

MUNCIE SANITARY DISTRICT

RESOLUTION NO. 2024-16

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 further amended by replacing the second paragraph and subparts in Section 4.4 (only sections A and B have changed):

"4.4 SICK LEAVE BANK

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

- A. First use all his or her sick, personal, and vacation days prior to using their sick leave bank. In the event the employee has no sick, personal, or vacation days remaining, the first day of the absence shall be unpaid, and their sick leave bank may be used for the next two days;
- B. Be absent from work for at least three (3) or more days (sick leave bank may not be used for absences less than three consecutive days unless it is for an FMLA qualifying event);
- 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."

2. Chapter 4 of the Personnel Policies Handbook of the Muncie Sanitary District shall be amended by adding line number 6 to the conditions of donating sick leave time of Section 4.4:

"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 Administrator, the District Administrator, and one Department Head. Employees in need of additional Sick Leave time should contact the Health Insurance Administrator. The Health Insurance Administrator 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;
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; and
6. Employees may receive no more than 80 hours of total extended sick donations per FMLA qualifying event.

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

3. Chapter 4 of the Personnel Policies Handbook of the Muncie Sanitary District shall be amended by replacing the eighth paragraph of section 4.5 with the following:

"An eligible employee returning to work from a medical leave of absence must be able to perform the essential functions of his or her job with or without reasonable accommodation. If a reasonable accommodation is required, the employee must notify the District Administrator or designee. Prior to the employee returning to work from a medical leave of absence, the employee must provide the District with a certificate from the employee's physician that the employee is able to resume work and perform the essential functions of his or her job. The certificate must contain at least the following information: (a) that the employee is released to return to work; (b) restrictions, if any; (c) basis for the restrictions; (d) expected date the restrictions are to be lifted; and (e) physician's signature."

4. Chapter 4 of the Personnel Policies Handbook of the Muncie Sanitary District shall be amended by replacing the third and fourth paragraph of section 4.7 with the following:

"The District will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, transferring employees to other available positions for which they qualify or other similar accommodations.

Employees who believe they have a mental or physical disability and require reasonable accommodation to perform the essential functions of their job should contact the District ADA Coordinator (the District Administrator) or designee. The District will then engage

in an interactive dialog with the individual employee to verify the existence of a disability covered under applicable law, identify possible accommodations, and determine which accommodations the District can and will reasonably provide under the specific circumstances.”

5. Chapter 4 of the Personnel Policies Handbook of the Muncie Sanitary District shall be amended by adding the following after the fifth paragraph of section 4.14:

“A workers' compensation injury that requires hospitalization or incapacitates an employee for more than three days shall qualify as a serious health condition under FMLA.”

6. Chapter 4 of the Personnel Policies Handbook of the Muncie Sanitary District shall be amended by replacing the thirteenth paragraph of section 4.14 with the following:

“Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work with or without restrictions. To the extent that the employee has restrictions, the District will endeavor to provide reasonable accommodations to permit the employee to perform the essential functions of the employee’s job pursuant to the District’s ADA policy (Section 4.7) notwithstanding such restrictions.”

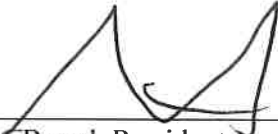
7. Except as expressly stated herein, all other provisions of the Personnel Policies Handbook shall not be affected by the adoption of this Resolution.

8. 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.

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

The foregoing Resolution No. 2024-16 is hereby approved by the Board of Sanitary Commissioners of the Muncie Sanitary District on this, the 16th day of October, 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