

BOARD OF SANITARY COMMISSIONERS

MUNCIE SANITARY DISTRICT

RESOLUTION NO. 2024-11

**A RESOLUTION AMENDING CHAPTER 4 OF THE MUNCIE
SANITARY DISTRICT PERSONNEL POLICIES HANDBOOK**

WHEREAS, the Board of Sanitary Commissioners, as the governing body of the Muncie Sanitary District (the “District”), has heretofore adopted by prior resolution the Personnel Policies Handbook of the Muncie Sanitary District, dated May 1, 2024 (the "Personnel Policies Handbook"), as amended from time to time; and

WHEREAS, the Board of Sanitary Commissioners now desires to amend the Personnel Policies Handbook to alter the previous employment policies of the District as those policies pertain to the accumulation of hours in new employees’ sick leave bank; and

WHEREAS, the Board intends that this Resolution and the amendments contained herein to the Personnel Policies Handbook will become effective on and after the adoption of this Resolution, as stated herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Sanitary Commissioners of the Muncie Sanitary District, Delaware County, State of Indiana, that:

1. Chapter 4 of the Personnel Policies Handbook of the Muncie Sanitary District shall be amended by replacing the last paragraph of Section 4.1 with the following:

“Vacation days will not be accumulated from year-to-year. Unused vacation days, however, shall be added to an employee’s Sick Leave Bank on the employee’s anniversary date (may not exceed 960 hours total for employees of the District with employment start dates prior to September 1, 2024, and may not exceed 720 hours total for employees of the District with employment start dates of September 1, 2024, or later – *see* Sec. 4.4 for details).”

2. Chapter 4 of the Personnel Policies Handbook of the Muncie Sanitary District shall be further amended by replacing Section 4.4 with the following:

“4.4 SICK LEAVE BANK”

The Muncie Sanitary District has an income protection plan for its full-time employees in the form of a Sick Leave Bank. This Bank is available for use when an employee is absent from work due to the employee's own medical condition (which is not compensable under the Indiana workers' compensation law or similar program), provided the employee has exhausted all available personal/sick leave time and the absence is verified by a doctor's statement satisfactory to the District. The term "medical condition" means all temporary and permanent medical conditions, including illness, injury, pregnancy, childbirth, and related conditions. Sick leave accrual may not be used due to the medical condition of an employee's spouse, parent, or child unless such condition is a qualifying situation under FMLA.

To be eligible to use paid extended sick leave, a full-time employee must do each of the following:

- A. Use two (2) days of his or her sick/personal days prior to using any paid extended sick leave each time (in the event sick/personal days have been exhausted, the employee shall use vacation and, in the event the employee has no vacation or personal days remaining, the first two days of the absence shall be unpaid);
- B. Be absent from work for at least three (3) or more days;
- C. Submit a physician's statement confirming the employee's absence from work was due to the employee's medical condition. A "physician" means a person licensed to practice medicine in the State of Indiana. The physician's statement must be submitted to the employee's department head the day the employee returns to work if it was not submitted to the department head prior to the beginning of the paid extended leave of absence; and
- D. An employee on Extended Sick Leave shall automatically be considered to be on FMLA provided the employee meets eligibility requirements for FMLA. Extended Sick Leave shall run concurrently with FMLA.

The District reserves the right to have the employee examined by a physician of the District's choosing, at the District's expense. To receive reimbursement for this examination, employees must sign a healthcare release and submit a completed reimbursement form before sick leave benefits can be expected.

Unused personal/sick and vacation days are added to an employee's Sick Leave Bank on the employee's anniversary date after the conclusion of each year of service, subject to the following limitations:

- A. For District employees with employment start dates prior to September 1, 2024, the maximum amount that may be accrued in an employee's Sick Leave Bank from previous unused personal/sick and vacation days is nine hundred sixty (960) hours. Any amount of unused personal/sick and vacation days above nine-hundred sixty (960) hours will be ineligible to be added to the Sick Leave Bank and will be forfeited. No employee is entitled to payment of any such forfeited leave.
- B. For District employees with employment start dates of September 1, 2024, or later, the maximum amount that may be accrued in an employee's Sick Leave Bank from previous unused personal/sick and vacation days is seven hundred twenty (720) hours. Any amount of unused personal/sick and vacation days above seven hundred twenty (720) hours will be ineligible to be added to the Sick Leave Bank and will be forfeited. No employee is entitled to payment of any such forfeited leave.

No employee is eligible to use Sick Leave Bank accrual until the employee has exhausted all unused personal/sick and vacation days and the employee has completed six (6) months of continuous service with the District.

Use of available Sick Leave Bank accrual benefits must be used and charged in increments of one (1) day. Provided however, Sick Leave Bank accrual may be used in one (1) hour increments when it is being substituted and used for a Family and Medical Leave Act qualifying reason.

An employee's accrued Sick Leave Bank balance will be paid to him or her within thirty (30) days following the effective date of the employee's termination of employment, provided that:

- A. The employee has at least one (1) year of continuous service with the District;
- B. The employee has given the District at least two calendar weeks advance notice of termination; and
- C. The employee's termination is not the result of any disciplinary actions.

Payment for accrued Sick Leave Bank balance will be at the employee's current regular rate of pay for up to a maximum of nine hundred sixty (960) hours for employees of the District with employment start dates prior to September 1, 2024, and up to a maximum of seven hundred twenty (720) hours for employees of the District with employment start dates of September 1, 2024, or later.

Unless otherwise stated herein, an employee will use up to five (5) days combined of paid vacation leave and paid personal/sick leave per continuous absence which

is due to an illness or injury that is compensable under the Indiana Workers' Compensation law. In the event those days are later covered by the District's Workers' Compensation Insurance, the employee will not be permitted to credit those days back to his vacation, personal leave, or Sick Leave Bank.

The District allows employees to donate their Sick Leave Bank benefits to other District employees through a Sick Leave Bank committee comprised of the Health Insurance Manager, the District Administrator, and one Department Head. Employees in need of additional Sick Leave time should contact the Health Insurance Manager. The Health Insurance Manager will bring the request to the committee, which will be responsible for soliciting donations of Sick Leave Bank time and ensuring that both the donor and recipient of the time meet the following conditions:

1. The employee assigning their Sick Leave Bank benefits must maintain a minimum balance in their own Sick Leave Bank of at least one hundred sixty (160) hours;
2. The employee assigning their Sick Leave Bank benefits must assign those benefits in increments of forty (40) hours;
3. The assignment must be noted on a Personnel Information Form and signed by both the employee and their department head;
4. Prior to the Personnel Information Form being processed to the HR Department, the District Administrator must approve the assignment; and
5. Only Sick Leave Bank hours may be assigned to another employee; no vacation or personal/sick leave benefits may be assigned to another employee.

Employees who are receiving benefits from the Sick Leave Bank shall not be engaged in outside employment while receiving those benefits.”

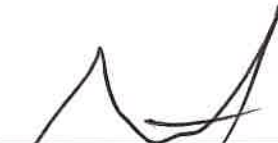
3. Except as expressly stated herein, all other provisions of the Personnel Policies Handbook shall not be affected by the adoption of this Resolution.

4. Upon the adoption, the Personnel Policies Handbook shall be updated to reflect the amendments set forth herein and copies of the updated Personnel Policies Handbook shall be made available to all employees of the District.

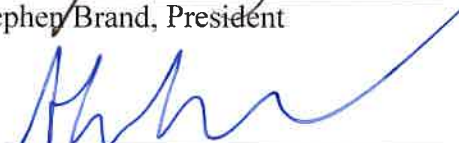
5. This Resolution shall be in full force and effect upon its adoption and publication as required by law.

The foregoing Resolution No. 2024-11 is hereby approved by the Board of Sanitary Commissioners of the Muncie Sanitary District on this, the 21st day of August, 2024.

**MUNCIE SANITARY DISTRICT
BOARD OF SANITARY COMMISSIONERS**



Stephen Brand, President



Adam Leach, Vice-President

Tim Overton, Secretary



David Smith, Board Member



Aaron Clark, Board Member