).
- E. Except as provided by Section 3(F), sick leave must be used in minimum increments of one (1) hour up to the first one (1) hour of an event causing leave and in 30 minute increments thereafter once an event extends beyond one (1) hour. For example, if an employee misses 30 minutes of work due to a physician appointment, the employee must use one full hour of sick leave, but if the appointment requires the employee to be absent from work for 90 minutes, then the employee must use one and one-half (1 ½) hours of sick leave.
- F. An employee may use sick leave to supplement payment under the City's disability leave plan benefits or workers compensation benefits. The employee may elect to use the proportional share of sick leave hours necessary to cover the difference between the amount the employee receives under the City's disability leave plan benefits or workers compensation benefits and the employee's regular wage.
- G. An employee shall not use sick leave and work at another job without the approval of the employee's department head.
- H. An employee may not use sick leave before it has been accrued.
- I. An employee's use of sick leave will not be considered as hours worked for the purpose of calculating overtime compensation.

Section 3. Violation

- A. An employee's violation of the provisions of this Policy may result in disciplinary action, up to and including termination of employment.
- B. A department head may take the following patterns of misuse into consideration in determining if an employee has violated the provisions of this Policy and in determining the appropriate sanction:
 - 1. Use of unscheduled sick time before and/or after weekends or regular days off;
 - 2. Use of unscheduled sick time before and/or after holidays;
 - 3. Use of unscheduled sick time before and/or after vacations;
 - 4. Use of unscheduled sick time on and/or after mandatory shifts or overtime;
 - 5. Excessive absenteeism; and

6. A continued pattern of using sick leave almost as soon as it is earned.

Section 4. **Miscellaneous.**

- A. The Goshen Police Department Rules and Regulations and Goshen Fire Department Rules and Regulations shall be amended so that they are consistent with this Policy.
- B. City departments may adopt policies and procedures to supplement this Policy as long as such departmental policies and procedures are consistent with this Policy. However, department policies and procedures may not alter to change when sick leave may be used.

TRANSFER OF SICK TIME, VACATION LEAVE, OR COMPENSATORY TIME TO ANOTHER EMPLOYEE

Adopted By: Board of Public Works and Safety

Date Adopted: September 12, 2000

Revised: April 28, 2003; January 24, 2022

Employees Affected: All Full-time Employees

Section 1. Policy.

Employees may voluntarily donate any accrued sick leave, vacation leave, or compensatory time to a co-worker who is in need of additional time-off from work due to a serious health condition affecting the co-worker or for the co-worker to care for the spouse, son, daughter, or parent who has a serious health condition. However, an employee may take advantage of this Policy only after complying with the provisions of the Family Medical Leave Act Policy (“FMLA”).

Section 2. Definitions

- A. “Serious health condition” means an illness, injury, impairment, or physical or mental condition which requires either inpatient care or continuing treatment by a health care provider. Where inpatient care is not involved, any required absence from work due to a serious health condition affecting the co-worker or requiring the co-worker to care for a spouse, son, or daughter, or parent for a period of four or more days and requires the continuing treatment of a health care provider.
- B. “Spouse” means a husband or wife as defined or recognized under state law for purposes of marriage.
- C. “Son” or “Daughter” means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of mental or physical disability.
- D. “Parent” means a biological parent or an individual standing *in loco parentis* to an employee when the employee was a child. This term does not include a “parent-in-law.”

Section 3. Transfer of Time Off

- A. In order to be eligible to donate accrued time, an employee must maintain a minimum of eighty (80) hours of sick leave hours before or after the transfer has occurred.
- B. A co-worker may receive transferred sick leave, compensatory time, or vacation leave from another employee only after all of the recipient’s accrued paid time off has been exhausted, pursuant to the provisions of the City’s Family and Medical Leave Act Policy.
- C. The aggregate amount of time a co-worker may receive shall not exceed the number of hours of his or her regularly scheduled work week, excluding overtime, and shall not exceed the amount of time needed for his or her return to work.
- D. Employees may receive up to twelve (12) workweeks of donated time under this Policy, within any twelve (12) month consecutive period. The twelve month period shall be

determined by starting with the first day of leave approved, and measuring forward twelve months (a “rolling calendar” year).

- E. Compensation to an employee using donated sick leave, compensatory time, or vacation leave, shall be figured at the receiving employee’s regular rate of pay.
- F. In the event the co-worker returns to work and has not used the donated time in its entirety, the balance shall become the employee’s entitlement and will not revert back to the person(s) transferring the time.

Section 4. Procedure

- A. The Head of the Department in which an employee in need of transferred sick leave works may make a request to employees of their Department for employees to transfer sick leave.
- B. Employees wishing to donate sick leave hours shall request a transfer of their time on a form prepared by the Human Resources Manager, and the form must be approved and signed by the Department Head and the Human Resources Manager. The Department Head shall provide to the City employee processing payroll approved written authorizations for transfer of time on a payroll period basis (along with the submission of timecards).
- C. In the event that the employee in need of transferred sick leave requires additional hours, the Department Head may request that the Human Resources Manager make a City-wide request for transferred hours, but only after the employee in need of hours authorizes such a request on a form prepared by the Human Resources Manager.
- D. Prior to any inter-department transfer of accrued sick leave, the Head of the Department in which the employee needing additional sick leave hours works, as well as the Head of the Department of the employee seeking to transfer sick time hours must approve a request for the transfer of sick leave hours.

COURT DUTY

Adopted By: Board of Public Works and Safety

Date Adopted: April 22, 1996

Revised: January 24, 2022

Employees Affected: All Employees

The City of Goshen agrees to pay an employee who is required to report to court for jury selection, who serves on a petit jury, who serves on a grand jury, or who appears in court pursuant to a subpoena served on the employee (“Court Duty”). The employee will be paid the employee’s regular straight-time earnings that the employee would have realized if the employee had worked a regular shift during the time of Court Duty, less any earnings the employee receives for Court Duty. In the event the employee receives compensation for Court Duty, the employee shall be compensated as if the employee was working during Court Duty, and the employee shall deliver to the Clerk-Treasurer’s office payment the employee received for Court Duty.

In order to be eligible for Court Duty payment, the employee must notify his or her supervisor upon receipt of the summons for jury duty, or upon receipt of a subpoena requiring the employee’s presence as a witness in a legally constituted court. After serving Court Duty, the employee must provide to his or her supervisor an attendance slip issued by the court showing the date and time of Court Duty, and the amount of any pay received.

An employee required to report at a specific time for examination as a prospective juror shall be compensated as provided above to the extent he or she is required to lose time off from work for such examination. An employee released from Court Duty during the employee’s regularly scheduled shift shall report to his or her work site when practical.

Court Duty pay shall not apply where an employee takes time off from work to attend court proceedings in which the employee is a party to the court proceedings.

FUNERAL LEAVE AND FEES

Adopted By: Board of Public Works and Safety

Date Adopted: June 9, 1980

Revised: January 14, 2005; January 24, 2022

Employees Affected: All Employees

Section 1. Bereavement Time off Work.

- A. The City of Goshen shall grant to employees reasonable bereavement time off without loss of pay:
 - 1. When a death occurs in an employee's immediate family, or
 - 2. To attend the funeral of a deceased co-worker, when staffing permits.
- B. Definitions
 - 1. "Immediate family" includes the employee's spouse, domestic partner, daughter, son, parent, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparent, grandchild, step-parent, step-child, foster child living with the employee, a person who is legally acting in one of the above capacities, or another relative living in the employee's residence.
 - 2. "Deceased co-worker" includes both a co-worker at the time of the co-worker's death and a former employee of the City of Goshen.
 - 3. "Funeral" includes wakes, cremation services, remembrance services, or other celebrations of life (after the person's death).
- C. Eligibility Provisions
 - 1. Paid funeral leave under this Policy shall be available to all permanent, full-time employees and part-time employees normally scheduled to work at least twenty (20) hours per week.
 - 2. An employee will not be eligible to receive paid funeral leave while scheduled off or absent from work because of vacation, designated or floating holiday, sickness (paid or unpaid), or other reason.
- D. Benefit
 - 1. In the event of a death in an employee's immediate family, the employee shall be entitled to be paid and absent from work for a period of three (3) consecutive working days, one (1) of which must include the day of the funeral, unless the funeral falls on a day that the employee is not scheduled to work. If the funeral falls on such a day, the days taken must be a combination of work days immediately following or immediately preceding the funeral.
 - 2. In the event of a deceased co-worker, the employee shall be entitled to be paid and absent from work for one day on the day of the funeral. If the funeral falls

on a day that an employee is not scheduled to work, the employee shall not be entitled to time off work.

Section 2. Burial Fees

The City of Goshen shall pay the cost of a burial space, burial or scattering fees, and related fees charged by the City under Ordinance 4915 in a City of Goshen Cemetery for current employees, spouses of current employees, or minor children of current employees who pass away during the employee's employment with the City. For purposes of this provision, children shall include step children and adopted children.

MILITARY LEAVE

Adopted By: Board of Public Works and Safety

Date Adopted: January 24, 2022

Revised: N/A

Employees Affected: All Employees

Section 1. Policy

- A. The City of Goshen (“City”) recognizes that employees may need to be absent from work to serve in the US military. It is the City's intent to comply at all times with applicable Federal and State law as it pertains to military leave.
- B. The City will not discriminate against a person on the basis of past military service, current military obligations, or intent to serve. The City will not deny initial employment, reemployment, retention of employment, promotion, or any benefit of employment to a person on the basis of a past, present, or future service obligation. In addition, the City will not retaliate against a person because of an action taken to enforce or exercise any right under Uniformed Services Employment and Reemployment Rights Act (“USERRA”) or for assisting in an USERRA investigation.

Section 2. Annual Training

Any City employee who is a member, as that term is defined in Indiana Code § 10-16-7-2, of the Indiana National Guard or a reserve component of the U.S. armed forces, is entitled to receive up to 15 consecutive or nonconsecutive days of military leave annually, without loss of time or pay, for such time as the employee is on Indiana National Guard or reserve component training or duty pursuant to appropriate and authorized military orders. The employee shall not be required to use accrued vacation, compensatory time, or float days during such time away from the job.

Section 3. Active Duty

Any City employee who is a member, as that term is defined I.C. § 10-16-7-2, of the Indiana National Guard shall also be entitled to receive an unpaid leave of absence for the total number of days that the employee is on state active duty pursuant to I.C. § 10-16-7-7. Such an employee may elect to use accrued vacation, compensatory time, or float days for any portion of this unpaid leave time.

Section 4. USERRA Coverage

- A. The City shall reemploy employees returning from military duty pursuant to the terms of the USERRA.
- B. Individuals performing military duty of more than 30 days may elect to continue under the City’s health insurance plan for up to 24 months; however, the employee on military duty may be required to pay up to 102 percent of the full premium. For military service of less than 31 days, health insurance coverage shall be provided as if the employee on military duty had remained employed. If an employee does not elect to continue coverage during military service, the employee returning to work has the right to be

reinstated in the City's health plan when reemployed, generally without any waiting periods or exclusions.

- C. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the City.

Section 5. Administration

- A. The Human Resources Manager is responsible for the administration of this Policy - please contact the Human Resources Manager if you have any questions.
- B. If an employee needs to take military service leave, the employee should provide at least 30 days' advance written notice to the employer's supervisor or to the Human Resources Manager when possible. If 30 days' written notice is not possible because of military necessity or for other reasons, an employee should give as much advance notice to the City as possible. An employee should submit a copy of military orders, training notice, or order to active duty to the Human Resources Manager.

FAMILY AND MEDICAL LEAVE ACT (“FMLA”)

Adopted By: Board of Public Works and Safety

Date Adopted: February 13, 2012

Revised: May 21, 2012; January 24, 2022

Employees Affected: All Employees

Section 1. Leave Entitlement.

- A. Pursuant to the Family Medical Leave Act of 1993, as amended, (“FMLA”), the City of Goshen provides an eligible employee up to twelve (12) workweeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:
1. The birth of a child of the employee, and to care for the newborn child.
 2. The placement of a child with the employee for adoption or foster care.
 3. To care for the employee’s spouse, son, daughter, or parent who has a serious health condition.
 4. A serious health condition that makes the employee unable to perform the functions of the employee’s job.
 5. Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the armed forces.
- B. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member of the armed forces is entitled up to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to care for a covered service member of the armed forces with a serious injury or illness.

Section 2. Request for Leave.

- A. An eligible employee must make a written request for leave to their department head and the Human Resources Manager, using forms provided by the Human Resources Manager, at least thirty (30) days in advance for a foreseeable event, and as soon as practicable for an unforeseeable event. The department head shall immediately contact the Human Resources Manager upon receiving any notice of an employee intending to take a leave of more than seven (7) days.
- B. The Human Resources Manager will send the employee written notice of:
1. The employee’s eligibility to take FMLA leave.
 2. The rights and responsibilities of the employee and consequences for failing to meet these obligations.
 3. The designation of the leave as FMLA qualifying.

4. The designation and counting of the leave against the employee's annual FMLA leave entitlement.
5. The right of the employee to elect to use sick time, compensatory time, floating holidays, and vacation time while on FMLA leave, and the use of sick time, compensatory time, floating holidays, and vacation time to supplement City's short-term disability benefit payments or workers' compensation payments.

Section 3. Certification.

- A. The City may require that an employee's leave to care for an employee's covered family member with a serious health condition, or due to the employee's own serious health condition be supported by certification issued by a health care provider. The City may also require that an employee's leave because of a qualifying exigency or to care for a covered service member of the armed forces with a serious injury or illness be supported by a certification. The employee must provide a complete and sufficient certification to the Human Resources Manager within fifteen (15) calendar days of the City's request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts.
- B. It is the employee's responsibility to furnish complete and sufficient information or to furnish the health care provider providing the certification with any necessary authorization form from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the City to support the employee's FMLA leave request.
- C. The City may also require, at the City's expense, the employee to obtain the opinion of a second or third health care provider, as designated or approved by the City, concerning any information included in the original certification.
- D. The City may request an employee to provide recertification on a reasonable basis. Any recertification requested by the City shall be at the employee's expense. No second or third opinions on recertifications shall be required.
- E. As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition, the employee must provide to the Human Resources Manager a release from the employee's health care provider indicating the employee's ability to return to work. If reasonable safety concerns exist regarding an employee's ability to perform his or her job duties based on the serious health condition for which the employee took FMLA leave, the City may require an employee in the positions listed below to obtain and present a fitness for duty certification:
 1. Sworn members of the Fire Department.
 2. Sworn members of the Police Department.
 3. Employees required to possess a driver's license as a requirement to perform their job duties.

Any fitness for duty certification requested by the City shall be at the City's expense. No second or third opinions on fitness for duty certifications shall be required.

Section 4. Amount of Leave Permitted.

- A. Except in the case of leave under Section 1(B), an eligible employee is entitled to a total of twelve (12) workweeks of unpaid leave under this Policy within a twelve (12) month period. FMLA leave shall be determined by starting with the first day of the FMLA leave and measuring forward twelve (12) consecutive months.
- B. Leave may be taken either consecutively, intermittently or on a reduced leave schedule, depending on the needs of the employee. Leave may be taken intermittently or on a reduced leave schedule when medically necessary to care for a family member with a serious health condition, or because of the employee's serious health condition. Employees requesting intermittent leave or leave on a reduced leave schedule for foreseeable medical treatment shall coordinate with their department head to schedule leave so as not to unduly disrupt the department's operations.
- C. Once the employee's FMLA leave expires, an employee may request an extended leave of absence if allowed under the City's Extended Medical Leave Policy.
- D. Married employees shall be restricted to a combined total of twelve (12) workweeks leave within a twelve (12) month period for any single event of the birth and care of a newborn child; placement of a child for adoption or foster care; or to care for a parent who has a serious health condition.

Section 5. Use of Paid Time Off.

- A. An employee must first use accrued sick leave and then accrued compensatory time while on FMLA leave; however, an employee may not use sick leave while on FMLA for any reason other than the employee's own serious health condition. When an employee commences FMLA leave, the employee will be given the opportunity to elect to use floating holidays and/or vacation time once the employee has exhausted all other available accrued leave to ensure an income while on FMLA leave. If the employee fails to make an election, floating holidays and vacation time will be paid if needed to prevent unpaid time off during the FMLA leave.
- B. If an employee on FMLA leave is receiving payment under City's short-term disability benefit plan or from workers' compensation, the employee may elect to use paid time off to supplement the City's short-term disability benefit payments or workers' compensation benefits. The supplemental amount shall not exceed the difference between the amount the employee receives under the short-term disability benefit payments or workers' compensation and the employee's regular wage or salary. Sick leave shall be used first, followed by compensatory time, floating holidays, and vacation time.
- C. When the employee has exhausted ALL available paid time off, the remainder of the employee's FMLA leave will be unpaid, unless the employee chooses to invoke the City's Transfer of Sick Time, Vacation Leave, or Compensatory Time to Another Employee Policy. An employee may invoke the City's Transfer of Sick Time, Vacation Leave, or Compensatory Time to Another Employee Policy only after first exhausting all of their accrued compensatory time, sick time, floating holidays, and vacation time.

Section 6. **Health Insurance.**

- A. The City of Goshen is required to maintain group health insurance coverage for an employee on FMLA leave on the same terms as if the employee had continued to work if health insurance was provided to the employee before the leave was taken.
- B. The employee must contact the Clerk-Treasurer’s Office as soon as practical to make arrangements to pay the employee’s share of the health insurance premium while on leave.
- C. The City’s obligation to maintain health insurance coverage will cease if and when an employee informs their department head that the employee will not return to work at the end of the FMLA leave period, or if the employee fails to return to work or continues on leave after exhausting the FMLA leave entitlement in the twelve (12) month period, unless the employee qualifies for Extended Medical Leave under the City’s Extended Medical Leave Policy. The City’s obligation will also cease if the employee’s premium payment is more than thirty (30) days late and the City has given the employee written notice at least fifteen (15) days in advance advising that coverage will cease if payment is not received.

Section 7. **Benefits.**

- A. An employee will not accrue any additional benefits while on unpaid FMLA leave. Any benefits accrued at the time the FMLA leave began will be available to the employee upon return from leave to the extent that such benefits are not used in order to receive pay while on FMLA leave.

Section 8. **Return to Work.**

- A. When FMLA leave ends, the employee will be reinstated to the same position the employee held prior to FMLA leave, if it is available, or to an equivalent position for which the employee is qualified.
- B. So that an employee’s return to work can be properly scheduled, an employee on FMLA leave is requested to provide the City with at least two (2) weeks advance notice of the date the employee intends to return to work.
- C. If an employee fails to return to work on the agreed upon return date or gives notice that the employee will not return to work, the employee will be considered to have resigned.

Section 9. **Miscellaneous.**

- A. For the purposes of this Policy, the definitions set forth in 29 USCS § 2611 and 29 CFR § 825 shall apply. The following definitions are reprinted:
 - 1. “Eligible employee” means an employee who has been employed with the City of Goshen for at least twelve (12) months, and for at least 1,250 hours of service with the City during the previous twelve (12) month period.
 - 2. “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

- B. Any employee requiring further information should contact the Human Resources Manager.
- C. If any provisions of this Policy conflict with the provisions of a collective bargaining agreement, then the provisions of the collective bargaining agreement shall take precedence provided such provisions do not conflict with the federal Family Medical Leave Act of 1993, as amended.

EXTENDED MEDICAL LEAVE

Adopted By: Board of Public Works and Safety

Date Adopted: May 16, 2005

Revised: December 4, 2006; January 24, 2022

Employees Affected: All Employees

Section 1. Purpose

This Policy provides to City of Goshen employees extended medical leave away from work if an employee exhausts the twelve (12) weeks of leave provided under the Family Medical Leave Act (“FMLA”); the employee needs to remain off work due to the employee’s non-work related injury or illness, or the employee’s inability to work due to complications of pregnancy; and the employee has been approved for extended medical leave.

Section 2. Eligibility

To be eligible for extended medical leave, the employee must first be eligible for FMLA leave, which generally requires the following:

- A. the Employee must have worked for the City of Goshen for at least one year; and
- B. the employee must have worked at least 1,250 hours over the one-year period prior to the date the leave starts.

The employee must have exhausted the twelve weeks of FMLA leave before the employee becomes eligible for leave under this Policy. Extended leave is applicable only for the serious health condition of the employee, not for a serious health condition of the employee’s family members, and the employee must be under a doctor’s care.

Section 3. Leave Available

The maximum allowable time period for extended medical leave is fourteen (14) workweeks (26 workweeks total, including FMLA). Leave under this Policy occurs without pay; however, the employee may use accrued compensatory time, sick time, floating holidays, and vacation time, in the order stated, during the extended medical leave.

Section 4. Benefits

During the extended leave, the employee shall be responsible to pay the employee’s portion of the cost of the City’s health insurance coverage. Employees will not accrue paid time off while on extended leave and will not be paid for holidays occurring during the extended medical leave.

Section 5. Procedure

Prior to the end of the employee’s FMLA leave, the employee must submit a request for an extended medical leave to his/her department head on forms provided by the Human Resources Manager. Verification of the need for leave should accompany the request. The department head shall forward the request to the Human Resources Manager with his/her recommendation. The Human Resources Manager will make the final decision concerning the request and notify in writing both the employee and the

department head of the decision. An employee on approved leave is expected to report any change in status in his/her need for leave or intention to return to work to the Human Resources Manager.

Section 6. Return to Work

An employee returning from leave under this Policy will be reinstated to the same or a similar position held at the time the leave was granted, if possible. However, if the same or a similar position is not available, the City will use its best efforts to provide an available position to the employee. If the employee does not accept an alternate position, he/she will be considered to have voluntarily terminated employment effective the day such refusal is made.

If at the end of the extended leave, an employee is still not able to return to their job because they are unable to perform the job, either with or without reasonable accommodation, due to illness or injury, then the City will allow the employee to bid for any unfilled position that the employee is qualified for and capable of performing with or without accommodation. In all events, if an employee is unable to return to either their job or an unfilled position with they are qualified for and capable of performing, because of illness or injury for a period of twenty-six (26) weeks within a twelve (12) month rolling period, the employee shall be separated from employment.

CONTINUATION OF HEALTH INSURANCE COVERAGE UNDER COBRA

Adopted By: Board of Public Works and Safety

Date Adopted: June 9, 1997

Revised: January 24, 2022

Employees Affected: All Employees

The Federal Consolidated Omnibus Budget Reconciliation Act (“COBRA”) requires the City of Goshen to offer covered employees and eligible family members the opportunity for temporary extension of health coverage at group rates when coverage under its health plan would otherwise end. This Policy is not intended to restate the terms of COBRA, but is intended to give employees a basic advisement of the availability of continuation of coverage.

City employees, spouse, and/or eligible dependents will receive a COBRA continuation offer for the health, dental and/or vision plans in which they are enrolled at the time of a qualifying event. Qualifying events can include, but are not limited to, resignation, termination of employment, or death of an employee; a reduction in an employee's hours, or a leave of absence; an employee becomes entitled to Medicare benefits; an employee's divorce or legal separation; a change in family status; and a dependent child no longer meeting eligibility requirements. In the event of the occurrence of a divorce, legal separation, or end of a child's dependency, the employee or the qualified beneficiary is responsible for contacting the City's Human Resources Manager within 60 days of the event.

The type of coverage offered during this continuation period will be the same as that offered to active employees. Continuation of coverage may extend for an initial 18-month period, and can extend longer, depending on the circumstances. Should a qualified beneficiary elect to continue his or her coverage under the City of Goshen's group health plan, the qualified beneficiary will be charged the applicable premium that the City pays its insurance carrier plus an additional 2 percent administrative fee. Family members eligible to continue coverage additional months due to a disability will be charged an additional fifty percent (50%) of the applicable premium as an administrative fee during the 19th through 29th months of continuation coverage.

Employees considering the continuation of health coverage may be eligible to purchase an individual plan through the Health Insurance Marketplace. Employees may qualify for a plan with lower monthly premiums and lower out-of-pocket costs than COBRA continuation coverage.

To ask questions or obtain more information about the City of Goshen's group health plan and the right to continue health insurance coverage under COBRA, employees or their spouse or covered dependents may contact the City's plan administrator (Central States Health and Welfare Plan as of the date of adoption of this Policy) , or contact the City's Human Resources Manager.

BEGINNING WAGES

Adopted By: Board of Public Works and Safety

Date Adopted: February 7, 2000

Revised: January 24, 2022

Employees Affected: All Full-time, Non-Union Employees

Department Heads and supervisors, in consultation with the Human Resources Manager, when hiring new employees shall endeavor to establish the new employee's starting wage at approximately ninety percent (90%) of the Midpoint for the pay Grade in which the employee's position falls, as set out in the City's Salary Ordinance. Starting wages may deviate from the approximately ninety percent (90%) of the Midpoint wages, based on the discretion of the Department Head, where circumstances justify such a deviation. The Department Head may consider the new employee's skills, experience, compatibility with the job description for the position, and other relevant factors when determining starting wages.

Department Heads and supervisors, in consultation with the Human Resources Manager, shall endeavor to increase a new employee's wages to the Midpoint within six (6) months of the new employee's start date, assuming the employee started below the Midpoint and that the employee is progressing in employment satisfactorily.

INCREMENT PAY

Adopted By: Board of Public Works and Safety

Date Adopted: July 18, 1995

Revised: January 24, 2022

Employees Affected: All Employees, except those specifically exempted

Section 1. Policy

The City of Goshen shall pay a bonus to each eligible employee in an amount based on a certain dollar amount multiplied by each employee's number of continuous years of employment with the City. The amount of increment pay, namely the amount attributable to each year of continuous employment and the maximum amount payable to each employee, will be determined during the yearly budget process and will be made a matter of record in the Salary Ordinance adopted by the Common Council on an annual basis.

Section 2. Administrative Guidelines

- A. All employees of the City of Goshen who work at least one thousand forty (1,040) hours each year, and who have completed at least one (1) full year of continuous employment with the City are eligible for Increment Pay, unless specifically exempted by policy, by the Salary Ordinance, or by collective bargaining agreements.
- B. Elected officials, Board of Public Works and Safety Members, Planning and Zoning Attorney, and employees covered by the Police and Fire collective bargaining units are not eligible for Increment Pay.
- C. An employee may receive both increment pay and longevity pay if the Salary Ordinance provides for that possibility.
- D. Employees who are paid by both the Utility Department and the Civil City will have their Increment Pay paid by the Utility Department and the Civil City in the same ratio as the employee's gross wages are paid.
- E. An employee who leaves City employment, but later returns to City employment, will have Increment Pay calculated based on the employee's more recent date of hire.
- F. An employee who switches from one City department to another City department, and who maintains continuous employment with the City, shall have Increment Pay calculated from the employee's date of hire, and not from the date the employee moved from one department to another. However, if Sworn Police Officers or Fire Department employees who are covered by Police or Fire pension plans leave those departments and move to another City position, such employees will have their Increment Pay calculated from the date the employee moved to the new position.
- G. Except for the Police Department, Increment pay will be paid in December of each year.

WORKER'S COMPENSATION

Adopted By: Board of Public Works and Safety

Date Adopted: March 25, 1988

Revised: December 21, 2004; January 24, 2022

Employees Affected: All Employees

City of Goshen employees who are receiving Worker's Compensation payments may receive additional payments from the City under the following conditions:

- A. Assuming that Worker's Compensation is paying 66 2/3 % of an employee's normal wages, the employee, at their request, may receive payment for 33 1/3% of their normal wages by using accumulated sick days, vacation days, or compensatory time.
- B. Sick days or vacation days would be used up at the rate of 33 1/3% a day for each day of pay requested by the employee.
- C. Actual percent of Worker's Compensation paid varies from situation to situation and from year to year and, therefore, any employee requesting to use sick days or vacation days for city payment would need to show the City proof of what percent of normal wages they will be receiving. The percent of a sick day or vacation day would then be adjusted accordingly.
- D. Employees may save their sick days, vacation days, and compensatory time, rather than using such while on Worker's Compensation.

CLOTHING/FOOTWEAR/PHYSICAL FITNESS ALLOWANCE

Adopted By: Board of Public Works and Safety

Date Adopted: December 19, 2016

Revised: January 24, 2022

Employees Affected: All Employees, except those specifically exempted

Section 1. Policy

- A. Each employee in a position scheduled to work at least one thousand forty (1,040) hours each year who has completed at least six (6) months of continuous employment with the city, is not a bargaining unit employee, and is not otherwise provided uniforms by the city is eligible to receive an annual allowance for clothing, footwear, or physical fitness purposes.
- B. The amount of clothing, footwear, or physical fitness allowance payable to each employee will be determined during the yearly budget process and will be made a matter of record in the Salary Ordinance adopted by the Common Council on an annual basis.

Section 2. Administrative Guidelines

- A. Eligible employees may use the annual allowance as reimbursement for the purchase of:
 - 1. Shirts, jackets, or hats with the City of Goshen logo to be worn at work;
 - 2. Footwear required for unique work or health conditions, as approved by an employee's Department Head; or
 - 3. Enrollment in a physical fitness program or membership at a physical fitness facility located in Goshen, Indiana.
- B. An eligible employee requesting reimbursement for any item purchased under this Policy must submit an invoice or receipt to the employee's Department Head showing the amount paid, and the Department Head shall process a claim to reimburse the employee for the amount paid by the employee.
- C. The clothing/footwear/physical fitness allowance paid to an eligible employee shall not exceed the annual amount as established by the salary ordinance.
- D. Any allowance paid shall constitute a taxable fringe benefit to the employee.

EDUCATIONAL ASSISTANCE

Adopted By: Board of Public Works and Safety

Date Adopted: June 10, 2002

Revised: January 24, 2022

Employees Affected: All employees not represented by a collective bargaining agreement

Section 1. Background

The City of Goshen recognizes that the skills and knowledge of its employees are critical to the success of Goshen City government and a benefit to the community. The City wishes to encourage City personal development through formal education so that employees can maintain and improve job-related skills.

Section 2. Policy

- A. The City will reimburse the cost of up to fifteen (15) credit hours per calendar year toward the cost of tuition paid by an employee at an accredited educational institution for courses directly related to the employee's job duties, or directly related to job duties of position into which the City plans to move the employee. The City will also pay one hundred dollars (\$100.00) per course toward the cost of textbooks, manuals, or other mandatory fees directly related to the course the employee successfully completes. The employee shall attempt to purchase used textbooks to the extent that they are available.
- B. An employee seeking reimbursement must gain approval from the employee's Department Head and from the Human Resources Manager of the course, the cost, and location of the course prior to enrolling in the course. The Department head shall exercise discretion in deciding whether to approve the course, taking into consideration whether the course directly relates to the employee's job duties, the cost of the course, the location of the course, whether enrolling in the course will interfere with the employee's job duties, whether the department's budget allows for reimbursement, and all other relevant factors.
- C. In order to qualify for reimbursement under this Policy, the employee seeking reimbursement must achieve a letter grade of "C" or above, if the course is graded. If the course is not graded, the employee must satisfactorily complete the course. The employee must present to the Department Head an official transcript or other official proof of completion of the course, and the Department Head will process a claim for payment once the Department Head is satisfied the employee satisfactorily completed the course.
- D. Should an employee who receives reimbursement under this Policy separate employment during the year in which the employee receives reimbursement, the employee shall pay to the City one hundred percent (100%) the amount received by the employee under this Policy. If an employee separates employment in the year after receiving reimbursement under this Policy, the employee shall pay to the City seventy five percent (75%) of the amount received by the employee. If an employee separates employment in the second

year after receiving reimbursement under this Policy, the employee shall pay to the City fifty percent (50%) of the amount received by the employee. However, an employee terminated due to a reduction in force or due to reorganization or restructuring shall not be obligated to repay the City amounts received by the employee under this Policy. Any amount owed to the City under this Policy must be paid within eighteen months from the date of separation of employment, and the amount owed will accrue interest at the prime interest rate at the time of separation.

NON-SMOKING DESIGNATION

Adopted By: Board of Public Works and Safety

Date Adopted: October 4, 2004

Revised: September 24, 2007; January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Policy

- A. In the interest of providing a safe and healthy environment for employees, customers and visitors, smoking and vaping are prohibited at and within all City work areas, City worksites, and public spaces, including conference areas, restrooms, stairwells, hallways, work stations, and break rooms, as well as within City owned or leased vehicles.
- B. Smoking and vaping is also prohibited within fifteen (15) feet of a public entrance to a public place or place of employment, where flammable gasses or liquids are present, or within fifteen (15) feet of a construction worksite or open trench.
- C. This Policy applies to all employees, clients, contractors, and visitors.
- D. At the discretion of each department head, designated smoking areas outside the building at least 15 feet from any entrance and where smoke does not filter into doorways, windows or air intake systems may be allowed. Each department head may set rules for employees of their department that are consistent with this Policy. In all circumstances smokers must be respectful around non-smokers and City residents.
- E. “No Smoking” signs shall be posted in appropriate locations, consistent with Indiana law.

Section 2. Enforcement/Violations

- A. Any violation of this Policy by an employee will result in disciplinary action, up to and including termination.
- B. The success of this Policy depends upon the thoughtfulness, consideration, and cooperation of smokers, vapers, and nonsmokers. All employees share in the responsibility of adhering to and enforcing this Policy.

EMERGENCY PREPAREDNESS

Adopted By: Board of Public Works and Safety

Date Adopted: March 24, 1995 (Tornado Policy)

Revised: March 12, 1996; January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Each Department Head shall develop and keep current an Emergency Action Plan in a form substantially similar to the template available from the Center for Disease Control (a copy of which is attached hereto). The Emergency Action Plan shall address the following types of emergencies: medical, fire, severe weather, bomb threat, chemical spill, extended power loss, and other circumstances that might arise in the operation of each department. Each Department Head shall post instruction to use in the case of emergency and train all employees in the procedures to follow. The Human Resources Manager shall meet with Department Heads on a quarterly basis to discuss safety issues arising within the City and this group shall ensure that all Departments have current Emergency Action Plans in place.

EMERGENCY ACTION PLAN

for

Facility Name: _____

Facility Address: _____

DATE PREPARED: ___/___/___

EMERGENCY PERSONNEL NAMES AND PHONE NUMBERS

DESIGNATED RESPONSIBLE OFFICIAL (Highest Ranking Manager at

_____ site, such as _____, _____, or _____):

Name: _____ Phone: (_____)

EMERGENCY COORDINATOR:

Name: _____ Phone: (_____)

AREA/FLOOR MONITORS (If applicable):

Area/Floor: _____ Name: _____ Phone: (_____)

Area/Floor: _____ Name: _____ Phone: (_____)

ASSISTANTS TO PHYSICALLY CHALLENGED (If applicable):

Name: _____ Phone: (_____)

Name: _____ Phone: (_____)

Date ____/____/____

EVACUATION ROUTES

- Evacuation route maps have been posted in each work area. The following information is marked on evacuation maps:
 1. Emergency exits
 2. Primary and secondary evacuation routes
 3. Locations of fire extinguishers
 4. Fire alarm pull stations' location
 - a. Assembly points

- Site personnel should know at least two evacuation routes.

EMERGENCY PHONE NUMBERS

FIRE DEPARTMENT: _____

PARAMEDICS: _____

AMBULANCE: _____

POLICE: _____

FEDERAL PROTECTIVE SERVICE: _____

SECURITY (If applicable): _____

BUILDING MANAGER (If applicable): _____

UTILITY COMPANY EMERGENCY CONTACTS

(Specify name of the company, phone number and point of contact)

ELECTRIC: _____

WATER: _____

GAS (if applicable): _____

TELEPHONE COMPANY: _____

Date: ___/___/___

EMERGENCY REPORTING AND EVACUATION PROCEDURES

Types of emergencies to be reported by site personnel are:

- MEDICAL
- FIRE
- SEVERE WEATHER
- BOMB THREAT
- CHEMICAL SPILL
- STRUCTURE CLIMBING/DESCENDING
- EXTENDED POWER LOSS
- OTHER (specify) _____
(e.g., terrorist attack/hostage taking)

MEDICAL EMERGENCY

- Call medical emergency phone number (check applicable):

- Paramedics
- Ambulance
- Fire Department
- Other

Provide the following information:

- Nature of medical emergency,
 - Location of the emergency (address, building, room number),
and
 - Your name and phone number from which you are calling.
- Do not move victim unless absolutely necessary.
 - Call the following personnel trained in CPR and First Aid to provide the required assistance prior to the arrival of the professional medical help:

Name: _____ Phone: _____

Name: _____ Phone: _____

- If personnel trained in First Aid are not available, as a minimum, attempt to provide the following assistance:
 1. Stop the bleeding with firm pressure on the wounds (note: avoid contact with blood or other bodily fluids).
 2. Clear the air passages using the Heimlich Maneuver in case of choking.
- In case of rendering assistance to personnel exposed to hazardous materials, consult the Material Safety Data Sheet (MSDS) and wear the appropriate personal protective equipment. Attempt first aid ONLY if trained and qualified.

Date ___/___/___

FIRE EMERGENCY

When fire is discovered:

- Activate the nearest fire alarm (if installed)
- Notify the local Fire Department by calling _____.
- If the fire alarm is not available, notify the site personnel about the fire emergency by the following means (check applicable):
 - Voice Communication
 - Phone Paging
 - Radio
 - Other (specify)

Fight the fire ONLY if:

- The Fire Department has been notified.
- The fire is small and is not spreading to other areas.
- Escaping the area is possible by backing up to the nearest exit.
- The fire extinguisher is in working condition and personnel are trained to use it.

Upon being notified about the fire emergency, occupants must:

- Leave the building using the designated escape routes.
- Assemble in the designated area (specify location):
- Remain outside until the competent authority (Designated Official or designee) announces that it is safe to reenter.

Designated Official, Emergency Coordinator or supervisors must (underline one):

- Disconnect utilities and equipment unless doing so jeopardizes his/her safety.
- Coordinate an orderly evacuation of personnel.
- Perform an accurate head count of personnel reported to the designated area.
- Determine a rescue method to locate missing personnel.
- Provide the Fire Department personnel with the necessary information about the facility.
- Perform assessment and coordinate weather forecast office emergency closing procedures

Area/Floor Monitors must:

- Ensure that all employees have evacuated the area/floor.
- Report any problems to the Emergency Coordinator at the assembly area.

Assistants to Physically Challenged should:

- Assist all physically challenged employees in emergency evacuation.

Date ___/___/___

EXTENDED POWER LOSS

In the event of extended power loss to a facility certain precautionary measures should be taken depending on the geographical location and environment of the facility:

- Unnecessary electrical equipment and appliances should be turned off in the event that power restoration would surge causing damage to electronics and effecting sensitive equipment.
- Facilities with freezing temperatures should turn off and drain the following lines in the event of a long term power loss.
 - Fire sprinkler system
 - Standpipes
 - Potable water lines
 - Toilets
- Add propylene-glycol to drains to prevent traps from freezing
- Equipment that contain fluids that may freeze due to long term exposure to freezing temperatures should be moved to heated areas, drained of liquids, or provided with auxiliary heat sources.

Upon Restoration of heat and power:

- Electronic equipment should be brought up to ambient temperatures before energizing to prevent condensate from forming on circuitry.
- Fire and potable water piping should be checked for leaks from freeze damage after the heat has been restored to the facility and water turned back on.

CHEMICAL SPILL

The following are the locations of:

Spill Containment and Security Equipment: _____

Personal Protective Equipment (PPE):

MSDS: _____

When a Large Chemical Spill has occurred:

- Immediately notify the designated official and Emergency Coordinator.
- Contain the spill with available equipment (e.g., pads, booms, absorbent powder, etc.).
- Secure the area and alert other site personnel.
- Do not attempt to clean the spill unless trained to do so.
- Attend to injured personnel and call the medical emergency number, if required.
- Call a local spill cleanup company or the Fire Department (if arrangement has been made) to perform a large chemical (e.g., mercury) spill cleanup.

Name of Spill Cleanup Company: _____

Phone Number: _____

- Evacuate building as necessary

When a Small Chemical Spill has occurred:

- Notify the Emergency Coordinator and/or supervisor (select one).
- If toxic fumes are present, secure the area (with caution tapes or cones) to prevent other personnel from entering.
- Deal with the spill in accordance with the instructions described in the MSDS.
- Small spills must be handled in a safe manner, while wearing the proper PPE.
- Review the general spill cleanup procedures.

Date ___/___/___

STRUCTURE CLIMBING/DESCENDING EMERGENCIES

List structures maintained by site personnel (tower, river gauge, etc.):

No.	Structure Type	Location (address, if applicable)	Emergency Response Organization* (if available within 30-minute response time)

Emergency Response Organization(s):

Name _____ Phone Number _____

Name _____ Phone Number _____

(Attach Emergency Response Agreement if available)

* - N/A. If no Emergency Response Organization available within 30-minute response time additional personnel trained in rescue operations and equipped with rescue kit must accompany the climber(s).

SEVERE WEATHER AND NATURAL DISASTERS

Tornado:

- When a warning is issued by sirens or other means, seek inside shelter. Consider the following:
 - Small interior rooms on the lowest floor and without windows,
 - Hallways on the lowest floor away from doors and windows, and
 - Rooms constructed with reinforced concrete, brick, or block with no windows.
- Stay away from outside walls and windows.
- Use arms to protect head and neck.
- Remain sheltered until the tornado threat is announced to be over.

Earthquake:

- Stay calm and await instructions from the Emergency Coordinator or the designated official.
- Keep away from overhead fixtures, windows, filing cabinets, and electrical power.
- Assist people with disabilities in finding a safe place.
- Evacuate as instructed by the Emergency Coordinator and/or the designated official.

Flood:

If indoors:

- Be ready to evacuate as directed by the Emergency Coordinator and/or the designated official.
- Follow the recommended primary or secondary evacuation routes.

If outdoors:

- Climb to high ground and stay there.
- Avoid walking or driving through flood water.
- If car stalls, abandon it immediately and climb to a higher ground.

Hurricane:

- The nature of a hurricane provides for more warning than other natural and weather disasters. A hurricane watch is issued when a hurricane becomes a threat to a coastal area. A hurricane warning is issued when hurricane winds of 74 mph or higher, or a combination of dangerously high water and rough seas, are expected in the area within 24 hours.

Once a hurricane watch has been issued:

- Stay calm and await instructions from the Emergency Coordinator or the designated official.
- Moor any boats securely, or move to a safe place if time allows.
- Continue to monitor local TV and radio stations for instructions.
- Move early out of low-lying areas or from the coast, at the request of officials.
- If you are on high ground, away from the coast and plan to stay, secure the building, moving all loose items indoors and boarding up windows and

- openings.
 - Collect drinking water in appropriate containers.
- Once a hurricane warning has been issued:*
- Be ready to evacuate as directed by the Emergency Coordinator and/or the designated official.
 - Leave areas that might be affected by storm tide or stream flooding.
- During a hurricane:*
- Remain indoors and consider the following:
 - Small interior rooms on the lowest floor and without windows,
 - Hallways on the lowest floor away from doors and windows, and
 - Rooms constructed with reinforced concrete, brick, or block with no windows.
- Blizzard:**
- If indoors:*
- Stay calm and await instructions from the Emergency Coordinator or the designated official.
 - Stay indoors!
 - If there is no heat:
 - Close off unneeded rooms or areas.
 - Stuff towels or rags in cracks under doors.
 - Cover windows at night.
 - Eat and drink. Food provides the body with energy and heat. Fluids prevent dehydration.
 - Wear layers of loose-fitting, light-weight, warm clothing, if available.
- If outdoors:*
- Find a dry shelter. Cover all exposed parts of the body.
 - If shelter is not available:
 - Prepare a lean-to, wind break, or snow cave for protection from the wind.
 - Build a fire for heat and to attract attention. Place rocks around the fire to absorb and reflect heat.
 - Do not eat snow. It will lower your body temperature. Melt it first.
- If stranded in a car or truck:*
- Stay in the vehicle!
 - Run the motor about ten minutes each hour. Open the windows a little for fresh air to avoid carbon monoxide poisoning. Make sure the exhaust pipe is not blocked.
 - Make yourself visible to rescuers.
 - Turn on the dome light at night when running the engine.
 - Tie a colored cloth to your antenna or door.
 - Raise the hood after the snow stops falling.
 - Exercise to keep blood circulating and to keep warm.

CRITICAL OPERATIONS

During some emergency situations, it will be necessary for some specially assigned personnel to remain at the work areas to perform critical operations.

Assignments:

Work Area	Name	Job Title	Description of Assignment

- Personnel involved in critical operations may remain on the site upon the permission of the site designated official or Emergency Coordinator.
- In case emergency situation will not permit any of the personnel to remain at the facility, the designated official or other assigned personnel shall notify the appropriate _____ offices to initiate backups. This information can be obtained from the Emergency Evacuation Procedures included in the _____ Manual.

The following offices should be contacted:

Name/Location: _____
Telephone Number: _____

Name/Location: _____
Telephone Number: _____

Name/Location: _____
Telephone Number: _____

TRAINING

The following personnel have been trained to ensure a safe and orderly emergency evacuation of other employees:

Facility:

Name	Title	Responsibility	Date

SMALL PURCHASE

Adopted By: Board of Public Works and Safety

Date Adopted: February 27, 2006

Revised: September 17, 2007; August 16, 2010; January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Purpose.

- A. The goal of this Policy is to benefit property owners and taxpayers by promoting competition among suppliers and contractors to secure the best work or materials for the City of Goshen at the lowest reasonable price, and to ensure a consistent and coordinated structure to expedite the small purchasing process.
- B. This Policy is written in accordance with the provisions of I.C. 5-22-8 for Small Purchases, the provisions of I.C. 5-22-6 for the Purchase of Services, and the provisions of I.C. 36-1-12 for Public Works Projects.

Section 2. Calendar Year Purchase Amounts

Purchases must comply with I.C. § 5-22-8-1. Purchasing requirements may not be artificially divided so as to qualify for a more informal purchasing method under this Policy

When a department plans to purchase a certain good or material over the course of a calendar year, the aggregate amount of the purchase price for the good or material must be used to determine what method of purchasing the department uses in making the purchase of the good or material. For example, if a department purchases a material on a monthly basis at a cost of Five Thousand Dollars (\$5,000) per month, the purchase amount will be Sixty Thousand dollars (\$60,000), and the Purchasing Agent must follow the procedure described in this Policy for purchases expected to cost more than Fifty Thousand Dollars (\$50,000).

Section 3. Purchases of Goods

- A. Purchases between \$50,000 and \$150,000.
 1. For purchases of goods, materials, and supplies expected to cost at least Fifty Thousand Dollars (\$50,000), but not more One Hundred Fifty Thousand Dollars (\$150,000), the City of Goshen Board of Public Works and Safety shall be the Purchasing Agent, and purchases shall be made through the Legal Department pursuant to formal quotes and in compliance with I.C. § 5-22-8-3, as amended.
- B. Purchases Less than \$50,000, but greater than \$25,000.
 1. For purchases of goods, materials, and supplies costing less than Fifty Thousand Dollars (\$50,000), but more than Twenty Five Thousand Dollars (\$25,000), the Department Head of the City Department making the purchase shall be the Purchasing Agent for such purchases.
 2. Procedure:

- a. The Purchasing Agent shall prepare written specifications of the general physical characteristics, functional characteristics, and the extent or nature of the goods, materials, or supplies sought.
- b. The purchasing agent shall solicit open market prices from at least three (3) vendors known to deal in the goods, materials, or supplies.
- c. Once prices are received, the purchasing agent shall notify the Mayor, in writing, of the responses received, and provide the Mayor copies of the bids or quotes received. The Purchasing Agent may make the purchase as long as no objection is raised by the Mayor.
- d. If the Mayor approves the purchase, the good or material can be purchased on the open market without soliciting formal bids or quotes.
- e. The Mayor may elect to require one (1) or more bids or quotes in writing from the vendors prior to the selection of the vendor.
- f. The Purchasing Agent shall create and maintain a file of all documents related to the purchase. This file shall include copies of:
 - i. The written specifications of the good or material;
 - ii. The list of vendors solicited;
 - iii. Copies of vendor quotes;
 - iv. A written explanation of vendor selection, if the vendor selected does not offer the lowest price;
 - v. The written notice given to the Mayor; and
 - vi. A copy of any agreement, invoice, purchase order, and/or award letter.
- g. A written agreement approved by the Board of Public Works and Safety shall be required, unless the purchased goods or materials are delivered in full at the time of purchase with no additional terms and/or conditions with the vendor. The Purchasing Agent shall forward a copy of the approved quote or bid to the Legal Department for preparation of the agreement.
- h. All claims must be approved by the Board of Public Works and Safety prior to payment.
- i. Upon conclusion of the purchase, the purchasing agent shall forward copies of all documents in the file to the Legal Department.

C. Purchases of \$25,000 or Less.

- 1. For purchases of goods, materials, and supplies expected to cost Twenty Five Thousand Dollars (\$25,000) or less, the Department Head of the City Department making the purchase shall be the Purchasing Agent.

2. Procedure:
 - a. A department may purchase goods, materials, or supplies expected to cost Twenty Five Thousand Dollars (\$25,000) or less on the open market without a quote or bid, and without the prior approval of the Mayor.
 - b. If money needs to be transferred from one budget line to another for purposes of making a purchase over Fifteen Thousand Dollars (\$15,000), the Department Head must notify the Mayor in writing of the purchase, and the Department Head may make the purchase as long as no objection is raised by the Mayor.
 - c. A written agreement approved by the Board of Public Works and Safety shall be required, unless the purchased goods, materials, or supplies are delivered in full at the time of purchase with no additional terms and/or conditions with the vendor.
 - d. All claims must be approved by the Board of Public Works and Safety prior to payment.

Section 4. Purchase of Services

Each department may purchase services in whatever manner the purchaser determines to be reasonable. The purchasing agency may not require any department or to purchase services in any particular manner.

Section 5. Public Works Projects

- A. Notwithstanding the foregoing, the City of Goshen Board of Public Works and Safety shall be the Purchasing Agent for all public works projects, regardless of cost.
- B. Public works include the following:
 1. the construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or out of a special assessment;
 2. the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment; and
 3. any public work leased by a political subdivision under a lease containing an option to purchase.
- C. The Board of Public Works and Safety may award a contract for the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property if the cost of the work is estimated to be less than One Hundred Fifty Thousand dollars (\$150,000) using the procedures described in Section 3 of this Policy, and in compliance with IC 5-22.
- D. When a public works project is performed by City employees, and a department is purchasing only goods and materials for the public works project that are expected to cost

less than One Hundred Thousand Dollars (\$100,000), the purchase of goods and materials must comply with Section 3 of this Policy.

- E. When a public works project includes the repair or maintenance of an existing highway, street, alley, bridge, sewer, drain, or other improvement; and where the cost of the repair and maintenance is expected to be less than Fifty Thousand Dollars (\$50,000), the repair or maintenance services may be acquired in accordance with Section 3 of this Policy.

Section 6. Garbage and Trash Collection

- A. Notwithstanding the foregoing, the City of Goshen Board of Public Works and Safety shall be the Purchasing Agent for all garbage and trash collection contracts (I.C. § 36-9-30-5), regardless of cost.

Section 7. Open Market Prices

- A. Open Market Prices are prices obtained from vendors known to deal in the goods, materials, or supplies being purchased.
- B. Open market prices may be obtained from:
 1. A vendor who submits a written proposal to the purchasing agent; and
 2. A vendor's published price list in catalogues and on the internet.

TRAVEL

Adopted By: Board of Public Works and Safety

Date Adopted: January 29, 2001

Revised: August 21, 2006; January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Policy

- A. City of Goshen employees, elected officials, and appointed officials shall be reimbursed for travel expenses incurred while travelling on business for the City.
- B. All seeking reimbursement should incur the most reasonable possible travel expense and should exercise care to avoid impropriety, or the appearance of impropriety. Public funds should never be used for personal gain.
 - 1. If a trip on behalf of the City involves both personal time and business travel, the City will only reimburse expenses incurred in the business travel.
 - 2. If an employee takes another person on a trip on behalf of the City, the City will only reimburse expenses incurred by the employee for the business travel of the employee and not the other person(s).

Section 2. Reimbursable Travel Expenses

- A. Meal Expenses
 - 1. When travel outside of the City does not require an overnight stay, the actual meal expenses will be reimbursed up to \$20.00 per day with receipts provided to the Clerk Treasurer's office. The employee will be reimbursed for paid meal gratuities of 20% of the cost of the meal. If meals are included in registration fees, duplicate meals shall not be reimbursable.
 - 2. When travel outside of the City requires an overnight stay, the actual meal expenses will be reimbursed up to \$40.00 per day with receipts provided to the Clerk Treasurer's office. The employee will be reimbursed for paid meal gratuities of 20% of the cost of the meal. If meals are included in registration fees, duplicate meals shall not be reimbursable.
- B. Lodging
 - 1. The City shall reimburse lodging expenses when travel outside of the City requires an overnight stay. Reimbursement for lodging expenses shall be supported by an itemized receipt issued by the hotel or motel.
 - 2. Hotel or motel reservations should be made at the hotel or motel where the school, seminar, convention, etc. is taking place, if possible. Otherwise, a moderate priced hotel or motel reservations should be made, and the employee's Department Head must approve any increased cost prior to incurring the additional cost. The City employee or official shall request a governmental rate

at the place of lodging whenever available, and the employee should take a copy of the City's tax exempt form with them to avoid being charged tax. A City credit card may be used to charge lodging expenses.

3. If a room is shared with a non-City employed individual or a person not on official City business, the City shall only reimburse the single occupancy rate for the room. Wherever possible, sharing of a room should be done when two (2) or more City employees are attending the same meeting.

C. Transportation

1. When an employee travels by vehicle, City vehicles shall be used when available and practical. The City will attempt to provide an employee with a City vehicle to be used on official City business, including travel to seminars and meetings. If it is necessary to refuel a City owned or leased vehicle when traveling outside the City of Goshen, the employee may be reimbursed for fuel expenses incurred by the employee upon submission of a paid fuel receipt.
2. An employees may use the employee's personal vehicle for City business if a City vehicle is not available, and the use is approved by the employee's Department Head. The employee shall be entitled to reimbursement for the work related miles the personal vehicle was driven at the current standard mileage rate of reimbursement allowed by the I.R.S., upon submission of a completed and signed mileage claim voucher (State Board of Accounts, Form 101). Mileage to or from an employee's home shall not be reimbursed.
3. Employees traveling to the same destination shall travel together whenever possible unless approved otherwise by the Department Head.
4. Coach or Tourist class costs of travel by commercial air carrier will be reimbursed, with prior approval of the Mayor. Any frequent flyer credits earned shall belong to the City. The cost of travel by rail or bus may be reimbursed but must not exceed an amount equal to what airfare to the destination would have been.
5. Parking and toll fees shall be reimbursed if presented on a standard accounts payable claim form, accompanied by receipts for the fees incurred.

Section 3. Travel Expenses not Allowed

- A. The following types of expenses incurred by a City employee while the employee travels on behalf of the City will not be reimbursed by the City:
 1. Personal entertainment;
 2. Entertainment, meals, or other expenses incurred by non-City employees;
 3. Fines for parking or traffic violations;
 4. Alcoholic beverages;
 5. Valet services;

6. Laundry, dry cleaning, and other personal services, unless the employee is travelling for more than five (5) consecutive days on City business;
7. Air travel insurance;
8. Expenses incurred from City employee travel companion(s);
9. Purchase of personal items; or
10. Gratuities to hotel or airport porters, parking attendants, or taxi cab or rideshare drivers.

Section 4. Violations

Violations of this Policy could lead to suspension of reimbursement for travel expenses by the City of Goshen.

CREDIT CARD USE

Adopted By: Board of Public Works and Safety

Date Adopted: May 16, 2005

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Policy

- A. Any employee, excluding the Mayor, wishing to use the City credit card for City business may do so with the approval of his or her department head. Each department maintaining a City credit card shall keep any credit card in a secure location. An employee using a City credit card must log-out the card by providing the employee's name and position, destination, intended use, estimated amounts to be charged, fund and account numbers to be charged, and date logged-out. Employees shall request a tax exempt certificate along with the credit card to ensure that City is not charged sales tax when the credit card is used for making purchases.
- B. Upon completion of an employee's use of a credit card, the employee must log-in the credit card no later than the next working day.
- C. The employee logging-in a credit card must provide charge slips and itemized receipts for all purchases made with the City credit card. If an employee is not able to provide an itemized invoice or receipt for a purchase made by the employee with a City credit card, the employee will personally reimburse the city for the purchases made with the city credit card while it was in his or her possession.
- D. All departments must submit completed vouchers with detailed invoices and receipts attached to the Clerk-Treasurer's office within the 30-day billing cycle. Should interest accrue due to an employee's failure to submit a completed voucher within the 30-day billing cycle or failure to furnish proper documentation, then all interest charges incurred shall be the responsibility of that employee.
- E. If a City credit card is lost or stolen while it is in an employee's possession, the employee must report the loss immediately to the employee's Department Head. The employee must personally reimburse the city for any purchases made with the lost or stolen credit card, but such reimbursement shall not exceed Fifty Dollars (\$50.00).
- F. By signing a credit card out for use, the employee is agreeing to follow the terms of this Policy, and acknowledging that the privilege of using the card may be revoked if the terms are violated.
- G. The use of City credit cards by employees is a privilege for the convenience of those employees using the card and the Department. If the terms of this Policy are violated, abused, or are otherwise deemed unworkable, then this privilege may be discontinued for the employee or Department.

Section 2. Appropriate Expenses

- A. The city credit card may be used for the following types of purchases:
1. Hotel or motel room;
 2. Hotel or motel charges for telephone calls pertaining to city business;
 3. Meals while away on city business;
 4. Fees associated with attending schools, conventions, seminars, etc.;
 5. Gasoline; or
 6. Other charges not otherwise excluded below for which the department head has given prior approval. This includes charges for equipment, supplies or services.
- B. The city credit card shall NOT be used for the following types of purchases:
1. Alcoholic beverages;
 2. Room service;
 3. Charges for telephone calls NOT pertaining to city business (an employee away from home on city business will be permitted to make one charged telephone call to the employee's family over a three-day period);
 4. In-room movies; or
 5. Personal expenses of any kind.

SOLICITATION OF FUNDS

Adopted By: Mayor Mike Puro

Date Adopted: October 30, 1998

Revised: January 24, 2022 (Board of Works and Safety)

Employees Affected: All Departments, Offices, and Employees

Section 1. Policy

- A. No person may solicit funds within City of Goshen buildings. City employees should politely inform individuals soliciting funds within a City building that solicitation is not allowed and should ask the person to cease soliciting.
- B. If a person soliciting funds in a City of Goshen building continues to solicit after being asked to cease, the Police Department should be contacted to enforce this Policy.

Section 2. Exceptions

- A. This Policy does not prohibit City of Goshen employees from soliciting for school projects, church fundraisers, or similar causes from other City of Goshen employees. However, this activity should be conducted so that they have a minimal amount of disruption of work schedules.
- B. This Policy does not prohibit citizens from coming into the public areas of City of Goshen buildings and expressing religious or other opinions if funds are not being requested.

GIFTS

Adopted By: Board of Public Works and Safety

Date Adopted: September 20, 2004

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

A City employee shall not accept, or agree to accept, or solicit any gift or property from any source with intent of controlling the performance of an act related to the employee's employment or function as a City employee. A gift includes any item, such as goods, services, meals, travel, entertainment, or any other item for which full value is not paid. Where Federal funds are used for a project undertaken by the City, all City employees shall fully comply with the Indiana Department of Transportation ("INDOT") Professional Services Contract Administration Manual Version 09/06/17 (see Chapter 2, Code of Ethics and Conflicts of Interest), including its Consultant Conflict of Interest Policy, as amended or replaced. In the event that any provision of the INDOT Professional Services Contract Administration Manual conflicts with another provision of this Policy, the INDOT Professional Services Contract Administration Manual shall control.

A City employee may accept a non-monetary gift from a person or entity as long as such acceptance is not a violation of the prior paragraph and provided the employee: 1) reports each gift accepted on the form attached to this Policy and submits this report to the Human Resources Department within five (5) days of the date the gift is accepted; and 2) obtains written approval from the Mayor prior to accepting a gift with an estimated value exceeding Seventy-five Dollars (\$75). City employees may accept the gift of a meal so long as the value of the meal is less than twenty dollars (\$20.00), and the employee otherwise complies with this Policy. Acceptance of meals by employees should only be on an occasional basis. In no event may a City employee solicit or accept a gift from any source in the form of money.

This Policy does not apply to solicitation or acceptance of the following: 1) contributions to political campaigns by candidates for elected public office consistent with election laws, or solicitations for charitable purposes; or 2) gifts, donations, or bequests in furtherance of its governmental purposes.

Violation of this gift policy may subject the employee to discipline, up to and including termination of employment. Further, an employee violating paragraph 1 of this Policy could be subject to prosecution.

GIFT ACKNOWLEDGMENT FORM

Pursuant to the City of Goshen’s Gift Policy, a City employee must report each gift accepted to the Human Resources Department within five (5) days of the date the acceptance. Additionally, if the gift has an estimated value exceeding Seventy-five Dollars (\$75), the employee must also obtain written approval from the Mayor prior to accepting the gift. This form may be used for that purpose. In no event may a City employee solicit or accept a gift in the form of money.

Date: _____

Employee Name: _____

Department/Office: _____

Gift Given By: _____

Description of Gift:

Estimated Value of Gift: \$ _____

City Employee’s Signature

I approve the above City employee’s acceptance of the gift described with an estimated value exceeding Seventy-five Dollars (\$75).

Mayor

Date Approved: _____

(Return the completed Gift Acknowledge Form to the Human Resources Department.)

CAPITALIZATION & INVENTORY CONTROL

Adopted By: Board of Public Works and Safety

Date Adopted: Policy 700-5 adopted February 17, 2003; Policy 600-1 adopted July 6, 1994

Revised: January 24, 2022

Employees Affected: All Departments and Offices

Section 1. Purpose

This Policy facilitates the maintenance of complete and up-to-date inventory records, proper insurance coverage for City property, and the preparation of financial statements in conformity with the accounting requirements set forth by the State of Indiana.

Section 2. Insurance and Capitalization Thresholds

- A. Existing and newly acquired assets over \$2,000 in value shall be reported to the City's insurance company.
- B. To be considered a capital asset for financial reporting purposes, an item must have an expected useful life of more than one year and a minimum value as follows:

1.	Land	Fair value or purchase price
2.	Land Improvements	\$50,000
3.	Building Improvements	\$100,000
4.	Machinery, Equipment, and Vehicles	\$5,000
5.	General Infrastructure Improvements	\$200,000
6.	Construction in Progress	\$50,000

With regard to improvements to buildings and general infrastructure, a capital outlay must be significant and increase capacity, increase efficiency, or extend the asset's estimated useful life beyond the original expectation.

All land, including rights-of-way, is capitalized at the time of acquisition regardless of historical costs or fair value if donated.

Section 3. Historical Cost or Estimated Historical Costs

Capital assets are recorded at historical cost which includes any ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include, for example, freight and transportation charges, site preparation costs, and professional fees. Engineering costs (internal and external) include related preliminary project and environmental studies; project estimating, design, and planning (drawings and specifications); and construction engineering, construction management, construction inspection and project payment. Donated capital assets are recorded at their estimated fair value at the time of acquisition.

Section 4. Estimated Useful Lives of Depreciable Assets

Capital assets have estimated useful lives extending beyond a single reporting period (one year) and are depreciated using the straight-line method with no allowance for salvage or residual value, as follows:

A.	Land	Non-depreciable
B.	Land improvements	20 years
C.	Buildings	50 years
D.	Machinery and Equipment	5 years
E.	Autos	7 years
F.	Light Trucks	10 years
G.	Heavy Trucks	15 years
H.	Infrastructure	20-100 years

Section 5. Retirements

Retirements apply to all capital assets including land, buildings, machinery and equipment, vehicles, and general infrastructure. When an asset is scrapped, sold, subject to demolition, or otherwise disposed it is to be removed from the property record, and such removal shall be reported to the Clerk-Treasurer and to the City's insurance company.

Section 6. Responsibility for Property Record Maintenance

City Departments have the responsibility to maintain thorough departmental inventory records for items greater than \$2,000 in value, including data elements such as descriptions, location, make, model, serial number, etc. Departments shall share on a timely basis any changes, improvements, additions, retirements, and transfers in detail with the Clerk-Treasurer and, as appropriate, the City's insurance company. Additionally, all City Boards and Commissions shall share executed copies of all agreements and contracts with the Clerk-Treasurer on an ongoing basis.

The Clerk-Treasurer shall maintain the City's master inventory, insurance, and capitalization records. The Clerk-Treasurer shall determine appropriate means, level of detailed data elements, and the system to be utilized. Finally, the Clerk-Treasurer shall have the right to access copies of the inventory and/or updated inventory of controllable items so as to periodically review the information and adherence to this Policy.

FLEET MANAGEMENT

Adopted By: Executive Order, Mayor Jeremy P. Stutsman

Date Adopted: September 25, 2017

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Purpose.

To improve the quality, efficiency and reduce the cost of maintaining the City of Goshen's motorized equipment and vehicle fleet, Department Heads shall coordinate all purchasing, maintenance, and repair of motorized equipment and vehicles with the Fleet Maintenance Manager or the Fleet Maintenance Manager's designee (hereinafter collectively referred to as "Central Garage").

Section 2. Purchases.

- A. When a Department proposes to purchase motorized equipment or a vehicle in which the estimated purchase price is Five Thousand Dollars (\$5,000) or more, the Department Head shall provide Central Garage a detailed description of the equipment or vehicle needed. Central Garage will evaluate and assist in the development of written specifications. Specifications shall encourage competition in satisfying the Department's needs and promote overall economy.
- B. A proposed purchase where the estimated purchase price is from Five Thousand Dollars (\$5,000) to Fifty Thousand Dollars (\$50,000), the written specifications shall be developed by Central Garage in conjunction with the Department Head before informal quotes are solicited under the City's Small Purchase Policy.
- C. A proposed purchase where the estimated purchase price is Fifty Thousand Dollars (\$50,000) or more, the written specifications shall be developed by Central Garage in conjunction with the Department Head and Legal Department before formal quotes or bids are solicited under Indiana Code 5-22.

Section 3. Scheduled Maintenance.

- A. Each Department will establish a process to ensure that operators perform routine checks of fluid levels, safety equipment, and operation of motorized equipment and vehicles as necessary to keep the fleet in proper operating condition.
- B. Central Garage shall maintain a preventative maintenance schedule for all motorized equipment and vehicles in accordance with the manufacturer's recommended service intervals. Central Garage and the Department Head shall coordinate all preventive maintenance for such equipment and vehicles, including all work covered by a warranty.
- C. This section applies to all motorized equipment and vehicles regardless of the current value or original cost of the equipment or vehicle or the estimated cost of the maintenance.

Section 4. Unscheduled Repair.

- A. Each Department will coordinate service with Central Garage for all motorized equipment and vehicles in cases of unscheduled breakdown or improper operation, including all repairs covered by a warranty. Central Garage will evaluate the equipment or vehicle and repair, if warranted, or Central Garage may determine that the equipment or vehicle should not be repaired and be disposed.
- B. This section applies to all motorized equipment and vehicles regardless of the current value or original cost of the equipment or vehicle or the estimated cost of the repair.

Section 5. Accidents.

- A. A Department Head shall immediately report to Central Garage any accident involving motorized equipment or a vehicle at the time of the accident.
- B. Central Garage will evaluate the equipment or vehicle and report all claims to the City's insurance carrier if warranted.

Section 6. Replacement and Disposal.

- A. Central Garage may recommend to the Department Head and Mayor that motorized equipment and vehicles be replaced at various intervals depending on the type of equipment or vehicle as well as the nature and intensity of its use. Timely replacement is important to minimize maintenance costs and ensure the availability, safety, reliability and efficiency of the equipment or vehicle.
- B. Central Garage will recommend disposal of motorized equipment and vehicles to the Legal Department. The Legal Department will prepare a resolution for the Board of Public Works and Safety to declare the equipment or vehicle as surplus property and authorize its disposal in accordance with I.C. 5-22-22.
- C. This section applies to all motorized equipment and vehicles regardless of the current value or original cost of the equipment or vehicle.

MOTOR VEHICLE DRIVING POLICY

Adopted By: Board of Public Works and Safety

Date Adopted: February 6, 2012

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Purpose

To assure that Employee Drivers of the City of Goshen maintain a current, valid operator's license from the state of the employee's residence, and operate vehicles in a safe and lawful manner in compliance with the laws of the State of Indiana.

Section 2. Definitions

The term "Employee Driver(s)" shall mean any employee, applicants for employment, or other persons who may be required or permitted to operate any City owned or leased motor vehicle while performing that person's duties on behalf of the City. Each Department Head shall provide to the Fleet Manager a list of authorized Employee Drivers within the Department Head's Department.

Section 3. Operator's Licenses

- A. Each Employee Driver of the City shall at all times maintain a current, valid operator's license from the state of the employee's residence. Any Employee Driver failing to maintain a current, valid operator's license shall be prohibited from operating any motor vehicle while performing any duties on behalf of the City.
- B. Any Employee Driver whose operator's license is suspended, revoked, or otherwise invalid is immediately prohibited from operating any vehicle while performing that person's duties on behalf of the City. Each Employee Driver shall immediately notify his or her department head if his or her operator's license has been suspended, revoked or becomes invalid in any way. Each Employee Driver is responsible for knowing the status of his or her operator's license.
- C. In order to ensure compliance with the foregoing requirements, each Employee Driver shall provide to the City's Fleet Manager and Human Resources Manager a copy of the employee's operator's license at the time of employment. Employees whose jobs require a CDL shall provide the City's designated representative a copy of the employee's operator's license whenever the license is renewed.
- D. Prior to the operation of a City owned or leased vehicle, an Employee Driver shall sign appropriate paperwork authorizing the City to monitor the status of the Employee Driver's license to verify it is not suspended or revoked.

Section 4. Duty to Operate Safely and Legally

Each Employee Driver is required to operate motor vehicles in a safe and legal manner. This includes the use of seatbelts by all Employee Drivers and their passengers at all times required by law and compliance with any restrictions on the Employee Driver's operator's license. Any employee who, while

within the course of their employment or while operating a City owned or leased vehicle, commits an offense for which driving points are charged under 140 IAC 1-4.5-10 shall immediately report that fact to the Human Resources Manager.

Section 5. **Operation under the Influence of Substances, Distracted Driving, & Other Unsafe Practices**

- A. Employee Drivers shall not operate any motor vehicle while impaired in thought or action due to consumption of alcohol, prescription or non-prescription drugs or controlled substances, or any other legal or illegal substances(s) while operating a motor vehicle on behalf of the City.
- B. Employee Drivers shall not engage in any activities that distract their attention from the operation of any motor vehicles while operating a motor vehicle on behalf of the City. Except for employees performing law enforcement or public safety functions, the use of cellular telephones, computers, electronic navigation devices, and/or text messaging devices shall be used only in compliance with the laws of the State of Indiana and in a manner that does not distract the operator of the vehicle.

Section 6. **Accident Reports**

- A. An Employee Driver involved in a motor vehicle accident while operating a motor vehicle on behalf of the City shall cooperate in the filing of all law enforcement reports required by law and, in addition, shall immediately inform the employee's supervisor and complete a full and accurate report on the form prescribed by the City.
- B. An Employee Driver involved in a motor vehicle accident while operating a motor vehicle on behalf of the City shall submit to a test for the presence of alcohol, prescription or non-prescription drugs or controlled substances, or any other legal or illegal substances(s) in the Employee Driver's system as soon as practicable following an accident if the accident involved any property damage or personal injury. Testing shall follow the procedure contained in the City's Controlled Substance and Alcohol Use and Testing Policy. The Employee Driver submitting to testing should endeavor to arrange for someone besides the employee driving the employee to the testing facility; the employee submitting to testing shall not drive to the testing facility, unless the employee's supervisor gives the employee permission to drive to the testing facility.

Section 7. **Discipline**

The failure to comply with any provision of this Policy, or any violation of this Policy may result in disciplinary action including, but not limited to, revocation of the privilege to operate a City owned or leased vehicle, placement on restricted duty, administrative leave, suspension, or termination.

REDUCED IDLING

Adopted By: Board of Public Works and Safety

Date Adopted: September 13, 2010

Date Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Purpose

This Policy establishes guidelines for eliminating unnecessary idling for City of Goshen owned or leased motor vehicles and equipment. Reducing idling reduces fuel cost and enhances vehicle maintenance. Reducing idling also reduces the amount of pollutants released from engines running unnecessarily.

Section 2. Application

This Policy applies to operators of all vehicles owned or leased by the City of Goshen, including cars, trucks, vans, SUVs, police, ambulances, fire apparatus, sweepers, sewer equipment, loaders, backhoes, snow plows, and any other equipment that utilizes fuel such as diesel, gasoline, propane, etc.

Section 3. Definitions

Idling means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate equipment auxiliary to the vehicle itself.

Section 4. Policy

- A. City of Goshen employees shall avoid all vehicle and equipment idling, except as provided for in this Policy.
- B. All employees operating City owned or leased vehicles must adhere to the following:
 - 1. Vehicles shall not be left idling when unattended.
 - 2. Vehicles will not be left to idle during break/lunch periods; vehicles will be allowed to idle if the ambient temperature is less than 15 degrees Fahrenheit outside.
 - 3. Vehicles will be shut off whenever idling time is expected to exceed two minutes.
 - 4. Engine warm-up periods will not exceed two minutes for gasoline and five minutes for diesel powered units (provided required airbrakes pressure and/or other critical settings have been reached).

Section 5. Exceptions

- A. Vehicle or equipment idling shall be permitted in the following circumstances:
 - 1. Idling will be permitted when necessary when snow, ice, frost, or fog are present on the window(s). A window scraper will be utilized for primary removal of ice and snow. Idling must end once the windows are cleared.

2. Staff may idle a vehicle/equipment for up to 15 minutes for the purpose of employees sitting inside an idling vehicle to get warm and/or dry if indoor accommodations are not available at a worksite where employees are assigned.
 3. During cold weather (below 32 degrees Fahrenheit) or hot weather (above 80 degrees Fahrenheit), idling may be necessary for the health, safety, or well-being of the operator/passengers.
 4. Emergency response units may idle while on an active emergency scene.
 5. K-9 Units may idle to protect the comfort and health of the K-9.
 6. Vehicles and equipment may idle when the engine is immediately required to power auxiliary equipment (*e.g.* hoist, hydraulic tools, pumps, medical equipment, computers, safety/warning lights, etc.).
 7. Vehicles and equipment may idle when being serviced or diagnosed, but should be depot to a minimum.
 8. Vehicles and equipment may idle at the discretion of a supervisor where safety may be compromised by shutting down an engine.
 9. Vehicles and equipment may idle to the extent necessary to protect the vehicle, auxiliary equipment, or personal property on or in the vehicle from injury or damage caused by extreme temperatures, or to ensure the proper operation of the vehicle or equipment.
- B. When circumstances are present that qualify as an exception, the exception shall be narrowly applied to minimize the amount of idling. For instance, the minimum necessary number of emergency response units shall idle at an active emergency scene, and employees shall utilize as few vehicles as necessary at a worksite for the purpose of warming employees.

Section 6. Traffic Guidelines

- A. As a safety measure, a vehicle's engine should not be turned off when it is stopped while actively engaged in traffic, *e.g.* traffic signals. The vehicle may need to move due to the approach of emergency response equipment. The time required to restart the vehicle could jeopardize the safety of the driver and general public.
- B. At the operator's discretion and when the safety of the operator or the general public is not affected, it is suggested the engine be turned off at the following locations:
 1. When stopped at a railroad crossing waiting for a train to pass.
 2. When stopped in traffic due to congestion or an accident.
- C. The operator will restart the engine in time to not restrict the traffic flow once normal flow resumes.

PERSONAL USE OF CITY VEHICLES

Adopted By: Board of Public Works and Safety

Date Adopted: November 22, 2004

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Policy

- A. Each employee to whom the City assigns a City owned or leased vehicle to use for City business, and who uses the motor vehicle to commute to and from work, shall reimburse the City the sum of \$1.50 for each one way commute from home to work or from work to home. Employees to whom the City assigns a vehicle may only use the vehicle for City related purposes, for commuting to and from home, and for *de minimus* purposes such as personal errands on the way between work and home.
- B. Employees shall not be required to reimburse the City the \$1.50 for each one way commute if the City assigns to the employee a vehicle that is a clearly marked police, fire, or public safety vehicle, or an unmarked vehicle used by law enforcement officers or by staff for law enforcement duties. Law enforcement officers using unmarked vehicles for commuting shall be required to respond to emergency situations that occur during the law enforcement officer's commute.
- C. City of Goshen employees who use a City owned or leased vehicle for personal use shall reimburse the city for all personal use of that vehicle at the rate of \$0.50 per mile for each mile that the employee uses the City motor vehicle for personal purposes.
- D. Employees shall not be required to reimburse the City for mileage driven for the following purposes:
 - 1. City business;
 - 2. When an employee is instructed to take a vehicle home so that the vehicle can be used for City business, *e.g.* an employee takes a plow home when a snow storm is forecasted.
 - 3. When an employee who is on call for any non-regularly scheduled call backs drives a City vehicle home.
- E. All employees provided with a City vehicle shall log all one way commutes for which the employee uses the City vehicle and all miles the employee drives the City vehicle for personal purposes. A standardized form will be provided to track personal miles. Employees must submit this form to the Clerk-Treasurer's office on a monthly basis.
- F. Each City employee to whom a vehicle is assigned must maintain a valid driver's license, and may not allow any other person to operate the vehicle assigned to them.

- G. On an annual basis, each Department Head shall provide to the City Fleet Manager a list of employees authorized to operate City owned or leased vehicles as well as a copy of the employee's current driver's license.

Section 2. Accidents

If an accident should occur during an employee's personal use of a City owned or leased vehicle, and the accident is the fault of the employee, the employee shall reimburse the City the amount of the deductible that the City is required to pay due to the collision, or the actual cost to repair the damages, whichever is lesser. This obligation to pay for damages specifically only applies to personal use of a vehicle – this obligation does not apply if the employee is using the vehicle for City business or for any non-regularly scheduled call back.

Section 3. Passengers

When transporting passengers during personal use of a City owned or leased vehicle, employees to whom vehicles are assigned accept responsibility and liability for damages and injury to passengers in the City vehicle arising out of any collision or accident occurring during personal use of the City's vehicle.

Section 4. Smoking

Smoking and vaping are prohibited in vehicles owned or leased by the City.

Section 5. Search of Vehicle

The City reserves the right to conduct unannounced searches of City owned or leased vehicles. The search of a vehicle may include the use of electronic tracking devices, with prior approval of the Mayor, to monitor compliance with this Policy. An employee's consent to search a City owned or leased vehicle is a condition of the assignment of a City owned or leased vehicle to the employee.

Section 6. Violations of this Policy

Any violation of this Policy could result in revocation of the privilege of driving City owned or leased vehicles.

E-MAIL, DIGITAL MEDIA, INTERNET, FAX, AND TELEPHONE USE

Adopted By: Board of Public Works and Safety

Date Adopted: December 6, 2004

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Background

The City of Goshen recognizes that using the Internet, Digital Media, E-mail, Fax, and Telephones has many benefits which can enhance the productivity of City departments making communication more efficient and effective. Therefore, employees must use the Internet, Digital Media, E-mail, Fax, and Telephones responsibly. Unacceptable usage of these resources can place the City and the employee at risk. This Policy discusses acceptable usage of the Internet, Digital Media, E-mail, Fax, and Telephones and applies to all employees at all locations.

Section 2. General

A. Digital Media

For purposes of this Policy, “Digital Media” shall include all forms of electronic communication, websites, programs, and applications through which users create online communities to share information, ideas, personal messages, and other content using a computer, mobile phone, or similar device.

B. Privilege

1. Access to the Internet, Digital Media, E-mail, Fax, and Telephones through the City of Goshen’s computer network is a privilege and carries responsibilities reflecting accountable and ethical use.
2. The use of any City of Goshen property and access to the Internet, Digital Media, E-mail, Fax, and Telephones through the City of Goshen’s computer network is intended for the purpose of City business.
3. Employees have no reasonable expectation of privacy when using City technology or equipment. An employee should not expect that use of the City’s computer network is confidential. The City of Goshen reserves the right to monitor an employee’s internet use and to examine e-mail, personal electronic files, and other information stored on City computers at any time and without prior notice.
4. Use of the Internet, Digital Media, E-mail, Fax, and Telephones through the City of Goshen’s network constitutes the employee’s acceptance of this Policy, and acknowledgement that the employees use may be monitored by the City.

C. Use of Internet, Digital Media, E-mail, Fax, and Telephones

1. When using the City's Internet, Digital Media, E-mail, Fax, and Telephones, each user shall:
 - a. Conduct themselves at all times as a representative of the City.
 - b. Be respectful, professional, ethical, and comply with all City policies, local, state, and federal laws.
 - c. Use proper grammar and avoid technical terms, jargon, obscure terminology, acronyms, or abbreviations unless there is a common understanding of meaning.
 - d. Ensure the information is communicated accurately, clearly, completely, and with brevity. If mistake is made, it should be disclosed and promptly corrected.
 - e. Be transparent and truthful.
 - f. Always be judicious, careful, and considerate.
 - g. Be responsive to citizen concerns.
 - h. Stay current and be consistent with the goals of the City.
 2. Except for law enforcement purposes or public safety uses, employees are prohibited from using the Internet, Digital Media, E-mail, Fax, and Telephones for any unethical purposes, including, but not limited to, pornography, violence or threats of violence, gambling, racism, harassment, discriminatory behavior, or any illegal activity.
 3. Employees are prohibited from using profanity or vulgarity when posting information or messages via the Internet, Digital Media, and E-mail. Employees should exercise the same restraint and caution in drafting and transmitting messages over the Internet, Digital Media, and E-mail as they would when writing a memorandum or a letter. Employees should assume that their message will be saved and reviewed by someone other than the intended recipient.
 4. The employee must abide by all federal and state laws with regard to information sent through the Internet, Digital Media, and E-mail. The City strictly prohibits unauthorized release or disclosure of any employee information through the Internet, Digital Media, and E-mail or through any other means. Private or confidential information, as defined by any City policy, or local, state, or federal law, shall not be transmitted over the Internet, Digital Media, and E-mail.
 5. Employees also are prohibited from using Internet access through the City network system for any other business or profit-making activities.
- D. Care must be taken by all employees to ensure that accessing and use of the Internet, Digital Media, and E-mail does not jeopardize the City's interests.
- E. Personal Use

1. Employees should refrain from using the Internet, Digital Media, E-mail, Fax, and Telephones for personal purposes while on work time unless they are specifically authorized to do so by a supervisor or other authorized city official. Any personal use of the Internet, Digital Media, E-mail, Fax, and Telephones is expected to be on the employee's own time and shall not interfere with the person's job responsibilities or with the workplace, and not involve commercial, political, or other prohibited activities.
2. Employees shall not use a City of Goshen email address or phone number for personal purposes or to register on websites for personal purposes or to establish personal Digital Media accounts.
3. Nothing in this Policy should be construed to limit an employee's right as a private citizen to discuss a matter of public concern during non-work time.

Section 3. Use of Internet and Digital Media

A. Authentication Process

Internet access will only be granted to an employee by the City's Technology Coordinator. If an employee's Department Head determines that internet access is needed, the employee will be authenticated through an assigned network username and password. The username and password are the responsibility of the employee to whom they are assigned. Any unauthorized use of the username and password by anyone other than the assigned owner to gain access to the City's network and Internet is prohibited.

B. General Use

1. When using City approved accounts on Digital Media platforms for professional purposes, users shall not post any of the following:
 - a. personal, sensitive, or confidential information, except for names of City employees whose job duties include being available for contact by the public, or as specifically authorized by the Communications Coordinator;
 - b. comments, photographs, or videos that could discredit or embarrass the City, or its employees;
 - c. personal views or concerns;
 - d. anything that would infringe upon another's property rights, such as copyrighted material;
 - e. anything that would injure another person's or entity's professional or personal reputation;
 - f. misleading or false information;
 - g. content that engages in political or religious advocacy or commentary, or supports or opposes any ballot issue or candidate for office;
 - h. content that is prohibited on City approved accounts on Digital Media platforms; or

- i. photographs of employees or members of the public, without written permission from those depicted.
2. Employees may use Digital Media websites or similar media including, but not limited to, blogs, chat rooms, online journals, personal websites, Facebook, Instagram, Twitter, LinkedIn, etc. for professional purposes, for business communications, and to fulfill job duties. Any post by an employee on such sites shall include a disclaimer that states, *“This post reflects my own opinion, and not that of the City of Goshen.”*

C. Personal Use

Employees are to refrain from posting on social personal networking sites or media, photographs of City personnel wearing City distinguishable uniforms, logos, shields, badges, weapons, or writings that readily identify one as an employee of the City. City personnel may “share” or link postings by the City to their personal networking sites or media.

D. Downloading Software

Employees are prohibited from downloading software from the Internet without prior approval of the Technology Coordinator. Downloading of games from the Internet is prohibited. Downloading of any executable files or programs which change the configuration of your system by anyone other than the Technology Coordinator or his/her designee is prohibited. When downloading has been authorized, the employee should take extreme caution when downloading software or files from the Internet. All files or software should be passed through virus protection programs prior to use. Failure to detect viruses could result in corruption or damage to files and/or unauthorized entry into the City’s network. It is mandatory that employees comply with copyright and trademark laws when downloading material from the Internet. If the employee finds that any damage occurred as a result of downloading software or files, the incident should be reported immediately to the Technology Coordinator.

Section 4. Use of Electronic Mail (E-mail)

- A. The City of Goshen provides certain employees with access to electronic mail communications. The primary purpose of the electronic mail system is to expedite necessary business communications between two or more individuals. As such, the use of electronic mail is for City business purposes. Any information included in e-mail communications becomes the property of the City of Goshen.
- B. An e-mail account will be granted by the City’s Technology Coordinator if an employee’s Department Head determines an e-mail account is necessary. The employee will be authenticated through an assigned network username and password.
- C. A unique electronic mail "user id" is assigned to the employee. Any communication sent from that “user id” is the responsibility of the employee assigned to the account. Employees are prohibited from allowing other individuals to send electronic mail from their account and may not use another account to send e-mail communications for their

own purposes. All messages composed, sent, or received on an employee e-mail account are and remain the property of the City. They are not the private property of the employee.

D. Proper Use of E-Mail

1. Employees are prohibited from sending by E-Mail communication confidential or sensitive information, such as passwords, security codes, credit card numbers, or similar information.
2. Employees are prohibited from entering into any contracts or agreements on behalf of the City of Goshen through electronic mail. Any such contracts or agreements must be executed through normal channels and must be expressly authorized by management.

Section 5. Various Devices

- A. This Policy applies to an employee's use of the Internet, Digital Media, E-mail, Fax, and Telephones regardless of the type of electronic device used by the employee. This Policy applies whether an employee uses a City owned or personally owned computer, tablet, phone, smartphone, or similar device.
- B. Employees shall use proper etiquette regardless of the device used by an employee; employees shall use computers, tablets, phones, smartphones, and similar devices for work related matters and in a manner that does not distract the employee or anyone in the employee's work area from performing work related tasks.

Section 6. Violations of this Policy

Violations of this Policy should be reported to the employee's immediate supervisor, who should in turn report the violation to the Technology Coordinator. Any violation of this Policy could result in revocation of E-mail and Internet access and use privileges.

CELL PHONE

Adopted By: Board of Public Works and Safety

Date Adopted: December 22, 2006

Revised: August 12, 2013; January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Definition

For the purposes of this Policy, “Cell Phone” includes all mobile electronic devices that have the ability to receive and transmit voice and/or data communications without a cable connection.

Section 2. Cell Phone Eligibility

- A. There are certain employees whose job duties and responsibilities require that these employees have access to voice and/or data communications when access to a land telephone line or computer is unavailable. If it is determined that, for substantial business purposes, an employee is regularly required to use a Cell Phone in connection with carrying out City business in an effective and timely manner, the City will provide an eligible employee with either a City-owned Cell Phone or a Cell Phone stipend as reimbursement for use of the employee’s personal Cell Phone for City business.
- B. The Department Head, with the approval of the Mayor, shall determine the department employees who, for substantial business purposes, are regularly required to use a Cell Phone to perform the employees’ job duties and responsibilities. Substantial business purposes include, but are not limited to the following:
1. Emergency Call-Back. The employee’s job duties and responsibilities require that the employee be continuously accessible for work related emergencies related to City services (*i.e.*, on-call duties).
 2. Mobile Work Environment. The employee’s job duties and responsibilities require that the employee be available to speak with City residents and other City employees at times when the employee is away from the employee’s office during the normal work day and it is essential to the City that the employee be accessible during those time periods.
 3. Access to Email/Data. The job duties and responsibilities routinely require access to email, photographs or other data messages when the employee is away from the office or outside the employee’s normal work day and it is essential to the City that the employee be able to send or receive email, photographs or other data messages during those time periods.
 4. Other Business Purposes. The job duties and responsibilities routinely require the employee to speak with or otherwise contact other employees, City residents, or persons for City business at times when the employee is away from the office or outside the employee’s normal work day.

Substantial business purposes do not include the promotion of morale or goodwill of an employee, or to otherwise furnish additional compensation to an employee.

- C. The Department Head, with the approval of the Mayor, shall determine whether the eligible employee is required to have access to voice services only or if the eligible employee is required to have access to voice and data communication services for City business.
- D. An employee's eligibility for a City-owned Cell Phone or Cell Phone stipend is not met if an employee's use of an alternative means of communication, such as land telephone lines, computers, push-to-talk devices, pagers, etc., would be adequate to carry out City business. Likewise, an employee who qualifies for a City-owned Cell Phone or Cell Phone stipend may lose such qualification if the employee's job duties change and the change makes the use of a Cell Phone no longer necessary.
- E. As long as an employee's use of a City-owned Cell Phone is for substantial business purposes and complies with this Policy, the employee fringe benefit is non-taxable.

Section 3. Use of Cell Phones

A. All Cell Phones.

1. An employee shall not use any Cell Phone while working in an environment where the use of a Cell Phone would be a distraction, create an unsafe work environment to the employee or others, or be an invasion of another employee's privacy.
2. An employee shall not use any Cell Phone while operating a City vehicle or equipment. Employees are required to safely stop the vehicle or equipment before placing or receiving a telephone call or data message. Notwithstanding the foregoing, law enforcement or public safety employees may use a Cell Phone via hands free or Bluetooth technology for official City business.
3. An employee shall not use any camera, video or audio recording features of any Cell Phone during working hours except for City business.
4. Employees shall refrain from using any Cell Phone while in attendance at a City meeting or training, unless such use is for a job related purpose or unless the use is in response to an emergency matter demanding the employee's immediate attention. Employees shall silence all notifications while in attendance at City meetings or trainings.
5. Employees are prohibited from sending by text messages confidential or sensitive information, such as passwords, security codes, credit card numbers, or similar information.
6. A non-exempt or hourly employee will not be required to use a Cell Phone outside the normal work day unless the employee is on-call or such use is otherwise required to perform the employee's job duties and responsibilities, in which case the employee will be compensated accordingly for such time.

7. Employees should refrain from using Cell Phones for personal purposes while on work time unless they are on a scheduled break or meal period, unless the use is in response to an emergency matter demanding the employee's immediate attention, or unless they are specifically authorized to do so by a supervisor or other authorized city official. Any personal use of a Cell Phone is expected to be on the employee's own time and shall not interfere with the person's job responsibilities or with the workplace, and not involve commercial, political, or other prohibited activities.

B. City-Owned Cell Phones.

1. A City-owned Cell Phone shall only be used for City business. An employee shall not use a City-owned Cell Phone for personal purposes. An employee will be required to pay the City for any excess charges to the City caused by an employee's personal use of a City-owned Cell Phone for personal purposes.
2. An employee shall not send or receive email, photographs or other data messages on a City-owned Cell Phone unless approved by the Department Head. If approved, then such emails, photographs or other data messages shall only be related to City business.
3. An employee shall not download any add-on features or applications on a City-owned Cell Phone unless approved by the Department Head. If approved, then such add-on features or applications shall only be related to City business.
4. An employee shall not call 411 (information) on a City-owned Cell Phone.
5. An employee provided with a City-owned Cell Phone shall protect the Cell Phone from loss, damage, or theft. An employee shall immediately notify the employee's Department Head if the employee's City-owned Cell Phone is lost, damaged, or stolen. An employee will be required to pay the City the replacement or repair cost for a City-owned Cell Phone that is lost, damaged, or stolen due to the employee's abuse, carelessness, or negligence.
6. The City reserves the right to monitor the use of a City-owned Cell Phone and review, audit, and inspect records of a City-owned Cell Phone at any time. An employee must surrender a City-owned Cell Phone to the employee's Department Head upon request.

C. Personal Cell Phones.

The City will not be liable for the loss, damage, or theft of an employee's personal Cell Phone brought into the workplace, unless the loss, damage, or theft occurred as a result of a cause out of the employee's control, *e.g.* a police officer's personal Cell Phone is damaged by a criminal suspect who engages in a fight with the officer.

Section 4. Cell Phone Stipend

- A. An employee deemed eligible for a City owned Cell Phone as determined under this Policy may elect to use the employee's personal Cell Phone and receive a Cell Phone

stipend as reimbursement for use of the employee's personal Cell Phone for City business in lieu of the City providing the employee with a City-owned Cell Phone.

- B. An employee receiving a Cell Phone stipend must maintain the type of cell phone coverage that is reasonably related to the needs of the City's business.
- C. The Cell Phone stipend to be paid to an eligible employee shall not exceed the monthly amounts as established by the City's annual salary ordinance.
- D. The Cell Phone stipend will be paid monthly. This stipend does not constitute an increase to the employee's base pay, but is a taxable fringe benefit.
- E. An employee is responsible for procuring, paying all associated charges, and maintaining an active personal Cell Phone plan and working personal Cell Phone when receiving a Cell Phone stipend.
- F. The Cell Phone stipend to be paid to the employee shall not exceed the actual amount paid by the employee to maintain the type of Cell Phone coverage that is reasonably related to the needs of the City's business. An employee receiving a Cell Phone stipend shall immediately notify the employee's Department Head if the actual amount paid by the employee for the personal Cell Phone under the employee's personal Cell Phone plan is less than the Cell Phone stipend. The City reserves the right request a copy of the employee's monthly billing statement for the employee's personal Cell Phone plan.
- G. An employee shall provide their Department Head the employee's current Cell Phone number and immediately notify the Department Head if the number changes or if the employee no longer maintains an active personal Cell Phone plan.
- H. An employee receiving a Cell Phone stipend is expected to carry the employee's personal Cell Phone as required to perform the employee's job duties and responsibilities.
- I. An employee shall immediately notify the employee's Department Head if the employee's personal Cell Phone is lost, damaged, or stolen. An employee shall repair or replace the employee's personal Cell Phone that is lost, damaged, or stolen within five (5) business days.
- J. A Cell Phone stipend paid to an employee for the use of the employee's personal Cell Phone for City business that complies with this Policy shall not be considered additional income or wages to the employee.

Section 5. Return of City-Owned Cell Phones

- A. Upon resignation or termination of employment, an employee provided with a City-owned Cell Phone may be required to return the City-owned Cell Phone to the employee's Department Head, or to the City's Human Resources Manager. An employee who does not return a City-owned Cell Phone in good working condition after being asked to return the Cell Phone will be required to pay the City the replacement or repair cost for the City-owned Cell Phone if the employee's failure to return the Cell Phone in good working condition is because the Cell Phone is lost, damaged, or stolen and caused by the employee's abuse, carelessness or negligence.

- B. An employee who separates from employment with an outstanding debt to the City for the replacement or repair cost of any lost, damaged, or stolen City-owned Cell Phone or for any excess charges to the City caused by an employee's personal use of a City-owned Cell Phone may be considered to have left employment on unsatisfactory terms and will be subject to legal action for recovery of the debt.

Section 6. Public Access

A Cell Phone used by an employee for City business, and records related to the Cell Phone, may be subject to disclosure under the Indiana Access to Public Records Act if the employee's Cell Phone is used in connection with carrying out City business. An employee must cooperate with the City in complying with any request for access to public records.

Section 7. Violation

An employee's use of a Cell Phone in any manner in violation of this Policy or state, or federal law will constitute misuse and will result in disciplinary action which may include:

1. The surrender and return of a City-owned Cell Phone;
2. The termination of a Cell Phone stipend; and
3. Other disciplinary action, up to and including termination of employment.

DIGITAL MEDIA

Adopted By: Board of Public Works and Safety

Date Adopted: January 24, 2022

Revised: N/A

**Employees Affected: All Departments, Offices, and Employees, except Police and Parks
Departments**

Section 1. Purpose

The City of Goshen's use of Digital Media enhances communication and engagement with the public. It is being employed to advance the goals of the City and its departments in efficient operations, inclusion, and transparency. The City shall utilize and manage City approved accounts on Digital Media platforms in a consistent manner across all of its departments and divisions. The City's overriding interest and expectation in deciding what is spoken, published, or broadcasted on behalf of the City requires that content be limited to City approved accounts on Digital Media platforms.

Section 2. Digital Media Account Management

- A. For purposes of this Policy, "Digital Media" shall include all forms of electronic communication, websites, programs, and applications through which users create online communities to share information, ideas, personal messages, and other content using a computer, mobile phone, or similar device. ("Digital Media").
- B. The City of Goshen's website at www.goshenindiana.org/ will remain the City's primary and predominant internet presence.
- C. To establish a City approved account on a Digital Media platform, a department must submit a request to the Communications Coordinator. The request must be signed by the department head. The Communications Coordinator may only approve a City approved account on Digital Media platform if the Digital Media platform is an appropriate channel of communication for the City and the use of it is consistent with this Policy.
- D. Wherever possible, City Digital Media sites should link back to the official City of Goshen website for forms, documents, online services, and other information necessary to conduct business with the City of Goshen.
- E. City Digital Media sites shall make clear that they are maintained by the City of Goshen and that they follow the City's Digital Media Policy.
- F. Only the Communications Coordinator, or individuals authorized by the Communications Coordinator, may post, edit, delete, or modify information on the City's website, or on City approved Digital Media platform accounts. However, during emergency circumstances, the Mayor may initiate communications through Digital Media.
- G. The Communications Coordinator shall:

1. Regularly review, be familiar with, and comply with the City's policies on use of City approved accounts on Digital Media platforms.
 2. Monitor content on City Digital Media sites to ensure adherence to both the City's Digital Media Policy and the interest and goals of the City of Goshen.
 3. Monitor, use, and interact on City approved accounts on Digital Media platforms.
 4. Regularly monitor and manage all comments to City approved accounts on Digital Media platforms.
 5. Maintain a list of all City approved accounts on Digital Media platforms, and a list of the login and password information for each approved account, so the City can immediately edit or remove content in accordance with this Policy.
 6. Provide original and updated logins, passwords, and other information needed to access City approved accounts on Digital Media platforms to the Technology Coordinator, to the Mayor, and to any employee designated by either the Communications Coordinator or Technology Coordinator as back up.
- H. City approved accounts on Digital Media platforms that violate this Policy may be removed or closed without notice, at the sole discretion and authority of the City's Communications Coordinator.

Section 3. Content

- A. When an employee identifies a business need for posting information on Digital Media, the employee must gain approval of the employee's department head. The department head will review the request and, if approved, the department head will then forward the requested contents to the Communications Coordinator for "posting" to the selected site.
- B. The City reserves the right to restrict or remove any content that is deemed in violation of this Digital Media Policy; the City's Email, Digital Media, and Internet Use Policy; or any applicable law. Any content removed based on these guidelines must be retained by the Communications Coordinator for a reasonable period of time, including the time, date and identity of the person posting, when available.

Section 4. Security

- A. The Technology Coordinator and Communications Coordinator shall place and activate controls to protect City information and technology assets against potential destructive technical incidents.
- B. All perceived or known compromises to the City's internal network shall be promptly reported to Communications Coordinator.
- C. Computers, laptops, and mobile devices used to administer City Digital Media sites shall have up to date software to protect against destructive technical incidents, including but not limited to cyber, virus and spyware/adware attacks.

Section 5. Legal Issues

- A. City approved accounts on Digital Media platforms shall comply with all applicable federal, state, and local laws, regulations, and policies, including adherence to established laws and policies regarding copyright, records retention, Indiana Public Access laws, First Amendment, privacy and information security policies established by the City.
- B. Any content published on a City approved account on Digital Media platforms, including but not limited to lists of subscribers, posted communications, and communications submitted for posting, may be considered a public record for purposes of Indiana Public Access laws Act, and subject to public disclosure. The Communications Coordinator shall preserve and maintain records in an accessible format so that the records can be reviewed and, when appropriate, produced in response to a request for public records.
- C. The following disclaimer shall appear on every Digital Media official City account:

This account is intended to be a limited forum for communication and discussion between the City of Goshen and members of the public about specific topics. The City of Goshen reserves the right to remove inappropriate comments, including those comments that are not topically related; comments that include profane or obscene language, sexual content, threats, defamatory statements, the encouragement of illegal activity, violations of the legal ownership interests of another party, solicitations of commerce, statements in support or opposition to political candidates or ballot propositions; content that promotes, fosters, or perpetuates discrimination; or information that may compromise the safety or security of the public or public systems. Any content posted may be public and subject to public disclosure upon request. Activity on this account is subject to all applicable federal, state, and local laws regulations and policies.

Section 6. User Conduct

- A. Public comments are allowed on City approved accounts on Digital Media platforms.
- B. Comments containing any of the following inappropriate forms of content shall not be permitted on City of Goshen Digital Media sites and are subject to removal and/or restriction:
 - 1. Comments not related to the original topic, including random or unintelligible comments;
 - 2. Comments on topics or issues not within the jurisdictional purview of the City of Goshen;
 - 3. Offensive, profane, obscene, violent, or pornographic content and/or language;
 - 4. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, sex, gender, or national origin;
 - 5. Defamatory statements or personal attacks;
 - 6. Harassment or threats to any person or organization;

7. Comments in support of, or in opposition to, any political campaigns, candidates, or ballot measures;
 8. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
 9. Conduct in violation of any federal, state, or local law;
 10. Encouragement of illegal activity;
 11. Information that may tend to compromise the safety or security of the public or public systems;
 12. Content that violates a legal ownership interest, such as a trademark or a copyright, of any party;
 13. Comments making false, vicious, or malicious statements concerning any employee, the City, or the City's operation; or
 14. Comments disclosing confidential, sensitive, or proprietary information.
- C. The Communications Coordinator shall delete or restrict any comment that contains content prohibited by this Policy, and the City reserves the right to deny access to City Digital Media sites for any individual who violates this Policy, at any time and without prior notice, but only after consultation with the City's Legal Department.
- D. A comment posted by a member of the public on any City of Goshen Digital Media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Goshen, nor do such comments necessarily reflect the opinions or policies of the City of Goshen.
- E. When a City of Goshen employee responds to a comment, in his/her capacity as a City of Goshen employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other City employees.
- F. Individuals shall not be blocked and content on City approved accounts on Digital Media platforms shall not be deleted simply because they are critical of the City, its officials, or employees, or because the Communications Coordinator otherwise dislikes what the content says or represents. Content may be deleted only when it violates this Policy.
- G. Any content removed from a City approved accounts on Digital Media platforms must be retained in accordance with the City's records retention policy, and the time, date, and identity of the poster shall be noted, if that information is available.
- H. All comments posted to any City of Goshen Facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the City of Goshen reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.

TELECOMMUTING POLICY

Adopted By: Board of Public Works and Safety

Date Adopted: August 6, 2007

Revised: January 24, 2022

Employees Affected: All Departments, Offices, and Employees

Section 1. Background

In order to facilitate arrangements under which a City employee needs to telecommute as part of their work schedule, the City of Goshen adopts the following policy and procedure.

Section 2. Definition

Telecommuting entails a work-at-home arrangement accessing the City's server or other remote-access arrangement for at least part of the workweek on an as needed basis. Telecommuting may be granted under appropriate circumstances to those employees whose job responsibilities are suited to such an arrangement, and each request to telecommute will be decided on an individual basis.

Section 3. Purpose and Goals

City-owned desktop and laptop computers are used by City of Goshen employees for internal and external communication and to support City business functions to their fullest capacity. This Policy advises employees and Department Heads of their responsibilities and provides guidance in managing distribution and usage.

Section 4. Remote Access to City Server

Remote access to the City server will be provided to employees based on demonstrated need and job function as approved by the Department Head and by the Mayor or the Human Resources Manager. This includes, but is not limited to, employees whose positions involve on-call duties, employees who during the normal course of employment perform their duties away from their assigned work space, and employees who have demonstrated a need to be in contact with their office via e-mail and communication interfaces.

Section 5. Use of Remote Access

- A. Remote access to the City server either via a remote desktop computer or a laptop computer, like other means of communication, is to be used to support City government business only.
- B. Employees may use remote access to communicate informally with others in the City so long as the communication meets professional standards of conduct.
- C. Employees may use remote access to communicate outside of the City government when such communications are related to legitimate business activities and are within their job assignments or responsibilities.

- D. Employees will not use a City-owned desktop or a City-owned laptop computer for illegal, disruptive, unethical or unprofessional activities, personal gain, or for any purpose that would jeopardize the City server (*see* E-mail and Internet Policy).
- E. Employees must take every effort to ensure the safe usage of laptop computers. Laptop computers should not be used while operating a motor vehicle, except by police officers who properly operate laptop computers installed in patrol vehicles they operate. Employees must take every effort to ensure the safe usage of laptop computers.

Section 6. Privacy and Access

- A. Content obtained through remote access are not considered personal and private. Department Heads will routinely monitor an employee's remote access. Department Heads will take reasonable precautions to prevent possible misuse of remote access. Department Heads are to report to the Technology Coordinator possible misuse of remote access when a reasonable suspicion of abuse exists or in conjunction with an investigation.
- B. Computer programs may not be added or deleted to City-owned desktops or laptops without the permission of the Department Head and the Technology Coordinator.
- C. An employee is prohibited from accessing another City employee's assigned desktop or laptop computer without the other employee's permission.
- D. Desktop or laptop computer contents may be releasable to the public under public access laws, and may be subject to discovery proceedings in legal actions involving the City.

Section 7. Roles and Responsibilities

- A. Department Heads will ensure that policies are implemented by management and supervisors to train staff in appropriate use and be responsible for ensuring the security of City-owned desktop and laptop computer devices and proper usage.
- B. Employees must take every effort to ensure the security, safety, and maintenance of their remote access. Any misuse of remote access will result in appropriate disciplinary action up to and including termination of employment.
- C. A City-owned desktop or laptop must be returned to the City in the same condition as it was originally to an employee, minus normal wear and tear. Employees are personally liable for missing or damaged equipment.



Stormwater Department

CITY OF GOSHEN

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626

stormwater@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Works and Public Safety

FROM: Stormwater Department

RE: **AGREEMENT FOR THE COMPLETION OF THE CONSTRUCTION PROJECT
AT 2096 WHISPERING PINES
(JN: 2020-2017)**

DATE: January 21, 2022

The unit at 2096 Whispering Pines (Greencroft) has passed its final building inspection and the project is substantially complete except for seeding and otherwise stabilizing disturbed areas. These final requirements cannot be completed at this time due to weather conditions.

The Stormwater Department thus submits an Agreement for the Completion of the Construction Project for approval and authorization for the Mayor to execute.

The property owner, Greencroft Goshen, Inc. agrees to stabilize 4,300 square feet with seed and a temporary stabilization measure by June 15, 2022. The expected cost of work for is under \$2,000 and no hard surface needs installed. Thus, no surety amount is required.

Requested Motion:

Approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2096 Whispering Pines.

**AGREEMENT FOR THE COMPLETION
OF THE CONSTRUCTION PROJECT**

THIS AGREEMENT is entered into on _____, 20 22, between the City of Goshen, Indiana, by and through the Goshen Board of Public Works and Safety, hereinafter referred to as "Goshen," and

Property Owner: Greencroft Goshen, Inc.

and, if the builder is responsible for completing the remaining work,

Builder: _____

No Builder

hereinafter referred to individually or collectively, if applicable, as "Permittee."

Permittee obtained a building permit for the construction of a building on the real estate at

Site: 2096 Whispering Pines Court, Goshen, Indiana, hereinafter referred to as "Site."

The construction project is substantially complete except for:

certain exterior work that cannot be completed due to weather conditions.

the installation of certain parts or equipment which are not currently available.

In consideration of the terms, conditions and mutual covenants contained in this agreement, the parties agree as follows:

1. **WORK.** Permittee agrees to complete the following remaining item(s) of work, hereinafter referred to as "Work," as soon as conditions permit, but no later than June 15, 20 22, unless an earlier date is specified below:

Permanently stabilize the Site which shall include grading, adding topsoil where needed, seeding and mulching of the grounds. This shall specifically include stabilization of approximately 4,300 square feet of disturbed area with seed and a temporary stabilization measure such as anchored mulch, hydromulch, or erosion control blankets. In addition, all adjacent and/or affected inlets shall be kept covered until the Site has been completely and permanently stabilized.

Plant all required landscaping at the Site according to the plan submitted to the Goshen Planning and Zoning Department. This shall include planting: _____

Install the hard surface driveway for the Site.

Permittee agrees to install a temporary gravel driveway, and Goshen will permit the installation of the temporary gravel driveway until such time as the permanent hard surface driveway can be installed. The temporary gravel driveway shall be installed prior to occupancy of the building, but no later than _____, 20____.

Install the hard surface parking lot for the Site.

Permittee agrees to install a temporary gravel parking lot, and Goshen will permit the installation of the temporary gravel parking lot until such time as the permanent hard surface parking lot can be installed. The temporary gravel parking lot shall be installed prior to occupancy of the building, but no later than _____, 20____.

Install all required parking lot striping for parking spaces at the Site.

Install approximately _____ square feet of concrete sidewalk and/or curbing at or adjacent to the Site parallel to the following public street: _____

Install approximately _____ of concrete sidewalk at the Site to the building entrance.

Install the following certain parts or equipment at the Site: _____

Other: _____

2. **SURETY.** Permittee is required to provide Goshen a surety to guarantee the timely and proper completion of the Work if the cost of the Work is estimated by Goshen to be at least Two Thousand Dollars (\$2,000), or if the Work includes the installation of a driveway, parking lot, sidewalk, curbing or other hard surface improvement, regardless of cost.

Permittee agrees to provide Goshen a surety in the amount of _____ Dollars (\$_____) to guarantee the timely and proper completion of the Work under the terms of this agreement. The surety may be in the form of a surety bond, letter of credit, or cash bond, including a cashier's check or corporate check (which City Clerk-Treasurer will cash). The surety is to guarantee the timely and proper completion of the obligations under this agreement and is not intended for the benefit of any third party, including Permittee's contractors or subcontractors. Upon satisfactory completion of the Work, Goshen will release the surety. If the surety is in the form of cash or a check, the Permittee must have a current W-9 on file with the City Clerk-Treasurer so a check may be issued to refund the surety.

Permittee is not required to provide Goshen a surety to guarantee the timely and proper completion of the Work.

3. **CERTIFICATE OF OCCUPANCY.** Except for the Work yet to be completed as set forth in Section 1 above, once the construction project complies with all applicable City ordinances and requirements, Goshen will issue a Certificate of Occupancy for the Site on the condition that Permittee complies with the terms of this agreement. **It is Permittee's obligation to contact the Goshen Building Department to obtain the Certificate of Occupancy prior to occupying the building.**
4. **FORCE MAJEURE.** If Permittee's performance under this agreement is prevented because of an occurrence that is beyond the control of the Permittee which could not have been avoided by exercising reasonable diligence, Permittee's time for performance will be extended. Such extension shall be for no longer than necessary given the nature of the occurrence which causes the delay. Examples of such occurrences are tornadoes, floods, or more than a typical number of days where rainfall prohibits the performance required of the Permittee.

If Permittee is delayed, Permittee shall immediately notify Goshen in writing describing the nature of the event delaying performance. Permittee shall make every effort to resume performance as soon as possible.

5. **DEFAULT.** It is mutually agreed that if Permittee fails to perform or comply with the terms of this agreement, Goshen may declare the agreement to be in default without notice to Permittee.

Upon declaration of default, Goshen may take such action as is necessary to complete Permittee's obligations although Goshen is not obligated to do so. If Surety is provided under this agreement, Goshen may use the Surety to pay for the completion of any of Permittee's obligations. Goshen may seek any other remedy available at law or equity in addition to or instead of any remedy provided for in this agreement.

Goshen shall have the right to correct any defect in the Work, and Goshen shall have the right to stabilize the Site in accordance with the Goshen City Construction Site Stormwater Runoff Control Ordinance. The Surety, if required, and/or Permittee shall pay all of Goshen's costs and expenses incurred in taking such actions including, but not limited to engineering, legal and other costs, together with any damages either direct or consequential which Goshen may sustain on account of Permittee's failure to fulfill Permittee's obligations under this agreement.

6. **SUBCONTRACTING OR ASSIGNMENT OF CONTRACT.** Permittee shall not subcontract or assign any right or interest under the agreement without having prior written approval from the Goshen Board of Public Works and Safety, provided, however, that Permittee shall be permitted to independently engage any contractors, subcontractors, or laborers to perform the Work, and such engagement shall not be considered to be an impermissible subcontracting or assignment by Permittee of any right or interest under this agreement. Except as provided herein, any attempt by Permittee to subcontract or assign any portion of the agreement shall not be construed to relieve Permittee from any responsibility to fulfill Permittee's obligations.
7. **AMENDMENTS.** Any modification or amendment to the terms and conditions of the agreement shall not be binding unless made in writing and signed by both parties and such modification is approved by the Goshen Board of Public Works and Safety. Any verbal representations or modifications concerning the agreement shall be of no force and effect.

8. **WAIVER OF RIGHTS.** No right conferred on either party under this agreement shall be deemed waived and no breach of this agreement excused unless such waiver or excuse shall be in writing and signed by the party claimed to have waived such right.
9. **NOTICES.** All written notices, properly addressed and sent by U.S. mail or delivered personally to the address provided below shall constitute sufficient notice whenever written notice is required for any purpose in this agreement. Notice will be considered given five (5) days after the notice is deposited in the U.S. mail or when received at the appropriate address.

Address for Goshen: City of Goshen, Indiana
 Attention: Goshen Legal Department
 204 East Jefferson Street, Suite 2
 Goshen, IN 46528

Address for Permittee:

Property Owner: Greencroft Goshen, Inc.
 Attention: Troy Handrich
 1721 Greencroft Blvd., P.O. Box 819
 Goshen, IN 46527-0819

Builder: _____

No Builder

10. **APPLICABLE LAWS.** Permittee agrees to comply with all applicable federal, state, and local laws, rules, regulations, or ordinances.

In the event of a conflict between this agreement and applicable laws, rules, regulations or ordinances, the most stringent or legally binding requirement shall govern.

This agreement shall be construed in accordance with and governed by the laws of the State of Indiana, and suit, if any, must be brought in a court of competent jurisdiction in Elkhart County, Indiana.

11. **ATTORNEY FEES.** In the event legal action is brought to enforce or interpret the terms and conditions of this agreement, the non-prevailing party will pay all costs and expenses expended or incurred by the prevailing party, including reasonable attorneys' fees.
12. **SEVERABILITY.** In the event that any provision of the agreement is found to be invalid or unenforceable, then such provision shall be reformed in accordance with applicable law. The invalidity or unenforceability of any provision of the agreement shall not affect the validity or enforceability of any other provision of the agreement.
13. **BINDING EFFECT.** All provisions, covenants, terms and conditions of the agreement apply to bind the parties and their legal heirs, representatives, successors and assigns.


14. **ENTIRE AGREEMENT.** This agreement constitutes the entire agreement between the parties and supersedes all other agreements or understandings between Goshen and Permittee.

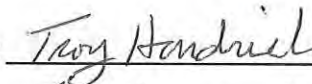
15. **AUTHORITY TO EXECUTE.** Each person executing this agreement represents that he or she is duly authorized and has legal authority to execute and deliver this agreement on behalf of the respective party, and upon execution and delivery of this agreement, bind the respective party to the terms and conditions of the agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates as set forth below.

Permittee:¹

Property Owner:

Signature: 
Printed: Brett E. Nafziger
Title (if any): VP of Operations
Date: 1.12.2022

Signature: 
Printed: Troy Handrich
Title (if any): DOM
Date: 1/11/22

Builder:

Signature: _____
Printed: _____
Title: _____
Date: _____

Goshen:

Jeremy P. Stutsman, Mayor
Date: _____

¹ The Property Owner is required to execute the agreement. If the Builder is responsible for completing the remaining work or if the Builder is providing the surety under the agreement (if required), the Builder is also required to execute the agreement.



**Engineering Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Public Works, Safety and Stormwater

FROM: Engineering Department

RE: **APPROVAL & ACCEPTANCE OF INFRASTRUCTURE
NORTH MAIN STREET IMPROVEMNETS (2016-0020)**

DATE: January 24, 2022

The installation of infrastructure (water main, sanitary and storm sewer, curb and asphalt) has been satisfactorily completed by Niblock Excavating for the above listed project. The Engineering Department recommends that the infrastructure be accepted for maintenance. The three-year maintenance bond in the amount of \$71,360.00 (10% of the construction costs) for the infrastructure has been submitted to the City of Goshen Engineering Department.

Requested Motion: Approve the acceptance of infrastructure and maintenance bond for the North Main Street Improvement project. Copies of the bond and asset values are attached for your review.

**APPROVED:
BOARD OF PUBLIC WORKS & SAFETY
CITY OF GOSHEN, INDIANA**

Jeremy Stutsman, Mayor

Barb Swartley, Member

Mary Nichols, Member

DeWayne Riouse, Member

Michael Landis, Member

Attachments: Maintenance Bond for water, sanitary and storm sewer, street and curbing

Cc: Contractor
W&S Dept.
Street Dept.
Planning Dept.
Clerk Treasurer



2200 Renaissance Blvd. Ste. 400
King of Prussia, PA 19406-2755
Ph. (610) 832-8240

MAINTENANCE BOND

Bond Number: 013130566

KNOW ALL MEN BY THESE PRESENTS, that we Niblock Excavating Inc.

PO Box 211 Bristol IN 46507, as principal (the "Principal"), and Liberty Mutual Insurance Company, as surety (the "Surety"), are held and firmly bound unto City of Goshen, 204 East Jefferson Street, Suite 1 Goshen IN 46528, as obligee (the "Obligee"), in the penal sum of Seventy One Thousand Three Hundred Sixty Dollars and 00/100

Dollars (\$71,360.00), for the payment of which sum well and truly to be made, the Principal and the Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has by written agreement dated July 13, 2020, entered into a contract (the "Contract") with the Obligee for N. Main Street Improvements Contract - JN: 2016-0020

which contract is by reference made a part hereof.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall remedy without cost to the Obligee any defect which may develop during a period of 3 year(s) from the date of completion and acceptance of the work performed under the Contract, provided such defects are caused by defective or inferior materials or workmanship, then this obligation shall be null and void; otherwise, it shall be and remain in full force and effect.

PROVIDED AND SUBJECT TO THE CONDITIONS PRECEDENT:

- Obligee shall provide both Principal and Surety with written notice of the discovery (Notice of Discovery) of any item of defective or inferior materials or workmanship during the covered period (a "Covered Item"). Should Principal improperly fail to remedy the Covered Item, then Obligee shall make a written demand upon the Surety ("Demand") within ninety (90) days of the Obligee's issuance of the Notice of Discovery of the Covered Item.
- The Notice of Discovery and the Demand shall be in writing and via certified mail to the Principal and to the Surety. Notice to the Surety shall be delivered to the attention of the Surety Law Department at the above address.
- No suit or action may be commenced by the Obligee against the Surety after the expiration of one (1) year (or such lesser time period as otherwise permitted by relevant law) from the date of Obligee's discovery of a Covered Item. If the provision of this paragraph is void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.

DATED as of this 13th day of July, 2020.

WITNESS / ATTEST

[Signature]

Niblock Excavating Inc.

(Principal)

By: [Signature] (Seal)

Name:

Title:

Liberty Mutual Insurance Company

(Surety)

By: [Signature] (Seal)

Janice Stickles

Attorney-in-Fact



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LOCK

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No. 8200453-013183

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Malissa DeVorner, Kristie L. Harris, Lori King-Clyde, Tamara Mohr, Janice Stickle

all of the city of Caledonia state of Michigan each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 4th day of February, 2019.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 4th day of February, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 13th day of July, 2020.



By: Renee C. Llewellyn, Assistant Secretary

INFRASTRUCTURE DETAILS / ASSET VALUES

PROJECT NAME
LOCATION

North Main Street Improvements
Pike Street to Maple City Greenway
DATE 1/7/2022

PROJECT # 2016-0020
DRAWING # x-2472
DATE TO BOW 1/24/2022

INFRASTRUCTURE	QUANTITY	# OF HYDRANTS OR STRUCTURES	CONTRACTOR OR BONDING PARTY	BOND EXP DATE	CONSTRUCTION COST	10% MAINTENANCE BOND
Water Main	230 LFT - 16" DI	0- Fire Hydrants	Niblock Excavating, Inc.	12/15/2023	\$44,050.00	\$4,405.00
Sanitary Sewer	402 LFT - 15" PVC	2- Manholes		12/15/2023	\$63,187.00	\$6,318.70
Storm Sewer	104 LFT - 12" PVC	3-Catch Basins		12/15/2023	\$97,257.00	\$9,725.70
	310 LFT - 18" PVC	4- Inlets				
	20 LFT - 18" RCP	1-Cascade Separator				
		1-Manholes				
Street	445- LFT			12/15/2023	\$173,229.94	\$17,322.99
Curbing	890- LFT			12/15/2023	\$19,135.00	\$1,913.50
Sidewalk & ADA Ramps & Railing	387- SYD	1-Railing System	12/15/2023	\$47,007.00	\$4,700.70	
Drive Approaches	289-SYD		12/15/2023	\$23,120.00	\$2,312.00	
Total Const. Cost					\$466,985.94	\$46,698.59

STREET DETAILS

North Main Street							CURBS			SIDEWALKS		Year Constructed	Cost	Right-of-Way width (ft)	Antique Street Lights
Segment No	Start	End	Surface Type	Width	Length	Classification	1 or 2 sides	None	None	1 or 2 sides	Year Constructed				
1	Pike Street	Rock Run Creek Bridge	Asphalt	53'	445'		2			1	2020		\$173,229.94	85'-95'	None

ROAD NAME							CURBS			SIDEWALKS		Year Constructed	Cost	Right-of-Way width (ft)	Antique Street Lights
Segment No	Start	End	Surface Type	Width	Length	Classification	1 or 2 sides	None	None	1 or 2 sides	Year Constructed				
1															



**Engineering Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Public Works and Safety

FROM: Goshen Engineering Department

RE: **KERCHER ROAD PEDESTRIAN PATH AT DIERDORFF ROAD
(JN: 2020-0027)**

DATE: January 24, 2022

In order to complete the public path along the south side of Kercher Road at the intersection with Dierdorff Road, work will extend beyond the exiting right of way at the SE corner. The temporary Right of Entry agreement will provide the contractor access to reshape the slope of the existing retention basin and construct the public path. The existing church sign at the SE corner will be removed and the church will install a new sign outside the right of way per the agreement. All disturbed areas will be restored per current City Standards.

Requested motion: Move to approve temporary Right of Entry agreement with Missionary Church North Central District, Inc. for property at 2612 Dierdorff Road.

RIGHT OF ENTRY AGREEMENT

THIS RIGHT OF ENTRY AGREEMENT is entered into on this ____ day of _____, 2022, between the **City of Goshen, Indiana**, a municipal corporation and political subdivision of the State of Indiana, by its Board of Public Works and Safety, hereinafter referred to as "City," and the Missionary Church North Central District, Inc., an Indiana Not-for-Profit Corporation, hereinafter referred to as "Property Owner".

WHEREAS, the Property Owner's property has a retention basin in close proximity to Kercher Road and Dierdorff Road, which has been identified for modification under the "Kercher Road Pedestrian Path at Dierdorff Road, Project No. 2020-0027," hereinafter referred to as the "Project."

WHEREAS, it is necessary for the City to construct a pedestrian path along the south boundary of the Kercher Road right-of-way and the East boundary of the Dierdorff Road right-of-way and modify the retention basin as part of the Project, and the City needs to obtain from Property Owner a temporary right of entry on its real property for the purpose of proceeding with the Project.

WHEREAS, the Property Owner is willing to grant to the City a temporary right of entry and its agents and contractors to allow entry upon the real property described below for the purpose of constructing the pedestrian path and modifying the retention basin.

NOW, THEREFORE, City and Property Owner agree as follows:

1. Property Owner grants City and its employees, agents, and contractors the right to enter upon real property depicted on Exhibit A attached hereto, generally located at 2612 Dierdorff Road, in the City of Goshen, Elkhart Township, State of Indiana, and more particularly described as follows:

Commencing at the most westerly point of the North boundary of Elkhart County Parcel number 20-11-26-126-001.000-015, which is the South boundary of Kercher Road, and proceeding North 89 degrees 09 minutes 59 seconds east along the south boundary of Kercher Road a distance of 443.41 feet; thence South 00 degrees 51 minutes 01 seconds east a distance of 25 feet; thence South 89 degrees 08 minutes 59 seconds west a distance of 400 feet; thence South 32 degrees 32 minutes 52 seconds west a distance of 98.68 feet; thence South 89 degrees 03 minutes 17 seconds west a distance of 25 feet; thence North 00 degrees 56 minutes 43 seconds west a distance of 52.83 feet, thence North 32 degrees 32 minutes 52 seconds east a distance of 65.40 feet to the point of beginning of this description.

Being a part of Parcel Number 20-11-26-126-001.000-015.

Hereinafter referred to as "Real Property."

2. The term of this right of entry shall terminate one (1) year from the execution of this right of entry agreement or upon completion of work on the Project on the Real Property, whichever occurs first.

3. This right of entry shall permit the City and its employees, agents, and contractors to enter upon the Real Property for the purpose of proceeding with the Project and to do such acts thereon as would be permitted if the real estate had actually been acquired by City. As part of the Project, the City shall remove the existing church sign and surrounding landscaping located near the northwest corner of the Real Property (southeast corner of the intersection of Kercher Road and Dierdorff Road) at no cost to the Property Owner.

City agrees to perform the work in a manner that eliminates disruption to Property Owner's day to day operations as much as is reasonably possible. City agrees to indemnify Property Owner for any loss or damage to any of Property Owner's real estate or fixtures located outside the above described area arising out of or in connection with the work under the Project. City shall restore the surface of the Real Property after any entry by City to as good as or better condition than it was prior to the entry. City shall promptly pay for or otherwise rectify any damage caused by City to Property Owner's adjoining real estate. Notwithstanding the foregoing, the City shall not replace the church sign and surrounding landscaping that it agrees to remove for the Property Owner.

4. This agreement shall be construed in accordance with and governed by the laws of the State of Indiana.

5. In the event that legal action is brought to enforce or interpret the terms of and conditions of this agreement, the proper venue for such action will be in a court of competent jurisdiction in Elkhart County, Indiana.

6. In the event that either party brings an action to enforce any right conferred by this agreement or to force the other party to fulfill any obligation imposed by this agreement, the prevailing party of such action shall be entitled to recover all costs of that action, including reasonable attorneys' fees.

7. In the event that any provision of this agreement is found to be invalid or unenforceable, then such provision shall be reformed in accordance with applicable law. The invalidity or unenforceability of any provision of this agreement shall not affect the validity or enforceability of any other provision of this agreement.

8. All provisions, covenants, terms and conditions of this agreement apply to and bind the parties and their legal heirs, representatives, successors and assigns.

9. This agreement constitutes the entire agreement between the parties and supersedes all other agreements or understanding between City and Property Owner.

IN WITNESS THEREOF, the undersigned have executed this Right of Entry Agreement on the dates set forth below.

City of Goshen, Indiana
Board of Public Works and Safety

Missionary Church North Central District, Inc.

Jeremy P. Stutsman, Mayor

By  _____
Printed:
Its:

Michael A. Landis, Member

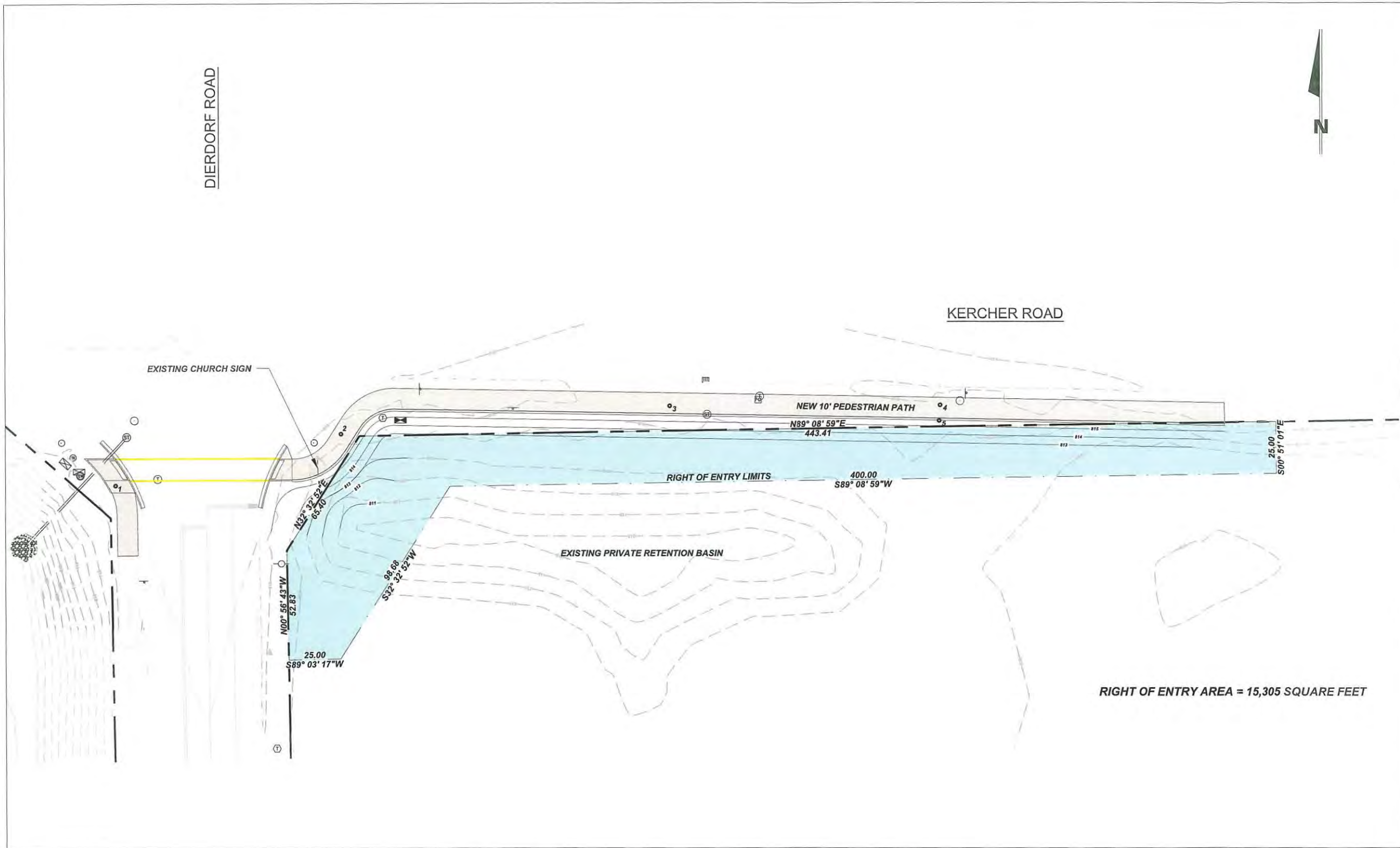
Date: 1-19-22

Mary Nichols, Member

DeWayne Riouse, Member

Barb Swartley, Member

Date: _____

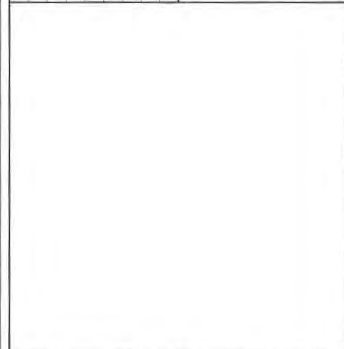


KERCHER ROAD PED. PATH AT DIERDORF ROAD

SCALE 1" = 50'

ADDRESS: 2612 DIERDORF ROAD
 OWNER: MISSIONARY CHURCH NORTH CENTRAL DIST., INC.
 COUNTY PARCEL: 11-26-126-001-015

REV.	DESCRIPTION	BY	DATE



The City Of Goshen
 Department of Public Works & Safety
 Office of Engineering
 204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-2201 Fax: 574-533-8626

**KERCHER ROAD PED.
 PATH AT DIERDORFF ROAD**
 RIGHT OF ENTRY
 SOUTHEAST CORNER OF INTERSECTION

Project Number:	2020-0027
Designed By:	J. Hoffman
Approved By:	D. Sailer, P.E.
Drafted By:	J. Hoffman
Date:	11/03/2020
Scale:	AS SHOWN
EXHIBIT 'A'	



**Engineering Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Public Works & Safety

FROM: Engineering Department

RE: **CHANGE ORDER NO. 4 FOR DOUGLAS, REYNOLDS, AND
16TH STREETS PROJECT (JN: 2020-0017)**

DATE: January 24, 2022

Attached please find Change Order No. 4 for the Douglas, Reynolds, & 16th Streets Reconstruction Project.

The previous contract quantity for Line 35 - "HMA Binder, 19.0 mm, Type B" - did not take into account paving that occurred on the morning of June 24, 2021, to finish the intermediate HMA course. Missing material tickets from that date were identified and the correct quantity was agreed-upon the week of January 10, 2022. Change Order No. 4 corrects the balanced quantity.

The original contract amount plus additions from Change Order No. 1 through Change Order No. 3 was \$972,979.84. The quantities from Change Order No. 4 increase the contract amount by \$12,106.20, for a revised contract amount of \$985,086.04, an increase of 12.03% over the original contract price. No additional time will be added to the contract.

Please review and consider approval of this change order by signing the attached copy.

Requested motion:

Move to approve Change Order No. 4 for the Douglas, Reynolds, and 16th Streets Project for an increase of \$12,106.20.

CHANGE ORDER FORM

Sheet 1 of 3

Change Order No. 4
Date: 1/24/22

**CITY OF GOSHEN, INDIANA
OFFICE OF THE CITY ENGINEER
204 E. Jefferson Street, Suite 1
Goshen, IN 46528**

OWNER: City of Goshen
PROJECT NAME: Douglas, Reynolds & 16th Road Reconstruction
PROJECT NUMBER: 2020-0017
CONTRACTOR: HRP Construction, Inc.

I. DESCRIPTION OF WORK INVOLVED (Use additional sheets if needed)

The previous contract quantity for Line 35 - "HMA Binder, 19.0 mm, Type B" - did not take into account paving that occurred on the morning of June 24, 2021, to finish the intermediate HMA course. Missing material tickets from that date were identified and the correct quantity was agreed-upon the week of January 10, 2022. Change Order No. 4 corrects the balanced quantity.

35	HMA Binder, 19.0 mm, Type B (Note: This corrects a previous error in quantity)	201.77 TON	@ \$60.00	\$12,106.20
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Subtotal - \$12,106.20

CHANGE ORDER FORM

Sheet 2 of 3

Change Order No. 4

1. Amount of original contract	\$879,340.85
2. Net (Addition/ Reduction) due to all Previous Contract Supplements Numbers 0 to <u>3</u>	\$93,638.99
3. Amount of Contract, not including this supplement	\$972,979.84
4. Addition/ Reduction to Contract due to this supplement	\$12,106.20
5. Amount of Contract, including this supplemental	\$985,086.04
6. Total (Addition/ Reduction) due to all Change Orders (Line 2 + Line 4)	\$105,745.19
7. Total percent of change in the original contract price Includes Change Order No. 1 to <u>4</u> (Line 6 divided by Line 1)	12.03%

III. CONTRACT SUPPLEMENT CONDITIONS

1. The contract completion date established in the original contract or as modified by previous Contract Supplement(s) is hereby **extended/reduced** by 0 calendar days, making the final completion date: September 11, 2021.

2. Any additional work to be performed under this Contract supplement will be carried out in compliance with the specifications included in the preceding Description of Work Involved, with the supplemental contract drawing designed as _____, and under the provisions of the original contract including compliance with applicable equipment specifications, general specifications and project specifications for the same type of work.

3. This Contract Supplement, unless otherwise provided herein, does not relieve the contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.

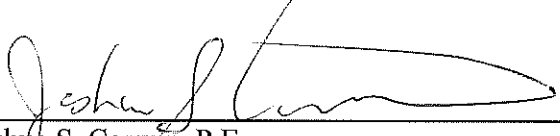
4. The contractor expressly agrees that he will place under coverage of his Performance and Payment Bonds and contractor's insurance, all work covered by this Contract Supplement. The contractor will furnished to the owner evidence of increased coverage of this Performance and Payments bonds for the accrued value of all contract supplements, which exceed the original contract price by twenty (20) percent.

CHANGE ORDER FORM

Sheet 3 of 3

Change Order No. 4

RECOMMENDED FOR ACCEPTANCE



Joshua S. Corwin, P.E.
City Civil Engineer

ACCEPTED: BOARD OF PUBLIC WORKS AND SAFETY
CITY OF GOSHEN, INDIANA

Mayor

Member

Member

Member

Member

ACCEPTED: CONTRACTOR

HRP Construction, Inc.

BY: _____
Signature of authorized representative

Printed

Title

2022 GOSHEN CITY BOARD OF WORKS CALENDAR

All meetings are conducted in the Council Chambers, Police & Court Building, 111 E. Jefferson St. and are at 2 p.m. unless stated otherwise.

January

S	M	T	W	T	F	S
					1	
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February

S	M	T	W	T	F	S
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March

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		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April

S	M	T	W	T	F	S
					1	2
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24	25	26	27	28	29	30

May

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August

S	M	T	W	T	F	S
	1	2	3	4	5	6
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21	22	23	24	25	26	27
28	29	30	31			

September

S	M	T	W	T	F	S
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17	18	19	20	21	22	23
24	25	26	27	28	29	30

October

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						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November

S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Key: BOW meeting

Special dates

Holidays

Notes:

- April 1–8: GCS Spring Break—no mtg. April 4
- No mtgs. due to holidays: 5/31, 7/4, 9/5, 11/28
- Sept. 19: Budget 1st reading (Council)
- Oct. 4–6: AIM Idea Summit—no mtg. Oct. 10
- Oct. 10: Budget 2nd reading (Council)
- Oct. 17–21: GCS Fall Break
- Oct. 24: Additional budget meeting if needed
- Dec. 19: Last BOW meeting of the year





STORMWATER DEPARTMENT
CITY OF GOSHEN
204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405
Phone (574) 534-2201 • Fax (574) 533-8626
stormwater@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: City of Goshen Stormwater Board

FROM: Stormwater Department

**RE: POST-CONSTRUCTION PLAN APPROVAL
LIPPERT COMPONENTS, INC. PLANT #30 BEAM YARD (JN: 2019-2019)**

DATE: January 24, 2022

The developer of Lippert Components, Inc. Plant #30 Beam Yard, affecting one (1) or more acres of land, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

The Stormwater Department requests the Stormwater Board's acceptance of the plan.

Full document available upon request.

Requested Motion: Accept the post-construction stormwater management plan for Lippert Components, Inc. Plant #30 Beam Yard as it has been found to meet the requirements of City Ordinance 4329.

Following plan acceptance, please sign the attached documents where denoted.



STORMWATER DEPARTMENT
CITY OF GOSHEN
204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405
Phone (574) 534-2201 • Fax (574) 533-8626
stormwater@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: City of Goshen Stormwater Board

FROM: Stormwater Department

**RE: POST-CONSTRUCTION PLAN APPROVAL
D&M Sangha II LLC (JN: 2020-2004)**

DATE: January 24, 2022

The developer of D&M Sangha II LLC, affecting one (1) or more acres of land and located at 2611 Peddlers Village Road, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

The Stormwater Department requests the Stormwater Board's acceptance of the plan.

Full document available upon request.

Requested Motion: Accept the post-construction stormwater management plan for D&M Sangha II LLC as it has been found to meet the requirements of City Ordinance 4329.

Following plan acceptance, please sign the attached documents where denoted.

ORDER OF THE CITY OF GOSHEN BOARD OF PUBLIC WORKS AND SAFETY

December 7, 2021

To: Ron Davidhizar
203 Middlebury Street
Goshen, IN 46528

RE: Premises at 214 E. Clinton Street, Goshen, Indiana

As a person holding a substantial property interest in the real estate at 214 E. Clinton Street, Goshen, Indiana, you were served with an Order of the City of Goshen Building Department dated November 16, 2021 by Paralegal Carla Newcomer who mailed the Order by certified mail with return receipt requested and by first-class mail on November 16, 2021.

This comes for a hearing before the City of Goshen Board of Public Works and Safety on November 6, 2021 to review the November 16, 2021 Order of the City of Goshen Building Department. The City of Goshen Building Department appears by Building Inspector Travis Eash, Ron Davihizar and Attorney, Bill Davis also appear at the hearing.

Evidence was presented and arguments heard. The Board of Public Works and Safety being duly advised in the condition of the buildings and/or premises at 214 E. Clinton Street, Goshen, Indiana now finds the real estate is unsafe within the meaning of Indiana Code § 36-7-9-4 in that one or more buildings or structures on the real estate are in an impaired structural condition that makes it unsafe to a person or property a public health hazard dangerous to person or property because of a violation of Goshen City Code Title 6, Article 3, Chapter 1 concerning building condition or maintenance, vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of Goshen City Code Title 6, Article 3, Chapter 1

In particular, the Board finds that the present condition of the buildings and/or premises are in violation of the following sections of Title 6, Article 3, Chapter 1 of the Goshen City Code

1. The structure was damaged in a fire on May 15, 2021 and the structural strength of the exterior walls of the property is insufficient (violation of Section 6.3.1.1 v).
2. The property is vacant and not secured, with multiple areas that are accessible to people and animals to enter the property (violation of Section 6.3.1.1 ff).

The Board of Public Works and Safety AFFIRMS the original Order of the City of Goshen Building Department and enters the Order as follows:

You are ordered to hire a Structural Engineer to inspect the premises to determine whether or not the dwelling is structurally sound and provide a report from the Engineer at a hearing held before the Goshen Board of Public

Works and Safety on Monday, January 24, 2022 , at 2:00 p.m. (local time), In addition, the property must be secured and weather tight so that it is not accessible to the public or animals.

In the event that you fail to comply with this Order, the City of Goshen may take action to make the required corrections and will bill you for the costs of such work, including, the actual cost of the work performed and an amount equal to the average processing expense the City will incur in pursuing this matter. Such amounts can become a lien upon the real estate and can ultimately be enforced in the same manner as any other judgment.

In the event that you fail to comply with this Order, the City of Goshen may pursue action in a court in Elkhart County to seek fines and costs.

You are entitled to appeal these findings of facts and this Order to the Elkhart Circuit Court or Elkhart Superior Court by filing a verified complaint within ten (10) days of the date of this action. Should you fail to file a verified complaint within the specified period of time, then your right to appeal this action would be forfeited.

Indiana Code § 36-7-9-27 requires that if you transfer your interest or any portion of your interest in the unsafe building and/or premises affected by this Order to another person, you must supply the other person with full information regarding this Order prior to transferring that interest or agreeing to transfer that interest. Within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe building and/or premises, you must also supply City of Goshen Building Commissioner, Myron Grise with the full name, address and telephone number of the other person taking a substantial property interest in the unsafe building and/or premises, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Mr. Grise's office is located at 204 East Jefferson Street, Goshen, Indiana 46528, or you may contact him at (574) 534-2104. Should you fail to comply with these provisions, then you may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that judgment is entered against the City by the other person to whom the transfer was made.

This Order of the City of Goshen Board of Public Works and Safety is issued on December 8, 2021.

City of Goshen Board of Public Works and Safety

Jeremy P. Stutsman, Mayor

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public, appeared the City of Goshen Board of Public Works and Safety by Jeremy P. Stutsman, Mayor, and acknowledged the execution of the foregoing Order on December ____, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

County of residence: Elkhart

Notary Public
Printed: Carla J. Newcomer
My commission expires: _____

This instrument was prepared by Bodie J. Stegelmann, Goshen City Attorney, Attorney No. 18180-20, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, (574) 537-3820.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (Bodie J. Stegelmann).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order of the City of Goshen Board of Public Works and Safety dated November 8, 2021 for the premises at 214 E. Clinton Street, Goshen, Indiana, was served upon:

Ron Davidhizar, 203 Middlebury Street, Goshen, IN 46528, on December 8, 2021.

- _____ Sending a copy by registered or certified mail to the residence, place of business, or employment of the person to be notified, with return receipt requested.
- _____ Delivering a copy personally to the person to be notified.
- _____ Sending a copy by regular first-class mail to the last known address of the person to be notified.

Carla Newcomer, Paralegal
City of Goshen Legal Department
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528