

TITLE III: ADMINISTRATION

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30.13	Department of Parks and Recreation established; control; organization; procedures		The government of the city shall consist of five branches, those being:
30.14	Department of Planning and Economic Development established	(A)	Executive branch (IC 36-4-5).
30.15	Mayor to appoint certain officials	(B)	Legislative branch (IC 36-4-6).
30.16	Department of Law established	(C)	Fiscal branch (IC 36-4-10)
30.17	Health and Sanitation Officer	(D)	Judicial branch
		(E)	Statutory boards and commissions. (Ord. 1984-1, passed 6-4-84)
	<u>Legislative Branch</u>		<u>§ 30.02 BLANKET BONDS FOR CERTAIN OFFICIALS AND EMPLOYEES.</u>
30.30	Common Council		Pursuant to IC 5-4-1-18(b), a blanket bond shall cover the faithful performance of all employees, commission members, and persons acting on behalf of the city. (Ord. 1983-1, passed 2-7-83)
30.31	Election of members; election districts		EXECUTIVE BRANCH
30.32	Clerk of Council		<u>§ 30.10 MAYOR.</u>
30.33	Meetings		The Mayor is the city executive and head of the executive branch. He shall faithfully perform the duties and responsibilities contained in IC 36-4-5-1 et seq. and other statutes of the state. (Ord. 1984-1, passed 6-4-84)
30.34	Contempt, disorder		<u>§ 30.11 BOARD OF PUBLIC WORKS AND SAFETY ESTABLISHED; CONTROL OVER EXECUTIVE DEPARTMENTS.</u>
30.35	Adoption of ordinances, resolutions		(A) There is hereby established a Board of Public Works and Safety within the executive branch. This Board shall be the chief administrative body of the city and shall have control of the day-to-day operations of the following executive departments which are hereby established:
30.36	Questions of order		(1) Police Department.
30.37	Appeal from decision of presiding officer		(2) Fire Department.
30.38	Suspension of rules		(3) Utilities Department, consisting of the sewerage collection and disposal system and the water treatment and distribution system.
30.39	Abstention		
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30.50	Clerk-Treasurer as fiscal officer		
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30.81	Establishment of Bureau; duties, rights and responsibilities		
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(4) Street and Sanitation Department.

(B) The members of the Board of Public Works and Safety are the Mayor and two voters of the city (as required by IC 36-4-9-2(b)) who shall be chosen by the Mayor and serve at his pleasure.

(C) Subject to the authority granted under IC 36-4-11-3 and the appropriation power of the Common Council, the foregoing Departments in division (A) of this section shall have the ability to hire any employees, and purchase or contract for all material or services as the Board of Public Works and Safety or other governing board or commission deems necessary to perform their public functions.  
(Ord. 1984-1, passed 6-4-84)

Cross-reference:

Police and Fire Departments, see Chapter 31

§ 30.12 APPOINTMENT OF EXECUTIVE DEPARTMENT HEADS BY MAYOR.

The Chiefs of the Police and Fire Departments and the heads of the Department of Law, Sewerage and Water Systems, and Street and Sanitation Department are appointed by the Mayor and serve at his pleasure.  
(Ord. 1984-1, passed 6-4-84)

Statutory reference:

Appointment of department heads by Mayor, see IC 36-4-9-2

§ 30.13 DEPARTMENT OF PARKS AND RECREATION ESTABLISHED; CONTROL; ORGANIZATION; PROCEDURES.

(A) There is established a Department of Parks and Recreation, to be controlled and operated by the Park and Recreation Board, established pursuant to IC 36-10-3-1 et seq. The Park and Recreation Board shall consist of four members appointed by the executive of the municipality and in addition one ex officio member as provided for in IC 36-10-3-4.

(B) The Mayor shall select the regular members on the basis of their interest in and knowledge of parks and recreation.

(C) Upon the establishment of a Board, the terms of the members initially appointed shall be one, two, three and four years. Thereafter as a term expires, each new appointment shall be for a four-year term. All terms shall expire on the first Monday of January, but an appointee shall continue in office until his successor is appointed.

(D) At its first regular meeting in each year, the Board shall elect a president and a vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president.

(E) The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities to conduct such programs as are generally understood to be park and recreation functions, including powers and duties listed in Section 216, Article II of the 1965 Park and Recreation Law.

(F) The Board may create an advisory council and special committees composed of citizens interested in the problems of parks and recreation in accordance with Article IV of the 1965 Park and Recreation Law.

(G) The Board shall prepare and submit an annual budget in the same manner as other departments of the city government. The Board may accept gifts, donations and subsidies for park and recreation purposes.  
(Ord. 1972/9, passed 9-12-72; Am. Ord. 1984-1, passed 6-4-84; Am. Ord. 2000-12, passed 8-14-00; Am. Ord. 2022-2, passed 1-17-22)

§ 30.14 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT ESTABLISHED.

There is hereby established a Department of Economic Development and Planning, consisting of the Plan Commission, pursuant to IC 36-7-4-200 et seq.  
(Ord. 1984-1 passed 6-4-84)

§ 30.15 MAYOR TO APPOINT CERTAIN OFFICIALS.

Pursuant to IC 36-4-9-2, the Mayor shall appoint the head of the Department of Parks and Recreation and the Zoning Administrator, with the approval of the Park and Recreation Board and the City Plan Commission, respectively. The appointees shall serve at the pleasure of the Mayor pursuant to IC 36-4-11-2.  
(Ord. 1984-1, passed 6-4-84)

§ 30.16 DEPARTMENT OF LAW ESTABLISHED.

There is hereby established a Department of Law pursuant to IC 36-4-9-12.  
(Ord. 1984-1, passed 6-4-84)

§ 30.17 HEALTH AND SANITATION OFFICER.

(A) The Mayor is authorized to make recommendation to the Common Council of an individual to be designated by the Common Council as City Health and Sanitation Officer.

(B) The individual so appointed shall have the powers and duties to enforce the sanitation and health ordinances of the city by investigation and issuance of information and summons to the city court and in all other respects become a police officer for the limited purposes of enforcement of the sanitation and health ordinances of the city and as such, is designated a special officer.  
(Ord. 1981-5, passed 5-4-81)

LEGISLATIVE BRANCH

§ 30.30 COMMON COUNCIL.

The legislative branch of the city is the Common Council. The Council shall have exclusive authority to adopt ordinances and appropriate tax monies received by the city, and to perform other necessary and desirable legislative functions, all pursuant to IC 36-4-6-1 et seq. (Ord. 1984-1, passed 6-4-84)

§ 30.31 VOTING DISTRICTS.

(A) The Common Council elects to establish as electoral voting districts for the election of the Common Council of the city those provisions of Indiana Code 36-4-6-4 as provided in Subsection (b), (h) and (i) and any other applicable subsections of said statute, to wit;

- “(b). This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body shall adopt an ordinance to divide the city into five districts that:
  - (1) Are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
  - (2) Are reasonably compact;
  - (3) Do not cross precinct boundary lines except as provided in subsection (c) or (d); and
  - (4) Contain, as nearly as is possible, equal population.
- (h) This subsection does not apply to a city with an ordinance described by section (j). The legislative body is composed of (5) members elected from the districts established under subsection (b) and two (2) at-large members.
- (i) The subsection does not apply to a city with an ordinance described by subsection (j). Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the each voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district

candidates receiving the most votes from their respective districts are elected to the legislative body,”

(B) The Common Council hereby establishes as the electoral districts for the election of the members of the Common Council of the city the five precincts established by the County Commissioners of Jay County, Indiana by County Council Ordinance Number 1997-7. (Ord. 1998-16, passed 11-2-98; Am. Ord. 2012-10, passed 10-1-12)

§ 30.32 CLERK OF COUNCIL.

The Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by IC 36-4-6-9 and any others as the Council may direct. (Ord. 1984-1, passed 6-4-84)

§ 30.33 MEETINGS.

(A) There is hereby established a regular meeting of the Common Council on the first and third Monday nights of each month until hereafter amended by resolution, at the hour of 7:00 p.m. Eastern Standard Time in the Council Room of the city building.

(B) All meetings shall be conducted according to an agenda which shall be closed for inclusion thereon at 4:00 p.m. on the Wednesday preceding the regular meeting and which will be posted at the office of the Council, by 4:00 p.m. on the Friday preceding each meeting.

(C) Any persons wishing to be heard by the Council shall submit to the Clerk-Treasurer prior to 4:00 p.m. on each preceding Wednesday, notice of their intention to be heard and a statement explaining the business to be presented to the Council. (Ord. 1984-1, passed 6-4-84)

Statutory reference:  
Meetings, see IC 36-4-6-7

§ 30.34 CONTEMPT, DISORDER.

No person shall use violent or contemptuous language, behave in a disorderly manner, or refuse to obey the orders of the Mayor or President Pro Tempore in the Council Room while the Common Council is in session. (Ord. 1984-1, passed 6-4-84)

§ 30.35 ADOPTION OF ORDINANCES, RESOLUTIONS.

- (A) All ordinances shall be regularly filed with the Clerk-Treasurer at least five days before a regular meeting.
- (B) All ordinances shall be read two times before being passed, and no ordinance shall pass on the same day in which it is introduced

unless the provisions of IC 36-4-6-13 are complied with.

(C) Resolutions shall be subject to the same rule in method of introduction and adoption as ordinances.

(D) On the passage or adoption of any ordinance or resolution, the yeas and nays shall be taken and entered in the record, and the ordinance shall be processed in accordance with IC 36-4-6-14 through 36-4-6-17.

(E) All ordinances presented for passage by the Council may be read by title only if prior to the introduction of any ordinance, that ordinance has been made available to all Councilmembers, the members of the press, and the public for study. At the introduction of such an ordinance, the ordinance shall be read by title, discussion called for by Councilmembers, and then discussion open to the public. This procedure for discussion shall follow introduction for each reading and upon the discussion being closed, motion and vote upon the ordinance shall be taken by the Council.  
(Ord. 1984-1, passed 6-4-84)

§ 30.36 QUESTIONS OF ORDER.

The Mayor or President Pro Tempore shall decide all questions of order. He shall decide whether any question submitted to the Common Council for adoption or rejection is decided in the affirmative or negative.  
(Ord. 1984-1, passed 6-4-84)

§ 30.37 APPEAL FROM DECISION OF PRESIDING OFFICER.

From any decision of the Presiding Officer any member may appeal to the Common Council. The appeal shall be by motion duly made and seconded. A majority vote as defined in IC 36-4-6-11 is necessary to overrule the chair.  
(Ord. 1984-1, passed 6-4-84)

§ 30.38 SUSPENSION OF RULES.

The order of business may be suspended by a two-thirds vote of the members of the Council.  
(Ord. 1984-1, passed 6-4-84)

§ 30.39 ABSTENTION.

Any abstention from voting by Common Council members shall constitute a "no vote" except in the case of an abstention for a declared reason of conflict of interest.  
(Ord. 1984-1, passed 6-4-84)

FISCAL BRANCH

§ 30.50 CLERK-TREASURER AS FISCAL OFFICER.

The Clerk-Treasurer is the fiscal officer of the city and the head of the fiscal branch.

ORGANIZATION OF CITY

He shall perform the duties assigned by IC 36-4-10, and all other duties as the Common Council may, by ordinance, require.  
(Ord. 1984-1, passed 6-4-84)

§ 30.51 DEPUTIES AND ASSISTANTS.

The Clerk-Treasurer is authorized, pursuant to IC 36-4-11-4, to appoint one Deputy Clerk-Treasurer to be paid solely from funds appropriated for the office of the Clerk-Treasurer. The Deputy shall work under the exclusive direction of the Clerk-Treasurer, and serve at the pleasure of the Clerk-Treasurer.  
(Ord. 1984-1, passed 6-4-84)

§ 30.52 ADMINISTRATION OF CITY UTILITIES.

The Clerk-Treasurer shall furnish space within his office for the administration and records of the city's utilities. The various utility clerks needed to manage the bookkeeping and administrative requirements of the utilities shall be appointed and compensated by the board having control of the utility the clerks serve. The utility clerks serve at the pleasure of the board which appointed them. The Clerk-Treasurer shall be compensated for services he renders to the city's utilities, and shall have the power to supervise the utility personnel in his office, subject to the approval of the governing boards of the various utilities.  
(Ord. 1984-1, passed 6-4-84)

JUDICIAL BRANCH

§ 30.65 CITY COURT ESTABLISHED; HEADED BY ELECTED JUDGE.

There is hereby established, effective January 1, 1984, a City Court to be headed and operated by a City Judge elected and seated pursuant to IC 33-35.  
(Ord. 1984-1, passed 6-4-84)

Cross-reference:

Establishment, see Chapter 35

STATUTORY BOARDS AND COMMISSIONS

§ 30.75 POLICE PENSION BOARD OF TRUSTEES.

There shall be a Police Pension Board of Trustees to perform certain duties prescribed by IC 36-8-6 (1925 Fund) and IC 36-8-8 (1977 Fund) concerning the statutory pensions of city police.  
(Ord. 1984-1, passed 6-4-84)

Cross-reference:

Police and Fire Departments, see Chapter 31

§ 30.76 FIREFIGHTERS' PENSION BOARD OF TRUSTEES.

There shall be a Firefighters' Pension Board of Trustees to perform certain duties prescribed by IC 36-8-7 (1937 Fund) and IC

36-8-8 (1977 Fund) concerning the statutory pensions of city firefighters. (Ord. 1984-1, passed 6-4-84)

Cross-reference:

Police and Fire Departments, see Chapter 31

§ 30.77 BOARD OF AVIATION COMMISSIONERS.

(A) There is hereby established the Board of Aviation Commissioners pursuant to IC 8-22-2-1 et seq. (Ord. 1984-1, passed 6-4-84)

(B) The acts and responsibilities performed and assumed by the Board of Aviation Commissioners for and on behalf of the city in the instituting of legal proceedings for the appropriation and condemnation of property in the clear zone lying above the lands of the adjoining owners as performed and perfected by the legal counsel as agent for the Board, are hereby ratified, confirmed, and approved.

(C) The city does agree to the assumption and performance of the obligations and responsibilities contingent upon and consistent with the statutory law governing those proceedings as may be determined by judgment of the County Circuit Court. (Res. passed 5-16-66)

§ 30.78 DEPARTMENT OF BUILDINGS.

For the provisions concerning the Department of Buildings, see § 150.03.

§ 30.79 REDEVELOPMENT COMMISSION.

(A) There is hereby established the Portland Redevelopment Commission pursuant to the provisions of IC 36-7-14 as that law exists at this time and as may be amended from time to time thereafter.

(B) The Redevelopment Commission shall consist of five commissioners who shall be appointed as follows:

(1) Three shall be appointed by the Mayor.

(2) Two shall be appointed by the Common Council.

(C) Each commissioner shall serve for a term of one calendar year and until their successor is appointed and has qualified except that the original commissioner shall serve from the date of their appointment until the first day of January in the second year after their appointment.

(D) Each Redevelopment Commissioner, before beginning their duties, shall take and subscribe an oath of office and shall post a bond as provided by IC 36-7-14.

(E) All of the territory within the corporate boundaries of the City of Portland

shall constitute a taxing district for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided by IC 36-7-14. (Ord. 2006-02, passed 2-6-06)

ORDINANCE VIOLATIONS BUREAU

§ 30.81 ESTABLISHMENT OF BUREAU; DUTIES, RIGHTS AND RESPONSIBILITIES.

There is hereby created and established the "City of Portland Ordinance Violations Bureau", which Bureau is granted all the duties, rights, and responsibilities as provided by I.C. 33-36, et seq. (Ord. 2022-11, passed 8-1-22)

§ 30.82 VIOLATIONS CLERK APPOINTED AS ADMINISTRATOR.

The Clerk of the city is hereby appointed Violations Clerk to be administrator of the bureau. (Ord. 2022-11, passed 8-1-22)

§ 30.83 SCHEDULE OF PENALTIES.

The following are subject to admission of violation before the Violations Clerk and the amount of the civil penalties to be assessed:

Nature of Violation	Code Section	Civil Penalty
Failure to Register	77.10	\$50 for 1st violation; \$25 for each subsequent violation over the next 12 months
Golf Cart		

(Ord. 2022-11, passed 8-1-22)

§ 30.84 PAYMENT OF CIVIL PENALTIES.

(A) The Ordinance Violations Clerk shall receive, receipt, and account for the payment of the civil penalties under procedures approved by the state board of accounts.

(B) The payment of civil penalties designated under this schedule shall be made in person to those individuals and/or places designated by the City Clerk. (Ord. 2022-11, passed 8-1-22)

§ 30.85 FAILURE TO SATISFY CIVIL PENALTY; PROSECUTION.

If a person denies an ordinance or code violation under this procedure, fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to appear to admit or deny the violation, then the Violations Clerk shall report such fact to the City Attorney who shall prosecute the ordinance violation cases on behalf of the city. (Ord. 2022-11, passed 8-1-22)

§ 30.86 FAILURE TO APPEAR; VIOLATION.

Any person who fails to appear before the Ordinance Violations Clerk within 30 days after receipt of a notice of a violation set forth in the Ordinance Violations Bureau schedule commits a separate violation of failure to appear and shall pay a civil penalty, regardless of the disposition of the initial violation in the amount of \$50.  
(Ord. 2022-11, passed 8-1-22)

§ 30.87 SEPARATE AND/OR ADDITIONAL VIOLATIONS.

With respect to any of the violations listed in the preceding schedule, each 24-hour period shall constitute a separate violation unless otherwise specified by City Code.  
(Ord. 2022-11, passed 8-1-22)

§ 30.88 RECEIPT OF CIVIL PENALTIES PRIOR TO PASSAGE OF PROVISIONS.

The receipt of civil penalties prior to the passage of this subchapter is hereby approved and ratified.  
(Ord. 2022-11, passed 8-1-22)

§ 30.89 ENFORCEMENT OF SCHEDULED CODE SECTIONS; GREATER CIVIL PENALTIES.

Nothing in the establishment of the Ordinance Violations Bureau nor in the establishment of special fines or non-aggravated circumstances shall be construed to prohibit the city's designated officers and employees from enforcing the code sections set herein pursuant to I.C. 36-1-6-3 and I.C. 34-28-5 and seeking the greater civil penalties which may be provided for by the penalty provision of the applicable city code sections.  
(Ord. 2022-11, passed 8-1-22)



Section

General Provisions

- 31.01 Physical examinations required
- 31.02 Longevity pay
- 31.03 Work period
- 31.04 Administration and course fees

Police Department

- 31.15 Police reserves
- 31.16 Retirement
- 31.17 Death benefits
- Appendix A: Police Department rules and regulations
- Appendix B: Fire Department rules and regulations

Cross-reference:

- Firefighters' Pension Board of Trustees, see § 30.76
- Police Pension Board of Trustees, see § 30.75
- Board of Public Works and Safety to supervise, see § 30.11
- Fire and Police Chiefs appointed by Mayor, see § 30.12
- Fee charged for certification of registration inspection, see § 70.04

GENERAL PROVISIONS

§ 31.01 PHYSICAL EXAMINATIONS REQUIRED.

(A) The city shall pay 100% of the physical examination cost necessary when hiring city policemen or firemen as required by IC 36-8-8-19.

(B) In the event a policeman or fireman requests a disability status from the Pension Board, the city shall pay 100% of the physical examination for the applying policeman or fireman for a physician designated by the Pension Board for the examination. (Ord. 1984-7, passed 8-20-84; Am. Ord. 1998-1, passed 1-5-98)

(C) The 1925 fund shall be used to pay funeral benefits to the heirs or estate of an active or a retired member of the Police Department who has died from any cause in the amount of \$12,000.

(D) The 1937 fund shall be used to pay funeral benefits upon the death of a disabled, retired, or discharged member of the Fire Department who was receiving or entitled to receive a pension at the time of his death, or upon the death of a member in active service at the time of his death, the local Board shall authorize and pay out of the 1937 fund as death benefits \$12,000.

(E) The death benefit described under this section shall be paid to the following:

(1) The surviving spouse;

(2) If there is no surviving spouse, to the surviving children; and

(3) If there is no surviving spouse, and if there are no surviving children, to the estate;

of the deceased member of the 1925 Fund or 1937 Fund and is in addition to other benefits paid to a member or survivor under this chapter. (Ord. 1984-7, passed 8-20-84; Am. Ord. 1998-1, passed 1-5-98, Am. Ord. 1998-14, passed 10-19-98; Am. Ord. 2008-12, passed 5-19-08; Am. Ord. 2009-11, passed 7-20-09)

Statutory reference:

Death Benefits, see IC 36-8-8-16

§ 31.02 LONGEVITY PAY.

(A) There is hereby established a 20-year employment base as the basis upon which all pension and retirement plans for firefighters and police officers will be calculated.

(B) Any portions of pay made to a firefighter or police officer for longevity pay will not be included in the calculations to the extent that they would exceed 20 years' longevity pay.

(C) By statute it is acknowledged that this pay does not include allowances for fringe benefits, including incentive pay, holiday pay, insurance, clothing, automobiles, firearms, education, overtime, or other compensatory time-off or supplemental pay. (Ord. 1985-1, passed 1-7-85; Am. Ord. 1999-2, passed 4-5-99; Am. Ord. 2006-8, passed 6-5-06)

§ 31.03 WORK PERIOD.

The work period for police officers and firefighters will be a 28-day work period as provided by Section 7(k) of the Fair Labor Standards Act.

(Ord. 1985-7, passed 7-1-85)

§ 31.04 ADMINISTRATION AND COURSE FEES.

(A) The following administration fees are hereby approved and shall be charged by the Fire Department. Receipts to Fire Investigative Report Fund.

<u>Service</u>	<u>Local Fee</u>	<u>State Fee</u>
Fire Report	\$ 5.00	\$0
Fire Training Fee	\$25.00	\$0

(B) The following fees are established for courses provided by the Fire Department:

<u>Course</u>	<u>Charges</u>
Provider Care CPR	\$50.00 per person
Provider Care CPR recertification	\$30.00 per person
General Public CPR	\$30.00 per person
General Public First-Aid	\$30.00 per person
General Public CPR/First-Aid	\$55.00 per person
Fire Extinguisher Class (Ord. 2008-5, passed 3-17-08; Am. Res. 2012-12, passed 12-17-12)	\$50.00 per session

POLICE DEPARTMENT

§ 31.15 POLICE RESERVES.

(A) There is established a Police Officer's Reserve Unit for the city, the same to be entitled Portland Police Reserves. The Police Reserves shall be appointed in the same manner, and by the same authority that appoints regular members of the Police Department.

(B) The number of Police Reserves shall be not more than 20 in number.

(C) The Police Reserves may not be members of the regular police force; but they shall have all the same police powers as regular police force members except as limited by the rules of their Department, and the Department is authorized to adopt rules to limit the authority of the Police Reserves.

(D) The Police Reserves may not participate in any pension program provided for regular members of the Police Department.

(E) To the extent that the funds for benefits are appropriated, the Police Reserves may receive a uniform allowance, receive compensation for time lost in other employment because of court appearances; be insured for life, accident, and sickness coverage; and receive any further compensations as the Common Council may from time to time authorize.

(Ord. 76-9, passed 11-1-76)

§ 31.16 RETIREMENT.

Any officer of the City Police Department who shall reach his sixty-fifth birthday while serving in such service shall be terminated. The officer shall be placed upon and within the purview of the police pension regulations. (Ord. 69-15, passed 12-15-69)

APPENDIX A:

Section

General Rules and Regulations

1. Application requirements
2. Hiring policy, Police and Fire Departments; appeals
3. Hiring policy, non-emergency; appeals
4. Appointment as a probationary police officer
5. Rules and regulations of Police Department
6. Organization
7. Uniforms
8. Personal appearance
9. Reserved
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11. Duties and performance

Communications Officers' Department Policies

20. Rules and regulations for Communication Officers
21. Definitions
22. Appointment as a Probationary Communication Officer
23. Organization
24. Uniform
25. Conduct on duty
26. Duties and performance
27. I.D.A.C.S. and N.C.I.C.
28. Sick days
29. Vacation days

GENERAL RULES AND REGULATIONS

§ 1 APPLICATION REQUIREMENTS.

A person who is desirous of submitting an application to the Police Department of the city, for consideration for the position of probationary police officer shall meet the following requirements stated in the hiring policy of the city.

(A) Be a citizen of the United States of America.

(B) Reside within the County of Jay, a county that is contiguous to Jay County; a county that is noncontiguous to Jay County, but is not more than 50 miles from the closest boundary of the City of Portland; or willing to establish this residence upon appointment.

(C) Be a graduate of a high school (accredited) and possess a diploma.

(D) Provide a transcript or copy of high school grades and credits.

(E) Be not less than 21, not more than 35 years of age prior to appointment date.

(F) Date of birth shall be supported by a certificate or an affidavit properly sworn and subscribed and recorded in the office of the Clerk of the Circuit Court in the county of residence.

(G) Compete in a satisfactory manner, a thorough physical examination which will be conducted by a physician which is recommended by the Portland Police Pension Board. (Form provided). Fee shall be paid by the applicant.

(H) Possess valid Indiana license to operate a motor vehicle and said license shall not contain any restrictions by any court or the issuing authority.

(I) Be of good character, appearance and personality.

(J) Possess a good prior work-attendance record.

(K) Possess an honorable discharge from any former military service of the United States, if there has been such service.

(L) Must be willing to submit to a polygraph test concerning police department matters upon the request of the Chief of Police. (Must sign waiver before being hired).  
(Res. 1992-3, passed 10-19-92; Am. Ord. 2020-4, passed 3-16-20)

§ 2 HIRING POLICY, POLICE AND FIRE DEPARTMENTS; APPEALS.

(A) The city will provide equal employment opportunities for all persons without regard to race, color, religion, sex, age, national origin, qualified handicap/disabilities, or military service.

(B) Each person hired after November 6, 1986 shall be required to provide original documentary evidence that he/she is eligible for employment in the United States. In most instances, the provision of an Indiana driver's license or identification card and a social security card will suffice to establish both identity and eligibility.

(C) All applicants will be required to complete a written application form. An applicant who is visually or aurally impaired, unable to read English, illiterate, or handicapped, will be provided with reasonable accommodation to complete the form, provided the applicant notifies the city at the time of application.

(D) All applications will be destroyed when the position has been filled.

(E) Each applicant will be given a copy of the job description and hiring policy prior to completing the job application.

(F) No applicant will be asked if they have a disability.

(G) Medical information concerning applicants and employees will be considered confidential, will be collected on separate forms, maintained in separate files, and will be released only to first aid or emergency medical personnel, supervisors or managers on a need to know basis, and to governmental authorities.

(H) An applicant who is a "qualified individual" as a result of a disability has a right to request a "reasonable accommodation".

(I) If at any point in the application process it becomes known that the applicant may be a "qualified individual" as the result of a disability and/or the applicant requests an "accommodation" the following procedure is required by the ADA. A meeting will be held with the applicant to determine:

(1) If the applicant is in fact "disabled" under the guidelines specified in the Americans With Disabilities Act.

(2) If the applicant is a "qualified individual" either with or without "accommodations".

(3) If needed, what accommodations the applicant and the city feel would be necessary to allow the applicant to perform the "essential functions" of the job.

(4) If the proposed accommodations are "reasonable accommodations" and if they will place an "undue hardship" on the city.

(5) If the city considers an accommodation to be an "undue hardship" the applicant will be given the opportunity to pay for the cost of the accommodation themselves.

(6) On the basis of the above considerations the Department Head will determine, following ADA guidelines, if accommodations will be made and if the applicant will continue in the hiring process.

(7) If it is determined that the applicant will remain in the hiring process the applicant will be judged, along with the other applicants, strictly on the basis of which individual applicant is best qualified for the job without regard for any disabilities.

(8) All of the above steps should be documented in writing and be given to the Clerk-Treasurer to be kept as a permanent confidential record.

(9) The Department Head may involve the Board of Works in any of the above steps if they feel it is necessary or appropriate.

(J) Applicants for both the Police and Fire Departments will be asked to take an agility test prior to any job offer.

(K) Applicants for the Fire Department will be asked to take an aptitude test prior to any job offer.

(L) The Fire Chief and the local PERF Board will review applications and test results, conduct informal interviews, and then recommend applicants for the Fire Department to the City of Portland Board of Works.

(M) The Police Chief will review applications and test results, conduct informal interviews, and then recommend applicants for the Police Department to the city Board of Works.

(N) The Board of Works, along with the Department Heads, will interview the recommended applicants and make the final hiring decision.

(O) Any offer of employment will be contingent on the ability of the applicant to pass the state physical and mental examinations established by the state PERF Board.

(P) Appeals. If an applicant wishes to appeal any hiring decision to the Board of Works they may do so by filing a complaint with the city Clerk-Treasurer.  
(Res. 1992-3, passed 10-19-92; Am. Ord. 2020-4, passed 3-16-20)

### § 3 HIRING POLICY, NON-EMERGENCY; APPEALS.

(A) The city will provide equal opportunities for all persons without regard to race, color, religion, sex, age, national origin, qualified handicap/disabilities, or military service.

(B) Each person hired after November 6, 1986 shall be required to provide original documentary evidence that he/she is eligible for employment in the United States. In most instances, the provision of an Indiana driver's license or identification card and a social security card will suffice to establish both identity and eligibility.

(C) All applicants will be required to complete a written application form. An applicant who is visually or aurally impaired, unable to read English, illiterate, or handicapped, will be provided with reasonable accommodations to complete the form, provided the applicant notifies the city at the time of application.

(D) Applications will only be taken when there is a position open and then only for the position which is open.

(E) All applications will be destroyed when the position has been filled.

(F) Each applicant will be given a copy of the job description and hiring policy prior to completing the job application.

(G) No applicant will be asked if they have a disability.

(H) Medical information concerning applicants and employees will be considered confidential, will be collected on separate forms, maintained in separate files, and will be released only to first aid or emergency medical personnel, supervisors or managers on a need to know basis, and to governmental authorities.

(I) An applicant who is a "qualified individual" as a result of a disability has a right to request a "reasonable accommodation".

(J) If at any point in the application process it becomes known that the applicant may be a "qualified individual" as a result of

a disability and/or the applicant requests an "accommodation" the following procedure is required by the ADA. A meeting will be held with the applicant to determine:

(1) If the applicant is in fact "disabled" under the guidelines specified in the Americans With Disabilities Act.

(2) If the applicant is a "qualified individual" either with or without "accommodations."

(3) If needed, what accommodations the applicant and the city feel would be necessary to allow the applicant to perform the "essential functions" of the job.

(4) If the proposed accommodations are "reasonable accommodations" and if they will place an "undue hardship" on the city.

(5) If the city considers an accommodation to be an "undue hardship" the applicant will be given the opportunity to pay for the cost of the accommodation themselves.

(6) On the basis of the above considerations the Department Head will determine, following ADA guidelines, if accommodations will be made and if the applicant will continue in the hiring process.

(7) If it is determined that the applicant will remain in the hiring process the applicant will be judged, along with the other applicants, strictly on the basis of which individual applicant is best qualified for the job without regard for any disabilities.

(8) All of the above steps should be documented in writing and be given to the Clerk-Treasurer to be kept as a permanent confidential record.

(9) The Department Head may involve the Board of Works in any of the above steps if they feel it is necessary or appropriate.

(K) The following Department Heads will review applications, conduct interviews, test applicants, and make the final hiring decision.

(1) Mayor's Office; and the

(2) Clerk-Treasurer.

(L) The following Department Heads will review applications, conduct interviews, test applicants, and recommend applicants to the city Board of Works. The Board of Works, along with the Department Head will interview the recommended applicants and make the final hiring decision. The Mayor will have the authority to waive the Board of Works requirements where appropriate.

(1) Sewage Department;

(2) Street Department;

(3) Water Department; and

(4) Police Dispatcher.

(M) Appeals. If an applicant wishes to appeal any hiring decision to the Board of Works they may do so by filing a complaint with the city Clerk-Treasurer.

(Res. 1992-3, passed 10-19-92)

§ 4 APPOINTMENT AS A PROBATIONARY POLICE OFFICER.

(A) Prior to your appointment, you submitted an application containing all the necessary and required information. Your application was checked and screened by the Chief of Police to determine if you met the basic qualifications to become a probationary police officer. The purpose being to determine if you possessed additional qualities of a potential police officer. Those qualities being appearance, attitude, expression, candor, and the like.

(B) The next effort to determine your qualities and capabilities was to interview those references you provided on your application. We also checked with any other to learn of your character, morals, business and social associates, educators, financial status and the like.

(C) You were administered an "Oath of Office" for a Probationary Police Officer of the City of Portland, Indiana. The acceptance and taking of that oath, you assumed the duties of the police officer, and subject to the rules and regulations which govern the Police Department. Any infraction of these rules and regulations may be cause for reprimand, disciplinary action, suspension or dismissal at the direction of the Mayor and Chief of Police.

(D) A Probationary Police Officer serves in this capacity for at least one year. During this period, you will be observed while on duty and evaluated as to your progress. Specific emphasis is placed upon attitude, appearance, ability, conduct, respect and adaptability to police procedures. Approximately 30 days prior to your completion of your probationary year, your superior officers will be asked to grade your progress and submit to the Chief of Police, a written report outlining their recommendations for promotion to Patrolman First Class. These reports are a basis upon which the Chief of Police decides if you have progressed sufficiently to be eligible for that promotion. The reports from the superior officers and the recommendation by the Chief of Police to the Mayor of the city and with the concurrence of the Mayor, you will be promoted.

(E) However, the failure to comply with the rules and regulations of the Portland Police Department and/or your inability to perform

the duties and assignments as expected may be sufficient reason for dismissal from the Department, without the benefit of a hearing. (Res. 1992-3, passed 10-19-92)

§ 5 RULES AND REGULATIONS OF POLICE DEPARTMENT.

(A) The Police Department and the members thereof are subject to and governed by the rules and regulations of the Department, policies and procedures as directed by the Chief of Police and other directives as may be ordered by the Mayor and according to law.

(B) Any member who violates the rules and regulations of the Department, and the policies and procedures of the Department, or directives of a superior officer or any other violation shall be subject to the procedures and penalties as set forth therein.

(C) The Chief of Police is hereby authorized to conduct informal hearings for members who have committed violations of the rules and regulations of the Department or policies and procedures of the Department. Such hearings may be conducted whereby, in the opinion of the Chief of Police, the violation is not considered serious to the extent of referring the matter to the Mayor. Informal hearings shall be conducted before and by the Chief of Police. All charges against a member shall be made in writing and signed by the complainant. A copy of the complaint, the hearing proceedings and the disposition shall be personally given to the accused member, one copy placed in the personal department file of the member and one copy provided to the City Attorney.

(D) The Chief shall have the authority to administer discipline following the aforementioned hearings in the following manner:

(1) Suspension to a maximum of five days or less without pay.

(2) Direct the forfeiture of the member's "days off" at the rate of one day per week, a maximum of three days, worked on schedule shift.

(3) Order special duty assignments.

(4) Refer the matter to the Mayor for his consideration.

(E) Suspension in excess of five days without pay must be in compliance with Indiana law. (Res. 1992-3, passed 10-19-92; Am. Ord. 2013-2, passed 4-15-13; Am. Ord. 2020-4, passed 3-16-20)

§ 6 ORGANIZATION.

(A) The Department shall consist of a Chief, Assistant Chief, one Investigator

and other such members as may be required for the proper operation of the Department. Additional members shall be lawfully appointed from time to time by the Mayor as he determines necessary to maintain and improve services of the Department.

(1) The rank of Chief shall be appointed by the Mayor. The Portland Police Department shall maintain a pool of well trained officers from whom this appointment normally shall be made.

(2) The rank of Assistant Chief, Sergeants and Investigators shall be made by the Chief of Police. A member appointed to the rank of Assistant Chief, Sergeant and Investigator shall come from within the ranks of the Department.

(3) The member appointed to the rank of Chief is subject to removal by the Mayor.

(4) The member appointed to the rank of Sergeant shall be made by the Chief. Members appointed to the rank of Sergeant may be removed for any cause other than politics.

(B) The Members of the Department are responsible to and under the command of the Chief.

(C) The Department shall consist of three working shifts, divided over a 24-hour period. The first shift will consist of an Assistant Chief and as many other members as may be required. Second and third shifts shall consist of a Sergeant and as many other members as may be assigned by the Chief. The working or duty hours may vary upon circumstances as decided and directed by the Chief.

(1) The Assistant Chief is second in command to the Chief of Police. A Sergeant, Investigator or a member who has been appointed Chief in previous years may be appointed Assistant Chief by the Chief of Police. The Assistant Chief may be changed by the Chief of Police at any time. The Assistant Chief shall retain the permanent rank of Sergeant if he/she held the rank of Sergeant before the appointment. If the Assistant Chief held the rank of Investigator and a change was made, that assistant Chief shall hold the rank of a Patrolman, as the rank of Investigator is not a permanent position.

(2) (a) The Police Department shall have an Investigator. The Investigator will answer solely to the Chief of Police. The Investigator shall have the same authority as a Sergeant. The position of Investigator is not a permanent position: it is just an additional duty assignment. The Investigator may be replaced anytime by the Chief of Police. One Investigator will be in charge of all criminal activities and investigations.

(b) The Investigator shall be in charge of all drug activities and

investigations involving the city. The Investigator shall retain the rank of Patrolman when replaced, with the exception of advancement in the Police Department. An officer can be assigned to work drug investigations when the Chief feels it is necessary. When an officer is assigned to this detail, the Investigator will oversee the daily operations.

(3) Each three months of duty by a probationary member shall be evaluated by the Shift Sergeant, and a written report submitted to the Chief. If it is necessary and upon the recommendation of these reports, the Chief may cause the probationary member to be dismissed without the benefit of a hearing. Upon completion of one year as a probationary member, the Chief may promote the member to a First Class Patrolman, with the concurrence of the Mayor, and the Pension Board. If the member is dismissed, he/she shall return to the Chief all uniforms and property of the Department.

(4) (a) All members shall take an "Oath of Office" as follows:

I, name, do solemnly swear that I will support the Constitution of the United States of America, the Constitution of the State of Indiana, and the Ordinances of the City of Portland, Indiana, and that I will faithfully and impartially discharge the duties as assigned me as a rank for the City of Portland, Indiana, Department of Police, all according to law and the General Orders of the Portland Police Department, to the best of my ability, so help me God.

(b) To this oath, the member shall affix his/her signature before the administrating officer and other witnesses who shall also sign this document. The "Seal" of the city shall be affixed.

(c) The original copy of the "Oath of Office" shall be maintained in each respective member's file.

(5) For the purpose of identification and reports, a number shall be assigned each member, hereinafter referred to as a "unit number". This assigned number shall remain with each member throughout his/her employment with the Department. It shall be used on all reports, documents, or other papers where required, and shall accompany his/her signature. Upon retirement of a member, so does his/her unit number. This number shall be his/her badge number.

(6) An identification card shall be issued to each member which shall identify him/her as a member of the Department. This identity shall be verified by the signature card of the Chief. The member shall carry

this identification card at all times and display it to those persons that may question his/her identity. A member shall not alter or permit to be altered, this card for any reason. If a member should lose his/her identification card, he/she shall immediately notify the Chief of Police, whereby a new card may be issued.

(7) A member or a person about to become appointed as a member shall reside within Jay County. He/she shall have adequate means of transportation into the city and maintain in his/her residence telephone service with the city.

(8) Each member shall be issued a manual, text or other materials to familiarize himself/herself with the laws of the state and the city. All such manuals, texts of other reference shall remain the property of the Department and the member is responsible for their condition and existence.

(9) Each member shall achieve a degree of proficiency and understanding of the ordinances of the city, and the laws of the state. If necessary, a member shall attend special training sessions of instructions as directed by the Chief of Police.

(10) Members shall attend departmental meetings, special assignments, parades and other activities concerning the Department as directed by the Chief of Police.

(11) All members shall participate in two annual inspections which shall be established by the Chief of Police. The purposes of said inspections shall be to observe the uniforms and appearance of the members, and to examine the quality and condition of the equipment.  
(Res. 1992-3, passed 10-19-92; Am. Ord. 2018-11, passed 5-7-18; Am. Ord. 2020-4, passed 3-16-20)

#### § 7 UNIFORMS.

(A) Members of the Department shall present and maintain a neat, clean appearance in person and dress. Uniforms shall be worn only if they are of inspection condition. No worn or soiled uniforms will be permitted.

(B) The uniform shall consist of all clothing garments worn while performing the duties as a police officer. The duty-belt, holster, weapon, handcuffs and case, and metal insignia or emblems, shoes, and hat shall be considered as items and parts of the uniform. The omission of any one of these items or parts renders a member "out of uniform," and in violation of General Orders.

(C) The dress uniform of the Department shall consist of the winter uniform and other added equipment or clothing as directed by the Chief of Police. The dress uniform shall be considered proper for all ceremonies or other

special assignments as ordered by the Chief of Police.

(D) Members shall be in complete uniform when on duty. No mixture of civilian clothing with uniforms will be permitted. Uniforms or any portion thereof shall not be worn off duty without the permission previously obtained from the Chief.

(E) The designated badge of the Department shall be worn on all outer garments such as shirt or jacket in the appropriate location.

(F) No uniform of the Department shall be loaned on a temporary basis or given away by any member without the consent of the Chief.

(G) It shall be the responsibility of a member to replace any portion of his/her uniform that may be lost or misplaced. He/she shall also be able to produce his/her entire uniform issue for inspection purposes as directed by the Chief.

(H) Each member shall receive an annual clothing allowance with which he/she is to maintain the entire original issue of uniforms or replace any which are no longer suitable for service. This allowance granted in the amount established by the Common Council on an annual basis.

(I) A probationary member shall be issued a uniform appropriate for the season and upon the recommendation of the Chief.

(J) The manner in which the uniform will be worn by all members of the Department shall be as follows:

(1) Hat. Regulation hat with gold or silver band and buttons. The hat will be worn square on the head, not cocked to either side or on the back of the head. During inclement weather, a transparent cover may be worn.

(2) Tie. Regulation ties will be worn with winter shirts only. Clip-on ties are acceptable.

(3) Shirts.

(a) Winter regulation shirts with military creases, two down the front, each vertically dividing a front pocket. Three creases vertically down the back of the shirt, dividing the width of the shirt. All buttons and snaps fastened.

(b) Summer regulation shirts shall be pressed in the same manner as the winter shirts. No ties are to be worn with the summer shirt. A clean, white rounded neck T-shirt shall be worn, thus covering the "v" or open portion of the front of the shirt.

(4) Name plate. Will be worn under the badge on the right pocket.

(5) Tie-bar. A tie-bar of a pistol badge resemblance is recommended, however, a plain gold or silver tie-bar may be used. No fraternal or religious insignia with the exception of the Fraternal Order of Police.

(6) Trousers. Regulation winter and summer trousers shall be worn depending on the season.

(7) Duty belt. Regulation type or issue belt, holster, cartridge case, handcuff case are to be worn. Chemical mace or a nightstick may be carried on the duty belt only if they are in an appropriate container or case. Personal belts and cases may be worn if they compare with regulation issue and with the consent of the Chief. All duty belts shall be worn and firmly secured at the waist. They are not to be worn in sling-fashion or loose. All belts and accessories shall be highly polished and clean. They may be treated and maintained with a high-lustre finish.

(8) Footwear. Black plain toe oxfords, chuka-boots or a Wellington-type boot shall be worn. No moccasin type, cowboy type or other types shall be worn without the approval of the Chief.

(9) Jacket. Regulation car-duty jackets will be worn according to weather. The buttons of the pockets and down the front will be fastened when worn in public. Your badge will be worn in the provided eyelets. It is recommended that no sizeable objects be carried in the front flap-pockets, but the side or slice pockets be used.

(10) Winter hat. Regulation issue fur-type hat may be worn upon the agreement or consent of the other members of the respective shift. This may also come as a directive of the shift Sergeant.

(11) Gloves. No gloves are issued as a part of the uniform but if they are worn, they are to be black.

(12) Rain wear. Black rain coats and transparent hat covers may be worn. Black rubber boots or a type that will not detract from the appearance of the uniform may be worn.

(13) Accessories.

(a) These are to include the collar ornaments, whistle chain and the like, and to be worn upon the direction and manner recommended by the Chief. All metal insignia, badges, and buttons are to be highly polished and maintained in that manner. All metal accessories for those members above the rank of Patrolman shall be gold finished and all others to be silver.



(b) For Patrolman, collar ornaments of issue type, silver in finish and consisting of the initials of P.P.D. collars of both the summer and winter shirts. These are to be worn in the manner directed by the Chief.

(c) For the ranking officers of the Police Department the Chief, Sergeants and Detective(s) when in uniform shall wear insignias significant of their respective rank. These shall be worn on the shirt collars and sleeves. The metallic accessories of all ranking officers shall be of gold finish.

(14) (a) The use of the uniform for any off-duty employment by a member shall be approved by the Chief.

(b) Seasonal changes of the uniforms will be designated by the officer in command.

(c) Uniforms for a special detail will be designated by the officer in command.

(15) Any claims against a civilian for damages to a member's uniform shall be made only with the written consent of the Chief.

(16) It shall be deemed a neglect of duty on the part of a member of the Department carelessly to lose his badge or other equipment, or when such equipment is lost, to neglect or fail to report the same immediately thereafter to his/her commanding officer.

(K) It will be at the discretion of the officer if they wish to wear a Class A or Class B uniform, unless directed differently by the Chief of Police. Class B uniforms will consist of the following:

(1) BDU-style shirt with exposed buttons, dark navy in color, with Portland Police shoulder patches affixed to both arms.

(2) Undershirt must be worn. This can be a T-shirt or mock turtle neck. Undershirt must be black in color.

(3) Uniform badge will be placed over the left side chest (same as Class A shirt); dark navy in color.

(4) Name tape with the officer's first initial and last name will be placed on right side of the uniform; same as a name bar on the Class A uniform.

(5) The thread color for the name tape shall be silver for a patrolman and gold for a ranking officer.

(6) Officer duty belt and all pouches shall be nylon.

(7) Black tactical boots are to be worn, with pant legs worn over boots (no blousing).

(8) Class B hat will be a baseball-style hat, with Portland Police embroidered on the front, and the badge number embroidered on the back.

(L) Officers have the option of utilizing a load-bearing vest (LBV) as part of their uniform while on duty. Officers must adhere to the following guidelines while utilizing the LBV as part of the uniform.

(1) The LBV can only be worn with a Class B uniform.

(2) The only Department-authorized LBV is Safariland Oregon City Carrier. Any other carrier must be approved by the Chief of Police.

(3) The color for the officer's name tape and back patch shall be silver in color for patrolmen and gold for officers that hold rank.

(4) The name tape shall be placed on the right side of the vest in plain view. The name tape shall consist of the officer's first initial and last name.

(5) Officers shall affix their issued badge or an identical flex badge to the upper left side of the LBV.

(6) With the LBV, officers will be able to utilize the MOLLE system and affix their magazines, Taser, handcuffs, tourniquet, OC spray, body-worn camera, flashlight and radio to the LBV, with appropriate holsters for the equipment.

(7) The holsters being utilized must be black in color and constructed of either nylon or Kydex/high-durability plastic.

(8) The officer must use a nylon duty belt, with at least four belt keepers and their duty weapon (firearm), while utilizing the LBV.

(9) At no time is the officer's duty weapon (firearm) to be affixed to the LBV. (Res. 1992-3, passed 10-19-92; Am. Ord. 2020-4, passed 3-16-20)

#### § 8 PERSONAL APPEARANCE.

(A) With the uniform worn properly by the member and complimented with the designated accessories, the remainder of a member's appearance becomes somewhat a matter of personal pride and hygiene. All members shall maintain and present a clean and healthy appearance and aroma.

(B) Haircuts and the manner in which a member wears his/her hair is a matter of

individual choice providing it does not detract from the uniform and presents a neat appearance when the hat is removed.

(C) All members shall present a neat appearance while attending any public meeting or function while off-duty, but in an official capacity. Examples are court, council or committee meetings, public education program presented by the member and the like. Proper attire shall be worn for the occasion. (Res. 1992-3, passed 10-19-92)

§ 9 RESERVED.

§ 10 FIREARMS.

(A) Portland Police firearms policy.

(1) Each member shall be issued a firearm by the Chief for duty purposes. This weapon, its size, caliber, model, finish and the like, shall be determined by the Chief and must be carried, holstered on the duty belt at all times the member is on duty.

(2) The member is responsible for the condition, maintenance, and proper handling of the firearm at all times. It shall be clean and free of rust and in inspection condition.

(3) No alterations are to be made on the firearm and no repairs without the consent of the Chief.

(4) No accessories are to be added to the firearm without the consent of the Chief.

(5) The issued firearm may be carried by the member while off-duty.

(6) An identification card which was issued by the Department shall be carried by all members off-duty or out of uniform. This card shall be used to identify the member as a police officer for the city.

(7) Firearms shall be rendered inoperable by removing the cartridges whenever the firearm is stored in a members' assigned locker, file drawer, or other police department location.

(8) Each member shall fire his/her weapon as scheduled by the Chief or other designated member, according to the mandatory firearms familiarization and training program of the Department. He/she shall maintain a degree of proficiency as required by such program. Any failure to "qualify" or maintain this degree of proficiency shall necessitate the Chief or other designated member to schedule the same member for additional practice, on his/her off-duty time.

(B) Deadly/reasonable force, use of.

(1) The purpose of this division is to establish guidelines and provide references

for Portland Police Officers, concerning the proper use of force.

(2) The legal reference for the use of deadly/reasonable force is IC 35-41-3-2 and 35-41-3-3.

(3) The following definitions apply to this section:

"DEADLY FORCE." The force that creates a substantial risk of serious bodily injury.

"FORCIBLE FELONY." A felony that involves the use of threat of force against a human being or in which there is imminent danger to bodily injury to a human being.

"FIREARMS." Any handgun, shotgun or rifle, authorized for use by the Portland Police Department.

"SERIOUS BODILY INJURY." Bodily injury that creates a substantial risk of death or that causes death, serious, permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

(4) Policy. Officers of the Police Department shall use only that force which is necessary, exhausting every reasonable means, before resorting to the use of a firearm. Deadly force shall be considered as a last resort rather than an alternative. Such force shall never be used on mere suspicion. The safety of citizens and fellow officers shall always be a consideration in any decision to use a firearm. The officers first and foremost duty to the public is the preservation of life. All officers shall keep in mind when using a firearm that once a human life is taken it can never be replaced. **If there is doubt - don't shoot.**

(5) Procedure.

(a) Officers are justified in using reasonable force if they reasonably

believe that force is necessary to effect a lawful arrest. However, an officer is justified in using deadly force only if:

1. The officer had probable cause to believe that the force is necessary to effect an arrest for a felony and the force employed creates no substantial risk of injury to a third person, and the officer believes that:

a. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force or serious bodily injury.

b. There is a substantial risk that the person to be arrested will cause death or serious bodily injury if his apprehension is delayed or:

2. The officer has probable cause to believe that the force is necessary to prevent serious bodily injury to himself or a third person or to prevent one of the following serious crimes or forcible felonies:

- a. Murder;
- b. Rape;
- c. Robbery;
- d. Arson;
- e. Confinement; or
- f. Any other felony

which involves the use of force or violence against any individual: or,

3. If a suspect threatens an officer with a weapon or there is probable cause to believe that he had committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if where feasible, some warning has been given.

(b) Officers who have an arrested person in their custody are justified in using reasonable force to prevent escape of the arrested person from their custody.

(c) A law enforcement officer making an arrest under an invalid warrant is justified in using force as if the warrant was valid, unless he/she knows that the warrant is invalid.

(d) A guard or other official in a penal facility or a law enforcement officer is justified in using reasonable force, including deadly force, if he/she reasonably believes that the force is necessary to prevent the escape of a person who is detained in the penal facility.

(e) Prohibited use and handling of firearm by officers:

1. Firing into crowds;

2. Firing into buildings or through doors, windows, or openings where the person is not clearly visible;

3. To effect the arrest of a person who has committed a crime other than those specified in subdivision a.2.;

4. Warning shots;

5. Firing at and/or from a moving vehicle, unless there is a threat to the life and well-being of the officer or other person;

6. In areas heavily populated by citizens on foot or in vehicles, except in strict compliance with the line of duty and Department policy;

7. An officer may fire under extreme circumstances to give an alarm or to call for assistance for an important purpose when other means cannot be used.

(f) Any time an officer fires his/her weapon, a full written report shall be made available for the Chief as soon as possible, exceptions: qualifications practice, hunting and the like.  
(Res. 1992-3, passed 10-19-92)

#### § 11 DUTIES AND PERFORMANCE.

(A) The primary duties of all members shall be to provide and protect all citizens to those rights and benefits as enumerated under the Constitution of the United States of America, the Constitution of the State of Indiana, and the Ordinances of the City of Portland, Indiana. These duties are to be carried out in an impartial, firm and professional manner.

(B) Special assignments or duties may be assigned to the members by the Chief or Superior Officer of the Department. Such duties and assignments shall be completed and reported to the best of the assigned member's ability.

(C) No member shall question any assignment or authority of a Superior Officer. The member shall complete the assignment and should there be any indecision, the member shall refer the matter to the next highest ranking officer. Any member failing to comply with a lawful order by his/her Superior Officer may be considered insubordinate and subject to immediate temporary suspension. All such violations shall be made in writing by the Superior Officer and accompanied with the terms of the immediate temporary suspension. Such claims or charges shall be forwarded immediately to the Chief. Disciplinary action may be taken by the Chief or he may refer the case to the Mayor. Said claims, charges and actions resulting from discipline or hearings shall become a permanent part of the member's record file.

(D) The member shall assist other law enforcement agencies or personnel as directed by the member's commanding officer, during the performance of police duties.

(E) A member shall be respectful to the rank of law enforcement personnel of other Departments. Should the member be assigned to assist said personnel, the member shall respond to their directives and procedures.

(F) A member shall serve all summons, subpoenas, warrants or other legal documents of the courts as directed by said courts. Every reasonable effort shall be made by the member to serve such papers immediately upon the notification and receipt of same.

(G) A member shall acknowledge and answer to all summons, subpoenas, or written directives as issued by any Court. He/she shall be prepared at the designated time and place to testify and present any evidence that he may have regarding the case in question.

(H) A member shall present a neat and professional appearance when required to appear before any Court. He/she shall remain, calm, polite and responsive to all questions and comments directed to him/her while under the summons or subpoena.

(I) A member who makes an arrest shall remain responsible for his/her prisoner until he/she is properly lodged in jail. He/she shall not transfer this responsibility to another member unless he/she is required to complete the investigation and the transfer of said responsibility is directed or agreed by direct order of mutual agreement.

(J) When an arrest is made by a member, no more force than is absolutely necessary to effect said arrest is permitted. No severe or harsh treatment is permitted. The use of the third degree is not permitted.

(K) Members detailed or assigned to the duty or transferring of dangerous prisoners or one which the member has reason to believe might flee, shall place handcuffs or restraints on said prisoner until proper custody is established at the destination.

(L) A member shall pursue his/her assignments and duties in a dignified manner and with sincere consideration for the emotions of others. However, he/she shall remain firm in his/her decisions and take the course of action he/she has chosen. Expediency following a decision may deter other criminal actions or violations of the law.

(M) A member shall not accept any fines, bonds, assessments or monies for any violations. Any monies collected by the Communications Officer shall then be disposed with the official of the city that is responsible for their collection.

(N) Any member who shirks from duty, danger or responsibility shall be charged with cowardice and the matter referred to the Mayor for the purpose of a hearing.

(O) Members shall act together and protect each other in a time of peril and in  
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the restoration of peace. To insure the safety of a brother/sister member and in the interest of police procedure, each member shall render any and all assistance necessary to a brother/sister member when acting to complete an assignment or effect an arrest. Under no circumstance shall a member leave the scene of an assignment or an arrest until he/she is assured that the safety of the brother/sister member is not in jeopardy and that the assignment or arrest will be satisfactorily completed.

(P) Members are required to keep and maintain a record of all work done by them such as reports, names of witnesses, and important particulars in each case. A memorandum book shall be kept for this purpose and the results of daily activities while on duty provided to his/her commander.

(Q) Members shall prevent unauthorized persons from entering upon the scene of a crime. The first police officer upon the scene shall make a thorough investigation to determine the seriousness of the crime. The names of witnesses, their addresses and any other important details should be obtained. Members shall exercise every precaution to preserve evidence. All information obtained shall become the property of the Department for use in the solution of the crime, apprehension and conviction of those persons responsible. No information obtained in any investigation shall be released to any person other than another member without the permission of the commanding officer of the detail or the investigation.

(R) Any member answering or using a telephone of the Department shall remain courteous at all times. He/she shall accept the call, record the call and make those assignments, as necessary to other members who are to respond to the call.

(S) When a person calls the Department for information which may not be included within the scope of police duties, the Communication Officer shall assist this caller to the best of his/her ability and resources.

(T) A member answering the Department telephones shall upon request, properly identify himself/herself by providing the caller with his/her name.

(U) No toll calls by telephone shall be made from the Department by a member for personal business. All toll calls made for the business, or operation of the Department shall be made with the permission of the officer in charge. Said toll calls shall be recorded in a designated register or log.

(V) Members shall discourage friends, business associates, and the like, from placing incoming calls to the Department for his/her attention.

(W) Personal business matters of the member shall not be handled while the member is on duty.

(X) All members shall use and comply with

radio procedures as directed by the Chief of Police and the Federal Communications Commission. The use of codes and signals shall be established by the Chief and used where applicable by all members. No misuse of the police communications radio will be tolerated.

(Y) Radio courtesy shall be extended to all other Departments by the members of the Department.

(Z) Members, whether they be assigned a portable radio or a patrol vehicle equipped with a police radio, shall respond to all calls as directed. They shall immediately report to the Commanding Officer any malfunction of their police radio.

(AA) No member shall trade, loan, sell or make contract for repairs on any property of the Department without the consent of the Chief.

(BB) No member shall buy, contract to buy, or trade for any property for the Department or under the name of the Department without the permission of the Chief.

(CC) No member shall convert any property of the Department for his personal use without the permission of the Chief.

(DD) Any property of the Department in the custody or in use by a member is the responsibility of said member and accountable for the same. The misuse, abuse, misappropriation, or neglect there is forbidden.

(EE) If any article of city or Department property which is entrusted to or under the control of a member shall be lost or damaged and such loss or damage is attributed to the fault or neglect of the member such member shall pay the value thereof, or the cost of repairing the same at such rates as may be determined by estimate or survey of the property. This will be decided by the Chief to determine the fault or negligence, and his findings shall be final.

(FF) If a Department vehicle is involved in an accident, the accident investigation shall be made by a member who was not riding in the vehicle at the time the accident occurred. A thorough and unbiased investigation shall be made and recorded regardless of the extent of damage. A copy of said report shall be presented to the Chief of Police. Copies of all accident reports involving a Department vehicle shall be made a part of the member's driver record file.

(GG) Members while in Department vehicles or on duty shall present an alert and professional appearance. No lounging, sleeping or other inattentive appearance is permissible.

(HH) A member reporting for duty shall familiarize himself/herself with the

activities and information that may have accumulated since his/her last duty hours. He/she shall complete any follow-up assignments or special details that due to time have not been completed by the member, he/she is in relief of. He/she is responsible to assume them at their present and complete them as though he/she was the member originally assigned.

(II) A member shall not be absent from his/her post or duty without the consent of his/her commanding officer. If absence is attributed to illness, the member or his/her representative shall notify the Department prior to the time such member was scheduled for duty allowing as much notice as possible.

(JJ) Should a member become ill while on duty, he/she shall report this illness to his/her commanding officer. This will enable a replacement to be called for the member, if necessary.

(KK) The Chief of Police shall have the authority to order any member to submit himself/herself to a physical examination to determine the member's physical ability to perform police duties. The examining physician shall be the same that has been accepted by the Portland Police Pension Board to examine potential members of the Department. Following the results of the examination, the Chief may make any necessary recommendations to the Portland Police Pension Board, in writing, as to the necessity to retire said member from active duty with the Department.

(LL) (1) All Police Officers employed prior to July 1, 1986, having served less than one year, but having served six months or more shall be entitled to seven continuous days vacation without the loss of days off. Officers having served one year or more shall be entitled to 14 continuous days vacation without the loss of days off. Officers having served ten years or more shall be entitled to an additional seven days vacation with out the loss of days off. No vacation time beyond four calendar weeks shall be scheduled at any one time.

(2) Police Officers employed after July 1, 1986, after serving the probationary period as required as a member of the Portland Police Department shall receive vacation weeks as follows:

(a) Two weeks per year vacation after serving the probationary period required by the Police Department.

(b) Three weeks vacation after ten years with the Police Department.

(c) Four weeks vacation after 15 years with the Police Department.

(d) A weeks vacation shall mean one calendar week, Sunday thru Saturday.

(MM) A member shall not use their Department position in order to intimidate, threaten or coerce another individual for personal gain or other civil matters.

(NN) When necessary, Department Policy shall be written and posted on the bulletin board by the commanding officer. All directives of this nature shall constitute a direct order and any violation of the posted policy shall be punishable as prescribed in this section.

(OO) Communications Officers will be subject to all the above rules and regulations, and policies, with the exception of pension requirements as specified by state statute at the present time.  
(Res. 1992-3, passed 10-19-92)

COMMUNICATIONS OFFICERS'  
DEPARTMENT POLICIES

§ 20 RULES AND REGULATIONS FOR COMMUNICATION OFFICERS.

(A) Each Communication Officer is responsible for knowledge of content, and the updating of materials contained within, including the addition and the deletion of particular sections, upon proper authorization of the Chief of Police.

(B) The following policies define lines of responsibility and authority, governing all Communication Officers of the Portland Police Department. The policies contained within, will be in addition to this code of ordinance, Chapter 32 and the Portland Police Department Policies and Rules. Violation of these rules will constitute a basis for subsequent disciplinary action.

(C) If any chapter, section or subsection, item, clause or phrase contained in these policies, regulations or procedure is found to be unlawful, such finding shall not effect the validity of the remaining portions of these policies, rules, regulations and procedures.

(D) A chain of command has been established for the Communication Officers by the Police Department Chief. This chain of command shall be as follows: Communication Officer to Chief Communication Officer, Chief Communication Officer to Chief of Police. This has been established in order to have the most efficient radio room possible.

(E) Few members of the Police Department are so exposed to the public, to other Departments, and to members of their own Department as the Communication Officer. In this exposure lies an opportunity for creation of a favorable image but all too often the opposite effect is achieved.

(F) Most Police Executives recognize the fact that the communication system is the nerve center of the Department. It must consist of the finest equipment possible and be operated in the most efficient manner because its influence for good or bad, efficiency or inefficiency will reach every man/woman in the Department.

(G) As Communication Officers we are judged to a great extent by what we say and the language we use in saying it. As Communication Officers we speak for our own Department and the countless numbers of people who monitor our frequencies. Many errors in police work can be corrected, but the spoken word of a Communication Officer can never be recalled.  
(Res. 1992-3, passed 10-19-92)

§ 21 DEFINITIONS.

For the purpose of this appendix, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CITY." Where the word "CITY" appears, shall refer to the land territory within the boundaries of the City of Portland, Indiana.

"COUNTY." Where the word "COUNTY" appears, shall refer to the land territory within the boundaries of Jay County, Indiana.

"ON DUTY." That period of time when the Communication Officer is actively engaged in the performance of his/her duties, either on regular tour of duty or on duty by reason of an emergency, which shall consist of service assigned other than regular tour of duty.

"OFF DUTY." That period of time when said Communication Officer is free from specific duties.

"COMMUNICATION OFFICER." The Radio Operator, Radio Dispatcher, operating the equipment and employed in the radio room of the Police Department.

"ORDER." A written or oral command or direction given by one in authority and directed to a subordinate.

"RULES." An established guide, regulation or fixed principle from which no deviation will be permitted. This will govern all Communication Officers of the Police Department.

"BOARD." The Board of Public Safety of the city.

"CHIEF." The appointed Chief of Police or the person acting as Chief, in either a permanent or temporary capacity.

"CHIEF COMMUNICATION OFFICER." The appointed Chief Communication Officer or the person acting as coordinator in either a permanent or temporary capacity.

"DEPARTMENT." The Police Department.

"POLICY." Principles and values which guide the performance of the Police Department stated operations and activities.  
(Res. 1992-3, passed 10-19-92)

§ 22 APPOINTMENT AS A PROBATIONARY COMMUNICATION OFFICER.

(A) By acceptance and taking the position of probationary radio operator, either part

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time or full time, you assumed the duties of Communication Officer, and are subject to the rules, regulations and policies which govern the Police Department. Any infraction of these rules, regulations and policies may be cause for reprimand, disciplinary action, suspension or dismissal at the direction of the Chief of Police.

(B) A probationary radio operator serves in the probationary status for at least one year. During this period, you will be observed and evaluated as to your progress.

(C) However, the failure to comply with rules, regulations and policies of the Police Department or your inability to preform your assignments and duties as expected may be sufficient reason for dismissal from the Department, without the benefit of a hearing.

(D) During the first six months of employment as a radio operator he/she shall attend and successfully complete I.D.A.C.S. schooling to become a Certified Computer Operator. The computer terminal will not be operated by anyone that is not a Certified Operator.

(E) During the first year of employment each Communication Officer shall become a licensed Notary Public for the state, be qualified under the state laws to notarize documents for the Police Department. This Notary Public License shall be kept valid for the duration of the employment with the Police Department, a copy of which shall be given to the Chief Communication Officer and put in your file.

(Res. 1992-3, passed 10-19-92)

#### § 23 ORGANIZATION.

(A) The Police Department shall consist of a Chief of Police, appointed by the Mayor. The Chief shall be the administrator of the Department. The following positions shall be appointed by the Chief: Assistant Chief, Investigator, Sergeants, one Chief Communication Officer, and other such members as may be required for the proper operation of the Department. This shall constitute a chain of command.

(B) All and any complaints shall be handled only through Chain of Command, that is, Patrolman to Sergeant, Sergeant to Assistant Chief, Assistant Chief to the Chief of Police, Chief of Police to the Mayor of the city. A similar chain of command has been established for the radio operators. The radio operators having a problem, or a complaint will advise the Chief Radio Operator, in writing. The Chief Communications Officer will advise the Chief of Police, the Chief of Police to the Mayor of the city. Anyone ignoring the chain of command policy will be subject to disciplinary action.

on the monthly work schedule clipboard. At the end of the month the statistics will be given to the Chief Communications Officer in order that the monthly reports may be finished and given to the Chief for approval.

(D) For the purpose of identification and reports, a number shall be assigned to each Communication Officer. This assigned number shall remain with the radio operator throughout his/her employment with the Department.

(E) Communication Officers shall attend Departmental meetings, special assignments and other activities concerning the Department as directed by the Chief of Police.  
(Res. 1992-3, passed 10-19-92; Am. Ord. 2020-4, passed 3-16-20)

#### § 24 UNIFORM.

(A) All full time Communication Officers shall be in uniform when reporting to work their respective shift. Any full time radio operator reporting for duty out of uniform will be sent home without pay.

(B) Uniform for Communication Officers:

(1) Winter regulation blouse. All buttons and snaps fastened. Summer regulation blouse, short sleeve.

(2) Ties, for the winter blouse, shall be french blue, clip on style.

(3) Trousers, regulation winter and summer trousers shall be worn, depending on the season.

(4) Footwear, black in color, plain toe. No moccasin type, cowboy type or sandal shoe shall be worn.

(C) Accessories:

(1) These are to include the collar ornaments, badge and metal buttons. All metal insignia, badge and buttons are to be highly polished and maintained in that manner. All metal accessories shall be silver finish.

(2) Communication Officer's badge shall be worn on the left side of the blouse, in the designated eyelets with the name bar worn directly below the badge.

(3) No jewelry shall be worn when in uniform other than a watch and no more than one ring on each hand. There shall be no jewelry on the uniform, other than the designated uniform accessories as stated above.

(4) It shall be deemed neglect of duty on the part of the radio operator of the

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Department to carelessly lose his/her badge or identification case or other equipment, or when such equipment is lost, to neglect to report the same immediately thereafter to his/her Chief Communication Officer.  
(Res. 1992-3, passed 10-19-92)

#### § 25 CONDUCT ON DUTY.

(A) The Communication Officer on duty is in almost constant contact with the public, with the rich, the poor, the sane and the insane, the learned and the illiterate. Courtesy and good manners, a dignified behavior with a sincere consideration of the feelings of others shall be the attitude of a Communication Officer while working a shift for the Department.

(B) Communication Officers must be civil and orderly in the performance of their duties. They shall remain in command of patience, temper and discretion at all times. They shall refrain from the use of coarse, profane and insolent language. Any situation that might occur, and you feel needs firmer action, the shift supervisor will be contacted and he/she, the officer, shall handle the situation.

(C) Communication Officers will remain courteous to all persons at all times, and under all conditions.

(D) Refrain from religious or political discussions while on duty.

(E) Communication Officers shall treat as confidential the official business and operations of the Police Department. He/she shall not impart any information of records or operations, news releases, and the like, without the consent of his/her commanding officer.

(F) Communication Officers are forbidden to provide bond or bail for any person arrested or a person who is about to be arrested.

(G) Communication Officers shall not recommend any attorney or counsel to a prisoner, a prisoners' friend, or anyone acting on behalf of the prisoner.

(H) Communication Officers shall not drink intoxicating liquor while on duty or before reporting for duty.

(I) Communications Officers shall not conduct himself/herself in any manner unbecoming to an officer of the law, he/she shall refrain from acting in any manner that would tend to bring disrespect upon himself/herself, his/her fellow member, or the Department in which he/she serves.

(J) Communication Officers for the Department shall not be permitted to hold



other employment, within the Department other than the position of Radio Operator. If such a position is held and he/she becomes a full time Radio Operator, the other position shall be resigned upon the acceptance of the full time radio position. Employment outside the Department, on a part-time basis shall be permitted, with the approval of the Chief of Police and provided there is no conflict with his/her regular scheduled duties, rules, regulations, or policies of the Department. The Chief Communication Officer shall be advised in writing, of any out-side employment.

(K) A Communication Officer shall not accept out-side employment at any place where alcoholic beverages are sold, or served, or a place whereby his/her presence causes embarrassment for the Department.  
(Res. 1992-3, passed 10-19-92)

#### § 26 DUTIES AND PERFORMANCE.

(A) Duty and performance rules as follows may be added to or deleted from, at the approval of the Chief of Police:

(1) The primary duties of the Police Department Communication Officer is to provide communication links to the Officer from the private citizen. These duties are to be carried out in an impartial, firm and professional manner.

(2) Assignments given to the Communication Officer by the Chief of Police, Assistant Chief, Sergeant, Shift Commander or the Chief Communication Officer of the Police Department, shall be completed and recorded to the best of the assigned radio operators ability.

(3) Communication Officers shall not question any assignment or authority of a superior officer. The Communication Officer shall complete the assignment, should there be any indecision the radio operator shall refer the matter, in writing to the Chief Communication Officer, who shall take the matter to the Chief of Police.

(4) Communication Officers shall pursue his/her assignments and duties in a dignified manner and with sincere consideration for the emotions of others.

(5) Communication Officers reporting for duty shall familiarize himself/herself with the activities and information that may have accumulated since his/her last duty hours. He/she shall complete assignments, that due to time have not been completed by the radio operator he/she is in relief of. He/she is responsible to assume these duties at their present and complete them as though he/she was the member originally assigned.

(6) Communication Officers shall prevent any and all unauthorized personnel from

being admitted to the radio room. There shall be no children, family members or friends admitted to the radio room of the Police Department. Personal calls and visits from friends and family members shall be prohibited during working hours.

(7) Communication Officers answering the telephone of the Department shall answer all calls possible on line number one or line two, these lines are recorded on the Desk Call Check at all times. The telephone being answered shall be answered "Police Department". He/she shall remain courteous on the telephone at all times. If a citizen calls and is irate with the radio operator about a complaint keep your professional manner and give the telephone to an officer. If this is not possible at the time of the call, get the complaintants' name and number or request he/she call back and talk to an Officer. Contact the Shift Commander and have him/her come and talk to the citizen on the telephone. Do not hang up or lower your standards to the rudeness of the other subject.

(H) When a person calls the Department for information which may not be included in the scope of Police Duties, the Communication Officer shall assist this caller to the best of his/her ability and resource.

(I) There will be no toll calls by telephone or fax made from the Department by a Communication Officer for personal business. All toll calls made for Department business, or operation of the Department shall be made with the permission of the Officer in charge. Said toll calls shall be recorded in the designated register log.

(J) Communication Officers, part time and full time, shall use and comply with radio procedure as directed by the Chief of Police and the Federal Communication System.

(K) Communication Officers, part time and full time, shall not use his/her position with the Police Department in order to intimidate, threaten or coerce another individual for personal gain or any other civil matter.

(1) Communication Officers, part time and full time will type complaints, accidents, arrest, and the like, in the computer, in the appropriate file of incidents on their respective shifts.  
(Res. 1992-3, passed 10-19-92)

#### § 27 I.D.A.C.S. AND N.C.I.C.

(A) Communication Officers, full time and part-time shall within six months of being employed, attend and successfully complete I.D.A.C.S Operator Certification School.

(B) (1) Communication Officers shall make himself/herself aware and abide by the rules and regulations and policies of the Indiana

Data and Communication System Committee. The Indiana Data and Communication System Rules are found in the I.D.A.C.S. Operating Manual, Part I. The National Crime Information Center Rules are found in the N.C.I.C. Operating Manual, Introduction and Section 10.

(2) N.1.E.T.S Rules are found in the I.D.A.C.S. Manual. Any violation of the above rules and policies concerning the I.D.A.C.S., N.C.I.C. or N.1.E.T.S. will be cause for disciplinary action against the operator that commits the violation.  
(Res. 1992-3, passed 10-19-92)

§ 28 SICK DAYS.

(A) A Communication Officer becoming ill while on duty, shall report his/her illness to the Shift Commander. If for any reason, due to illness or the Shift Commander feels the radio operator should leave his/her shift, the Chief Communication Officer shall be advised. This will enable a Certified Radio Operator to be called.

(B) Communication Officers, after having served six months of service with the Department, full time, shall be entitled to ten days sick leave each year, paid, said sick leave, if not entirely used, shall accumulate until a maximum of 30 days have accumulated. Part time radio operators will not receive sick days.

(C) If any Communication Officer is off duty because of injury or sickness for more than two days at any one time, a doctor certificate of illness or injury is required to be brought to the Department and given to the Chief Communication Officer, before he/she will be allowed to return to work.

(D) Any absence from a regular scheduled shift, the radio operator will advise the Chief Communication Officer prior to the time such Communication Officer was scheduled for duty, allowing as much notice as possible. Sick days shall not be planned days off. Sick days shall be used for illness only.  
(Res. 1992-3, passed 10-19-92)

§ 29 VACATION DAYS.

(A) Communication Officers with more than one year of service but less than two years of service shall receive one week of vacation with pay. One week shall be the equivalent to 40 hours of pay at straight time rate on a calendar week work period.

(B) Communication Officers with more than two years of service shall receive two weeks of vacation with pay.

(C) Communication Officers with ten years of service shall receive three weeks of paid vacation with pay. Vacation days shall not be scheduled as to overlap another Radio Operators vacation.  
(Res. 1992-3, passed 10-19-92)

## Section

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2. Acting in a higher classification
3. Equal Employment Opportunity
4. Disciplinary actions
5. Complaint / grievance procedure
6. Probationary period
7. Paid leave; vacations
8. Media relations
9. Resignations
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13. Job descriptions
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21. Uniforms
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26. Outside employment
27. Sexual harassment
28. Use of tobacco
29. On-duty meals
30. Lost / destroyed equipment
31. Daily work schedule
32. Station supplies
33. Minimum staffing
34. Records and forms
35. Incident reports
36. Annual training requirements
37. Application requirements

§ 1 ADMINISTRATION.

1. Nothing contained in these policies and procedures shall be construed as limiting the power and authority granted to the Fire Chief by the Mayor and the Portland Board of Public Works and Safety or by state and federal laws.
2. Each work area shall be assigned clipboards for posting general daily work. The purpose of the clipboards shall be to make personnel aware of their daily duties. A bulletin board shall also be provided for posting general orders, special orders, memos and general correspondence. No item shall be posted without the approval of the fire chief or assistant fire chief.
3. A manual containing the department's official rules and regulations and standard operating procedures shall be provided in the department's communications area.
4. Each officer shall be responsible for maintaining the clipboards, bulletin boards, and manuals described above.

## 5. Definitions

- A. General correspondence: Letters of appreciation, meeting notices, and other items of an informational nature are to be posted for review. Letters of appreciation and commendation shall be discarded after 30 days. Other items shall be discarded as appropriate.
- B. General orders: Written directives used to amend or clarify a policy or procedure and for information of a permanent nature. General orders shall be posted for review and kept in a permanent file. New general orders shall be read aloud to members upon arrival to duty by the supervisor / captain. Members shall also be required to sign new general orders to indicate that they have read the order.
- C. Memo: Generally of an information nature. Memos may address administrative policies and alter or clarify routine practices but may not alter or amend an item addressed in the Rules and Regulations Manual or the SOP Manual. Memos shall be posted for review, if appropriate, and shall be maintained in a permanent file.
- D. Special order: A written directive that addresses a specific instance where a policy or procedure will be changed, altered, or amended for a specific period of time. Special orders will be posted during the specified time period and shall be discarded after they expire.
- E. Standard operating procedures: A written, numbered organizational directive that establishes a standard course of action.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 2 ACTING IN A HIGHER CLASSIFICATION.

1. Whenever a temporary vacancy exists in a classified position subject to the department's minimum staffing guidelines. The position may be filled by another member of the department to maintain minimum staffing. If a member of the same rank is not available to fill a position, a member from the ranks below the vacant position may be appointed temporarily.
2. Temporary appointments to a higher classification shall be made by the Fire Chief or Mayor for the position.
3. The following guidelines shall be followed in making the appointment:
  - A. The appointment shall be made from the ranks below the vacant position.

- B. The Fire Chief or Mayor shall have the authority to make the temporary appointment after reviewing the qualifications of the member eligible for appointment.
- C. The temporary position cannot last longer than one year.
4. A member performing the duties of a higher classification shall not receive the base salary for the higher classification during the temporary assignment, unless the member is assigned a permanent classification either by the fire chief or mayor.
5. When a temporary assignment ends, if member not made permanent position, then the member shall return to his/her previous position.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

### § 3 EQUAL EMPLOYMENT OPPORTUNITY.

Refer to City of Portland Personnel Policies.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

### § 4 DISCIPLINARY ACTIONS.

Refer to City of Portland Personnel Policies.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

### § 5 COMPLAINT / GRIEVANCE PROCEDURE.

Refer to City of Portland Personnel Policies.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

### § 6 PROBATIONARY PERIOD.

1. Newly hired firefighters shall be required to complete one (1) calendar year of probationary period. Such firefighters will be evaluated in writing on or near their completion of the probationary period. The evaluation will be discussed with the firefighter who then will be requested to acknowledge his/her review in writing.
2. At the discretion of the Fire Chief and/or Board of Public Works and Safety, the probationary period may be extended or reduced.
3. The probationary period allows management the opportunity to closely observe and evaluate the firefighter's fitness and suitability for the position to which they have been appointed.
4. Only those firefighters who demonstrate an acceptable standard of conduct and performance during this period shall be retained in their position.

5. If the service of a newly hired probationary firefighter is unsatisfactory, he/she may be terminated at any time during his/her probationary period.
6. Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

### § 7 PAID LEAVE; VACATIONS.

Paid leave:

1. Members shall refer to City of Portland personnel policies for specific details of the various types of leave approved by the city.
2. No personal leave shall be taken until an Employee Leave Request Form is completed and approved by the Fire Chief or Assistant Fire Chief. A copy of the form shall be provided to the member requesting personal leave.
3. The Fire Chief and Assistant Fire Chief shall have the authority to approve or disapprove of personal leave on the member's leave balance and the department's minimum staffing needs.
4. Minimum staffing for station duty shall be two (2) members with a minimum of one member being a duty firefighter. If more than two (2) members report for duty and sufficient members are available to staff the fire station as required, member may request time off for that shift and may be granted time off as staffing levels permit. If granted time off, the member will not be paid for the time off, unless the member has accumulated sick/personal days and wishes to use them.
5. Paid sick leave is a benefit granted to members by the city and may be used whenever a member is unable to perform his/her duties due to illness or injury. Sick leave also may be used when a member has an appointment with a physician, is physically incapacitated, or is required to attend to an ill or injured spouse or child.
6. Whenever a member is unable to perform his/her job due to illness or injury, the member shall devote his/her full attention to recovery and shall not engage in any activity that might aggravate or prolong the illness or injury. Members shall remain at home for the duration of the illness or injury, except to the extent necessary to attend an appointment with a physician, obtain drugs or medications, or undergo therapy treatments. Other conditions may apply.

7. To receive paid sick leave, a member must have accumulated sick days and must notify the Fire Chief or Assistant Fire Chief at least one (1) hour prior to the beginning of his/her scheduled workday.
8. The Fire Chief shall monitor the use of sick leave by their subordinates to prevent misuse of this benefit.
9. For bereavement and funeral leave see City of Portland personnel policies.

Vacations:

1. Vacation leave is scheduled at the end of the year for the following year. Vacation time is based on seniority, exception will be the person working relief shift will receive first choice.
2. Any vacation not listed on request form will be assigned after all other requests have been assigned.
3. Duty Firefighters, after serving the probationary period, shall receive vacation weeks as follows:
  - a. Two (2) weeks per year vacation after serving probationary period.
  - b. Three (3) weeks per year after ten (10) years full time.
  - c. Four (4) weeks per year after fifteen (15) years full time.
  - d. A week's vacation shall mean one calendar week, Sunday thru Saturday (up to 72 hours).

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 8 MEDIA RELATIONS.

1. Statements to the media, news releases, and media campaigns must be approved by the Fire Chief or other authorized person prior to their release except as noted below.
2. An incident commander is authorized to provide the media with general details concerning an incident.
3. Fire department personnel are authorized to provide the media with a list of incidents. This information shall be limited to dates, times, and locations of incidents.
4. Information pertaining to the cause and origin of an incident shall be released only by or with approval of the lead fire investigator and/or the Fire Chief or in their absence the Assistant Fire Chief.
5. Information relating to personnel matters, department policy, departments

litigation or other sensitive matters shall be released only by the Fire Chief.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 9 RESIGNATIONS.

1. A member is requested to provide at least two week's notice of intent to resign from the department, to allow ample time to process the notice. The Fire Chief may waive the notice requirement and allow the resignation to become effective immediately on receipt of a member's intention to resign.
2. Notice of resignation shall be in writing and shall be delivered to the Fire Chief. The Fire Chief shall forward the notice for processing.
3. A resigning member should contact the city clerk/treasurer for information related to benefit options if any are available.
4. A resigning member shall return all pagers, radios, chargers, keys, turnout gear, and all other equipment issued by the department. A member may be assessed a replacement cost for any item that is not returned or is returned damaged.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 10 PROMOTIONS.

1. The Fire Chief has the authority to promote within his/her department. He/she can promote any Duty Firefighter into one of three positions. Those positions being: Assistant Chief and two Captains with approval of the Mayor.
2. The Fire Chief has the authority to promote Part-time Firefighters to a Safety Officer position and to Station Personnel positions as long as the proper qualifications are met.
3. The Mayor appoints the Fire Chief. The Mayor should choose the Fire Chief from the pool of Duty Firefighters already employed by the city.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 11 SHIFT SWAPS.

1. A shift swap is defined as that time when two members voluntarily work for each other by their mutual agreement.
2. Shift swaps shall be on a time for time basis only.
3. A fulltime member may swap shifts only with another fulltime member.
4. When members agree to shift swap, before the members are relieved of their tours of

duty, the Fire Chief or Assistant Fire Chief must approve the shift swap. Failure to obtain prior approval shall result in the members being considered AWOL.

5. Once a shift swap has been approved in writing, members who agree to work each other's shift are responsible for working the agreed-on tour of duty. Any member who agrees to work each other's shift and who fails to report for duty at the appropriate time shall be subject to disciplinary action. Legitimate absences shall be changed to the appropriate category of leave. A member shall be charged with leave for failure to work for another member.
6. A Duty Firefighter can have a Station Personnel cover a part of their shift as long as they obtain prior approval from the Fire Chief and that the Station Personnel is paid during the current pay period and the Duty Firefighter uses the appropriate category of leave.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 12 WORKERS COMPENSATION; INJURY LEAVE.

1. A member injured while on duty shall complete an accident or injury report within twenty-four hours or as soon as possible after the accident/injury and shall forward it to his/her supervisor as soon as possible. The report shall set forth the details of the accident/injury, along with supporting documentation from the member's physician, if appropriate.
2. Refer to City of Portland personnel policies.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 13 JOB DESCRIPTIONS.

Fire Chief:

1. The Fire Chief is the executive head of the Portland Fire Department and is directly responsible for the proper and efficient operation of the department.
2. The Fire Chief shall be appointed by the City Administrator (Mayor) and shall be answerable to the City Administrator (Mayor). The Fire Chief works a forty-hour (40) week.
3. The Fire Chief shall be responsible for the following.
  - A. Supervising, regulating, and managing the department. The fire chief shall control all department activities.
  - B. Prescribing the specifications and manner of wear of uniforms and protective clothing and equipment.

- C. Reorganizing any part of the department when in his/her judgement such reorganization would best serve the department.
- D. Establishing rules, regulations, and procedures as necessary to ensure department efficiency and effectiveness.
- E. Enforcing the department rules, regulations, and procedures.
- F. Reprimanding, conducting corrective interviews, preferring written charges, and suspending or dismissing members when conditions so warrant with the permission of the Mayor or Portland Board of Public Works and Safety.
- G. Preparing and submitting the department's annual budget recommendations to the City Administrator (Mayor).
- H. Monitoring the expenditure of funds allocated to the department.

4. The Fire Chief shall serve as president of the local pension board.
5. The Fire Chief shall serve as a liaison to the other fire departments in the county.
6. The Fire Chief shall have, at minimum, five (5) years fulltime service with the Portland Fire Department. Along with the requirements of a Duty Firefighter, the Fire Chief shall also be certified in Fire Officer Strategy and Tactics and shall hold a minimum of but not limited to, one of three certifications. Those being Fire Investigator I, Fire Inspector I, and/or Fire Instructor I. Fire Officer I and above is highly encouraged.

Assistant Fire Chief:

1. The Assistant Fire Chief is the position below that of Fire Chief. The Assistant Fire Chief is appointed by the Fire Chief with approval by the Mayor. The Assistant Fire Chief works a twenty-four hour shift schedule.
2. In the absence of the Fire Chief the Assistant Fire Chief may act in his/her place if so warranted with permission from the Fire Chief and/or Mayor or Portland Board of Public Works and Safety.
3. The Assistant Fire Chief, while on or off duty, shall be directly responsible to the Fire Chief for the following:
  - A. Supervising and directing the activities of employees of the department.
  - B. Setting a good example for employees and requiring that subordinates meet all required standards of conduct and performance.

- C. Thorough knowledge of the responsibilities of the Fire Chief, Captains, Duty and Part-time Firefighters.
  - D. Investigating complaints and conducting internal affairs and background investigations as assigned by the Fire Chief.
  - E. Presenting fire prevention programs and demonstrations along with the other firefighters.
  - F. Enforcing the department rules, regulations, policies and procedures.
  - G. Reprimanding, conducting corrective interviews, and preferring written charges when conditions so warrant with the permission of the Fire Chief or in his absence the Mayor or Portland Board of Public Works and Safety.
4. The Assistant Fire Chief shall have, at minimum, three (3) years of full time service with the Portland Fire Department. Along with the requirements for a Duty Firefighter, the Assistant Fire Chief shall also be certified in Fire Officer Strategy and Tactics and shall also hold a minimum of, but not limited to, one of three certifications. Those being Fire Investigator I, Fire Inspector I, and/or Fire Instructor I. Certification in Fire Officer I and above is highly encouraged.
  5. The Assistant Fire Chief is responsible to the Fire Chief and the Mayor. The Assistant Fire Chief shall follow the standard operating procedures, and all city ordinances pertaining to the Department and the City.

Captains:

1. The Captains are the positions below that of Assistant Fire Chief. The Captains are appointed by the Fire Chief with approval of the City Administrator (Mayor). The Captains work a twenty-four (24) hour shift schedule.
2. Captains may be required to be the acting officer in the absence of the Fire Chief and/or Assistant Fire Chief. The senior Captain shall take precedence.
3. The Captains are responsible for all that happens on their tour of duty, this is to include the performance of the members under his/her command, equipment, apparatus, and the fire station itself.
4. Each Captain is responsible for ensuring that all reports, check sheets, and any other documentation that is required during their tour of duty are completed.

5. Captains are directly responsible to the Assistant Chief and/or Fire Chief for the following:
  - A. Thorough knowledge of the responsibilities of Duty and Part-time Firefighters.
  - B. Participating in public education activities, and emergency response operations.
  - C. Supervising and directing the activities of members of the department while on duty.
  - D. Setting a good example for employees and requiring that subordinates meet all required standards of conduct and performance.
  - E. Enforcing the department rules, regulations, policies and procedures.
  - F. Reprimanding, and conducting corrective interviews when conditions so warrant with permission from the Fire Chief, or in his/her absence, permission from the Assistant Fire Chief and/or Mayor or the Portland Board of Public Works and Safety.
6. Each Captain is responsible to the Assistant Fire Chief, Fire Chief, and the Mayor. Each Captain is to follow the standard operating procedures and all city ordinances pertaining to the department and the city.
7. The Captains shall have, at minimum, two (2) years of fulltime service with the Portland Fire Department. Along with the requirements of a Duty Firefighter, the Captains shall also be certified in Fire Officer Strategy and Tactics and shall also hold a minimum of, but not limited to, one of three certifications. Those being Fire Investigator I, Fire Inspector I, and/or Fire Instructor I. Certification in Fire Officer I and above is highly encouraged.

Duty Firefighters:

1. The Duty Firefighter is the position directly below that of Captain. The position of Duty Firefighter is the entry-level position of full time service in the Portland Fire Department. The Duty Firefighter works a twenty-four (24) hour shift schedule.
2. Duty Firefighters are designated as Engineers while on duty and Firefighters while off duty.
3. Duty Firefighters are directly responsible to the Captains for the following:
  - A. Participating in public education activities, and emergency response operations.

- B. Possessing thorough knowledge of driving and the operation of the apparatus, and equipment to which they are assigned.
- C. Possessing a thorough knowledge of the streets, hydrants, static water sources, and target hazards in their district.
- D. Maintaining and caring for all equipment assigned to them, the station, and the apparatus.
- E. Filling out fire inspection, and other reports as required by officers.
- F. Meeting and maintaining the Department and state minimum requirements for a firefighter.
- G. Perform other such duties as assigned.
- H. Each Duty Firefighter is responsible to the Captains, Assistant Fire Chief, Fire Chief, and the Mayor. Each Duty Firefighter is to follow the standard operating procedures and all city ordinances pertaining to the department and the city.

Training/ Inspection/ Investigation Officers:

1. The Training Officer shall hold and maintain, at minimum, certification in Fire Instructor I, and shall be responsible to the Fire Chief for the following:
  - A. Developing, coordinating, and supervising fire and first responder training classes, courses, and seminars.
  - B. All instructors working together in the development and delivery of training programs.
  - C. Setting a good example for his/her students and requiring that they meet all required standards of conduct and performance.
  - D. Maintaining records and preparing reports as required.
  - E. Attending training courses, seminars, and conferences and reading trade journals to keep up with industry standards.
  - F. Possessing the minimum certifications required by the state for an instructor.
  - G. Performing other such duties as required.
2. The Inspection Officer shall hold and maintain, at minimum, certification in Fire Inspector I, and shall be responsible to the Fire Chief for the following:
  - A. All fire inspectors are doing fire prevention inspections in businesses, schools, day care facilities, hospitals, nursing homes, and other occupancies as assigned.
  - B. Completing reports, filing appropriate forms, and maintaining case folders and records of inspections.
  - C. Meeting the department's and state minimum certification requirements for an inspector.
  - D. Performing other such duties as assigned.
3. The Investigation Officer shall hold and maintain, at minimum, certification in Fire Investigator I and shall be responsible to the Fire Chief for the following:
  - A. Investigating fires and explosions, determining cause and origin, preparing reports detailing the cause and estimated losses, obtaining and preserving evidence.
  - B. Completing reports, filing appropriate forms, and maintaining case folders and records of investigations.
  - C. Counseling juveniles on the dangers of false alarms and other fire safety related actions.
  - D. Meeting the department's and state minimum certification requirements for an investigator.
  - E. Performing other such duties as assigned.

Part-time Firefighter:

1. A Part-time Firefighter is below that of Duty Firefighter. A Part-time Firefighter is on duty only when on work details, public education, relief shift duty, training and when alarms are paged out by radio, phone, or verbal notification per squad assignment.
2. Applicants shall apply through the Portland Fire Department. Applicants will be required to take a written exam and a physical agility test. The Part-time Firefighter applicant shall be approved through a Portland Firefighters Board consisting of the Fire Chief, Assistant Fire Chief and one Captain. The Portland Firefighters Board shall recommend a selection to the Portland Board of Public Works & Safety. All applicants shall be appointed by the Portland Board of Public Works and Safety.



3. Part-time Firefighters are directly responsible to the Duty Firefighter and/or officers for the following:
  - A. Maintaining and caring for all equipment assigned to them, as in turn out gear, radios, and blue lights.
  - B. Participating in public education activities, and emergency response operations.
  - C. Possessing thorough knowledge of streets, hydrants, static water sources, and target hazards in their district.
  - D. Meeting the department's and state minimum certification requirements for a firefighter.
  - E. Performing other such duties as assigned.
4. Each Part-time Firefighter must make at least 25% of their squad alarms three of four consecutive quarters to stay on the department. If not made must have a valid excuse as to why 25% was not made. These can be an injury or illness of him or her or of family. Primary job will be an acceptable excuse.
5. Each Part-time Firefighter must meet minimum training hours per year. Refer to Section 36 herein for annual training requirements.
6. Each Part-time Firefighter is responsible to the on duty Duty Firefighter and Captains, Assistant Fire Chief, Fire Chief, and the Mayor. Each Part-time Firefighter is to follow the standard operating procedures, and all city ordinances pertaining to the department and the city.
7. Part-time Firefighters shall hold a certification in Mandatory Firefighter within one (1) year of appointment. HazMat 1st Responder Operations, NIMS 100, 200, 700, and 800 within two (2) years of appointment. Certification in Firefighter I and/or II and Emergency Medical Responder is not a requirement, but it is highly encouraged. If a Part-time Firefighter has not passed the required courses within (1) year and (2) years of appointment, they will go before a review board of the Fire Chief and Assistant Fire Chief to determine the action to be taken against the Part-time Firefighter. The board is looking for commitment of the Part-time Firefighter to complete or retake all the required courses and to pass the certification tests or be subject to termination from the department.

## Relief Firefighters:

1. The Relief Firefighter is a full time position with the exception on some occasions they cannot work relief. If the primary Relief Firefighter cannot work the open shift, then any other Duty Firefighter will be allowed to work the shift. A part time Firefighter who is a qualified Station Personnel is allowed to work the duty of a Relief Firefighter who does 24-hour shifts.
2. The Relief Firefighter works duty shifts for Duty Firefighters that are on vacations, holidays, and may also work sick, personal, and funeral leave for other Duty Firefighters/Engineers.

## Station Personnel:

1. Station Personnel are Part-time Firefighters who respond to the station in the event of an alarm. They respond to the station in case of another incident, and man the radio, they are in charge of the station until all trucks are back in station and the Duty Firefighter/Engineer or Officer on duty is on back station.
2. In the event of another incident while Duty Firefighter/Engineers and/or Officer are on first incident, the station person is to respond to the subsequent incident without delay. He/she will be in command of the incident he/she is responding to, until such time as a Duty Firefighter/Engineer or Officer arrives on scene and who will then assume command at their discretion.
3. Station Personnel, while covering station, or working a relief shift, have the job description of Duty Firefighter/Engineer, and shall know how to operate all station equipment, and shall know how to drive, pump, and operate all apparatus. Must know how to command an incident.
4. Station Personnel shall have, at minimum; be past their one (1) year probationary period, Firefighter II, HazMat 1st Responder Operations, Technical Rescue Awareness, NIMS 100, 200, 700, 800, and Emergency Medical Responder certification.
5. Station personnel may cover a fulltime members shift, with approval of the Fire Chief, so as long as the fulltime member is using personal or sick time for the agreed upon amount of time.
6. All station personnel shall be appointed by the Fire Chief after completing all required Department training and evaluations.  
(Ord. 2013-5, passed 5-6-13; Am. Ord. 2016-14, passed 9-19-16; Ord. 2022-0, passed 2-7-22)

§ 14 CHAIN OF COMMAND.

## Administration:

1. Mayor

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>2. Fire Chief</li> <li>3. Assistant Fire Chief</li> <li>4. Captain</li> <li>5. Duty Firefighters</li> <li>6. Part-time Firefighters</li> </ul>   | <p>to age, color, disability, ethnicity, national origin, political affiliation, race, religion, gender, or any other factor unrelated to the department's business;</p>  |
| <p>Emergency Scene:</p> <ul style="list-style-type: none"> <li>1. Incident Commander (Any Chief, Captain, Duty Firefighter or Station Personnel.)</li> <li>2. Sector Commanders (Any Chief, Captain, Duty Firefighter, or Veteran Part-time Firefighters.)</li> <li>3. All other Firefighters on scene.</li> <li>4. The Fire Chief, Assistant Fire Chief, or Captain may take command if requested or requesting to do so.</li> </ul> <p>(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)</p> | <ul style="list-style-type: none"> <li>G. Avoid any behavior that could fall under the definition of misconduct in city ordinances pertaining to disciplinary action;</li> <li>H. Report for duty at the appointed time and place, fully equipped, fit, and able to perform assignments.</li> </ul>   |
| <p>(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)</p>   | <ul style="list-style-type: none"> <li>2. Officers and supervisors shall set an example for other members and have responsibility to ensure that their activities and decisions pertaining to community services, personnel actions, and the management of public funds are consistent with the department's policies and practices.</li> </ul> <p>(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)</p> |

§ 15 CODE OF CONDUCT.

- 1. As a basic condition of membership, all members have an obligation to conduct their official duties in a manner that serves the public interest, upholds the public trust, and protects the department's resources. To this end, all members have the responsibility to:
  - A. Perform their duties to the very best of their ability and in a manner that is efficient, is cost-effective, and meets the needs of the public;
  - B. Demonstrate integrity, honesty, and ethical behavior in the conduct of all department business;
  - C. Ensure that personal interests do not come in conflict with official duties and avoid both actual conflicts of interest and the appearance of conflicts of interest when dealing with vendors, customers, and other individuals doing business or seeking to do business with the department;
  - D. Ensure that all department resources, including funds, equipment, vehicles, and other property, are used in strict compliance with department policies and solely for the benefit of the department;
  - E. Conduct all dealings with the public, city employees, and other organizations in a manner that presents a courteous, professional, and service-oriented image of the department;
  - F. Treat the public and other employees fairly and equitably, without regard

§ 16 OBEDIENCE TO ORDERS.

- 1. Members shall read and become familiar with the department's standard operating procedures. No plea of ignorance of the rules and regulations will be accepted as an excuse for any violation.
- 2. Members shall promptly and willingly respond to the lawful orders of superior officers or acting officers. Refusal to obey a lawful order shall constitute insubordination. Obvious disrespect for or disruption of a superior's order likewise shall be deemed insubordination.
- 3. Members shall abide by federal and state law, local ordinances and rules, and the department's general orders and rules of conduct. Members shall not be required to obey orders that are illegal or in conflict with the departments rules and regulations.
- 4. Members shall not publicly criticize or comment derogatorily to anyone about instructions or orders received from a superior officer.
- 5. Supervisors and acting supervisors shall refrain from exceeding their authority in giving orders. The wrongful or injurious exercise of authority is prohibited.
- 6. Every officer, on and off duty, will be held responsible for enforcing the department's standard operating procedures. If a violation comes to an officer's attention, that officer shall immediately notify the member of the violation and take corrective action. Should an officer fail to report a violation of an order or the department's procedures, the officer shall be equally responsible for the violation.

7. Should a member receive an order that conflicts with a previous order, the member shall notify the officer who issued the conflicting order and shall be governed by the officer's subsequent instruction.
8. Any member who is given an order he/she believes to be unjust, improper, or contrary to a general order or procedure of the department or a federal, state, or city policy should respectfully decline to obey the order and shall state the reason for doing so. The member shall request that a supervisor of the person issuing the order be contacted for instructions if the person issuing the order does not rescind or alter the original order.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 17 PROFESSIONAL RELATIONS.

1. Department members shall exhibit courtesy and respect to all officers and acting officers. While on duty, all officers shall be referred to by their appropriate rank and/or first name.
2. Supervisors shall exhibit courtesy and respect to their subordinates and shall treat all members in a fair and impartial manner.
3. Members are required to speak the truth at all times, whether or not under oath, in giving testimony, in connection with official orders, and in connection with official duties.
4. Members shall treat one another with due courtesy and shall not engage in disrespectful conduct while on duty.
5. Members shall not make false reports concerning any department business or the personal character or conduct of any member.
6. Members shall exhibit courtesy and respect to members of the public or other city employees.
7. Members are required to give their name and rank whenever requested by a member of the public.
8. Should a member have a complaint against a member of the public, he/she shall forward the complaint in writing to the Fire Chief.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 18 PERSONAL APPEARANCE.

1. This rule applies to all members while on duty or officially representing the department at a public meeting, training session, seminar, conference, or other similar event.

2. Members shall maintain proper personal hygiene while on duty.
3. Uniforms and shoes shall be neat and clean and shall conform to the requirements set forth in these standard operating procedures, § 21 Uniforms.
4. When not in uniform, members who are on duty or who are representing the department shall dress in a professional manner that is appropriate for the occasion. At no time while in uniform shall a member wear pins, ribbons, buttons, or an article of clothing that constitutes an advertisement; a religious, political, or social viewpoint; or a message that is offensive to anyone on the basis of age, color, disability, ethnicity, national origin, race, religion, political affiliation, or gender.
5. Hair shall be kept clean and well groomed, shall not constitute a safety hazard, and at no time shall interfere with the use of protective clothing or equipment. Any hair style considered extreme in appearance, including but not limited to: corn rows, twists, dreadlocks, mohawks, unnatural colors of purple, orange, green, etc. These styles are extreme and are prohibited.
6. Beards and goatees are prohibited. Neatly trimmed sideburns and mustaches are permitted provided they do not interfere with the use of protective clothing or equipment. Sideburns shall not extend below the base of the ear and mustaches shall not interfere with SCBA mask.
7. Members of the department shall limit their use of jewelry to a wrist or pocket watch, a wedding ring, one school or university ring and one necklace tucked inside the uniform shirt. These items shall not interfere with the proper use of protective clothing or equipment. Items that create excessive noise, interfere with job performance, or constitute a safety hazard shall not be worn.
8. Male department members are prohibited from wearing earrings and/or ear studs. Female members shall limit use of ear studs to a single pair. Any other facial piercings that draw attention to the wearer are also prohibited.
9. Any tattoos or body modifications must be covered while on duty at all times. This includes but not limited to: branding, pocketing, ear lobe stretching, skin stretching or other related body modifications.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 19 RECALL TO DUTY.

1. All members shall remain at work until properly relieved of duty.
2. If a fire lasts past 07:00, the Duty Firefighter coming on duty will relieve the Duty Firefighter on the scene by 07:10 if the Duty Firefighter on scene so wishes.
3. To maintain essential services, the Fire Chief or his/her designee shall have the authority to order members of the department to return to duty at times other than their normal work period.
4. Members recalled to duty shall be compensated in accordance with the appropriate city ordinance. Compensation will begin from the time the employee reports for duty.
5. Members recalled to duty shall report within a reasonable period of time after being notified to report to duty.
6. Members shall respond to an emergency recall unless incapacitated. Any member who refuses to respond shall be subject to disciplinary action for insubordination.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 20 STATION DUTY.

1. Duty Firefighters are responsible for ensuring that the tasks assigned according to the daily work schedule are completed in a timely manner and that the apparatus and station are clean and the firefighters are capable of responding to emergencies.
2. Crews are expected to turn out within 60 seconds of receipt of an alarm.
3. Fire Chief may waive the tasks assigned accordingly to the daily work schedule when special circumstances warrant. Any activity not completed in such a situation shall be rescheduled for the next tour of duty and shall be completed as soon as practical. Special circumstances may require that a crew continue to work after their normal relief time to complete an assignment.
4. Duty Firefighters shall complete the daily apparatus checklist for their assigned vehicle for each tour of duty.
5. Prior to being relieved of duty, members shall report all pertinent information to the crew relieving them.
6. Protective clothing shall be stored properly at the end of each tour of duty and shall not be left on the floor.

7. Members shall not watch television or engage in recreational activity except during meal breaks limited to one hour. Sleeping is not permitted by firefighters on duty until after 1600 hours, except if all assigned duties and daily duties are completed. (This requirement may be waived during a disaster or a period of exceptional incident volume.)
8. Duty Firefighters are responsible for station operations and shall take appropriate actions to ensure that fuel, utilities, and station supplies are used conservatively.
9. Whenever the daily schedule permits, members are encouraged to devote their free time to physical fitness activities and personal study. However, members may not engage in any activity that interferes with their ability to respond promptly to an incident.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 21 UNIFORMS.

1. General requirements.
  - A. All members, when hired, shall be required to obtain uniforms and shall wear the appropriate uniform while on duty.
  - B. Uniforms shall not be worn off duty except as provided in this section.
  - C. Members of the department shall report for duty in the prescribed uniform.
  - D. Only uniforms approved by the department shall be worn while on duty or at other times identified herein as appropriate.
  - E. No part of a uniform shall be worn with nonuniform garments, nor shall nonuniform items be worn with the uniform, with exception to department t-shirts.
  - F. Uniforms shall be kept clean, neat, and in a proper state of repair. Faded, frayed, and worn-out items shall not be worn but should be disposed of.
  - G. Jackets and shirt pocket flaps shall be buttoned at all times. Pockets shall be free of objects that create bulges or that otherwise detract from a professional appearance.
  - H. A member in uniform shall at all times wear a belt. Department approved belt only.
  - I. Shoes and boots shall be kept clean and polished at all times. Only

department approved shoes and boots, shall be worn by members of the department. All black, shoes or boots. Boots may be of the pull on type, all other footwear shall have laces.

- J. All firefighters are to wear navy blue dress shirts, navy blue polo shirts, sweatshirts and t-shirts.
- K. Any time a dress shirt is being worn a plain white t-shirt will be worn underneath.
- L. Switching from long to short sleeve dress shirts and back is done in the months of May & November. Optional months are April & October. With exceptions due to unusual weather conditions.
- M. At any time, the Fire Chief has the authority to make changes, within reason, at his/her discretion.

## 2. Uniform types.

- A. Class A, Full dress uniform. Class A uniforms shall be worn at active firefighter funerals, award ceremonies and other events as ordered by the fire chief. The Uniform shall consist of:
  1. Navy blue dress pants and navy blue jacket
  2. White long sleeve dress shirt
  3. Black lace-up shiny dress shoes
  4. Navy blue or black dress socks
  5. Collar pins and badge
  6. Black tie and black belt
  7. The department patch shall be worn on the left sleeve, centered one inch down from the seam on the shirt and jacket;
  8. The American flag patch shall be worn on the right sleeve, centered one and one half inch down from seam. With field of blue to the front of shirt and jacket.
- B. Class B Dress uniforms shall be worn at banquets, retirement parties and any other events as ordered by the Fire Chief.
  1. Navy blue, zip up coat and navy blue trousers;
  2. White long sleeve dress shirt for Chief Officers, navy blue long sleeve dress shirt for all other

firefighters, plain white t-shirt (undershirt), black tie and solid black leather belt.

3. Black lace up shoes or boots with navy blue or black socks.
  4. Gold nameplate and insignias for the Fire Chief, Assistant Fire Chief and Captains, silver nameplate and insignias for other member, name plate centered on the right side of the uniform with the bottom of the back pin touching the top edge of the chest pocket; and insignias shall be worn with the bottom of insignia facing the point of collar, centered half inch from the sides of the collar.
- C. Modified Class B, Dress uniform. Modified Class B uniforms shall be worn for fire inspections, parades, tours or other events as ordered by the Fire Chief. The modified Class B uniform is the same as a Class B uniform with the exception that there is no tie worn and the dress shirts are short sleeve during the appropriate season.
  - D. Class C, Station uniform shall be the standard attire, unless otherwise directed by the Fire Chief. The uniform will consist of the following department approved items: listed at the end of the uniform section.
  - E. Optional Modified Class C, station uniform shall consist of Class C station uniform with shorts replacing pants and all black tennis shoes replacing black leather shoes or boots, so long as they do not create a workplace hazard, or interfere with the members' ability to carry out their duty. Shorts shall not be any shorter than mid thigh or longer than the bottom of the knee. During all response calls, turnout pants must be worn over shorts. Modified Class C may be worn during the optional months of April and October and throughout the Spring/Summer months. Exceptions may be made, at the Fire Chiefs discretion, due to unusual weather conditions.
  - F. Physical fitness clothing.
    1. T-shirt or sweatshirt and shorts or sweat pants and shoes sneaker/tennis type.
    2. No ripped, torn or cut clothing shall be worn. Clothing must remain neat in appearance.
  - G. Seasonal clothing.
    1. The department spring jacket, waist length, navy blue,

- embroidered department logo on left chest and name or badge number on the right chest.
2. The department dress jacket is waist length, fall/winter or spring/summer navy blue zip up with badge tab and pockets. Department patch on left sleeve, and American flag on right sleeve. With field of blue to the front of jacket.
  3. The department heavy winter coat, hip length, navy blue, embroidered department logo on the left chest and name or badge number on the right chest.
  4. Denim or navy blue chore style coat, embroidered with department logo on left chest and name or badge number on the right chest with logo or emblem on the back being optional.
  5. Navy blue shorts resembling uniform or cargo style uniform pants.
13. Navy blue shorts resembling uniform or cargo style uniform pants (Class C)
  14. Blackington BLA 1496 Badge, PFD 5/16" collar pins and 1/2 X 2 ½ Name Bar (Class B, A)
  15. Navy blue dress winter coat (Class B)
  16. Navy blue winter coat (Class C)
  17. Navy blue spring jacket (Class C)
  18. Class A uniform (Flying Cross)
  19. Black plain clip on tie (Class B, A)
  20. Navy blue or black socks (Class C, B, A)
  21. Plain white T-shirt (Class C, B, A) (Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 22 VEHICLES AND EQUIPMENT.

The following clothing items are approved by the department.

1. Traditional style navy blue dress shirt or white for Chief Officers (Class B)
2. Navy blue dress pants (flat front, no pleats) (Class B)
3. Navy blue uniform pants (Class C)
4. Navy blue cargo style uniform pants (Class C)
5. Navy blue polo shirt with logos (Class C)
6. Navy blue long sleeve polo shirt with logos (Class C)
7. Navy blue t-shirt with logos (Class C)
8. Navy blue long sleeve t-shirt with logos (Class C)
9. Navy blue crew style sweat shirt with logos (Class C)
10. Navy blue job shirt with logos (Class C)
11. Black lace up or pull on leather boots, or black lace up leather shoes (Class C, B)
12. Plain black leather belt with the exception of webbing style belt for Class C Uniform may be worn in place of leather belt

1. General requirements.
  - A. Vehicles and equipment shall be maintained in a constant state of readiness and availability for complete and immediate use.
  - B. Members shall be responsible for the use and care of vehicles and equipment assigned to them or entrusted to their care.
  - C. Members shall immediately report any loss, damage, or malfunction of apparatus or equipment to the member's supervisor. Damage, destruction, or loss due to the member's negligence may result in his/her being required to make restitution. Disciplinary action also may be taken as appropriate. (Consult with city attorney prior to requiring restitution or taking disciplinary action.)
  - D. Member shall return equipment issued to them or entrusted to their care immediately on separation from the department.
  - E. A member required to drive a vehicle to an emergency, or a vehicle owned or operated by the department shall possess an appropriate and valid driver's license.
  - F. Members shall drive in a safe and prudent manner and shall obey all applicable federal, state, and local traffic regulations when driving to an emergency or operating a vehicle owned and operated by the department.

- G. The member shall maintain total control of the apparatus at all times. This includes being able to bring the vehicle to a safe stop at all negative right of way situations.
- H. Members shall properly wear safety restraint devices whenever driving or riding in a vehicle owned or operated by the department.
- I. Members shall not use tobacco products while driving or riding in a vehicle owned or operated by the department.
- J. On call members responding in their personal vehicles to an alarm and displaying a blue light are to obey the state blue light law and all other traffic laws.
- K. An officer may authorize a brief stop at a convenience store or other similar establishment to pick up a drink or snack while the member is within his/her district performing an authorized activity. The member must stay in radio contact and remain available for calls.
- L. Department vehicles may be used to procure groceries for the station meals. When obtaining groceries the member must maintain radio contact and remain available for calls and make only one trip per shift.

## 2. Taking a vehicle home

- A. Only the Fire Chief is authorized to take a vehicle home. When circumstances warrant, the Fire Chief may authorize other members to take a vehicle home on a case-by-case basis.

## 3. Injuries and property damage

- A. Any accident or collision involving damage to any vehicle or property or injury to any person shall be reported immediately to the appropriate law enforcement agency and to the member's supervisor.
- B. Anytime you are responding to a call and are involved in an accident, you must remain at your accident and call for another apparatus to respond.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

## § 23 VISITORS AT THE STATION.

- 1. Members are permitted to have visitors at the station.
- 2. Visitors are not permitted to enter a station dormitory or locker room.

- 3. Visitors are not allowed to enter a workshop or apparatus bay unless properly escorted by a department member.
- 4. When escorting visitors in an apparatus bay, members shall not allow children to play on, around or with emergency apparatus or equipment unless carefully and closely supervised.
- 5. Visitors shall not be allowed to disrupt the daily work schedule. Their visits shall be limited to a maximum of 30 minutes. No visitors in station after 10 p.m.
- 6. Amorous activity with a visitor is not permitted while on duty.
- 7. Visitors are expected to abide by department rules and regulations while at the fire station or other work sites.
- 8. Minors shall at all times remain under the supervision and control of a visiting adult.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

## § 24 CONTROLLED SUBSTANCES.

- 1. The use of alcoholic beverages, debilitating drugs, or any substances that impair physical or mental capabilities while on duty is strictly prohibited. See appropriate section of City of Portland personnel policies.
- 2. Off-duty consumption of alcohol that reflects negatively on the department or that impairs a member's ability to perform his/her job is prohibited.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

## § 25 INAPPROPRIATE BEHAVIOR.

- 1. The following activities are prohibited by members while on duty:
  - A. Unlawful behavior, gambling, noisy or quarrelsome conduct, and lewd or indecent activity.
  - B. Possession of a firearm or other weapon.
  - C. Threats or acts of physical violence against members of the public, coworkers, or other department members or city employees.
  - D. Sexual activity to include the possession or use of printed or audiovisual material that is sexually offensive.
  - E. Abusive behavior, hazing, or harassment of coworkers or members of the public.

- F. Alteration or modifications of vehicles, apparatus, buildings, computers, or items of equipment owned or operated by the department without the Fire Chief's authorization.
- G. Acceptance or solicitation of gifts, rewards, or fees for services incidental to the performance of one's duty.
- H. Campaigning for or against any elected officials while on duty.
- I. Publicly criticizing the official actions or orders of a superior officer. Nor may a member publicly speak disrespectfully of the department or its members.
- J. Recommending or endorsing specific products, trade names, or businesses.
- K. Conducting personal business or performing any activity for which the member will receive any form of compensation from anyone other than the city.
- L. Sleeping except in designated areas and during prescribed times.
- M. Watching television or engaging in other recreational activities except during prescribed times.
- N. Permanently parking or storing vehicles, trailers, campers, tractors, boats, personal property, and so forth on department property.
- O. Making false statement in any official communication or in conversation with another member or citizen.
- P. Performing any act or making any statement, oral, or written, about one's immediate superior, intending to destroy discipline and good order.
- Q. Performing any act or making any statement, oral or written, about one's coworkers, intending to destroy morale, good order, or working relationships with coworkers.
- R. Displaying insolence or indifference or evading duty during an emergency incident. Any member found guilty of this offense shall be relieved of duty immediately by the Fire Chief, Assistant Fire Chief, or a Captain and reported immediately to the appropriate superior.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 26 OUTSIDE EMPLOYMENT.

1. Members who wish to accept part-time employment with another business, agency or organization in addition to their regular duties with the department may do so.
2. However outside employment shall not interfere with an employee's ability to be called upon at any time to fill a shift or report to the station to satisfactorily perform his/her duties with the department. This is your primary job. All other jobs shall not interfere in any way.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 27 SEXUAL HARASSMENT.

Refer to City of Portland personnel policy.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 28 USE OF TOBACCO PRODUCTS.

1. Buildings and structures owned and operated by the department have been designated tobacco free work places. The use of tobacco products is not permitted inside a building or structure owned or operated by the City.
2. Use of tobacco products is prohibited by members while riding in or driving any vehicle owned or operated by the department.
3. Smoking is prohibited within (8) feet of any door of City buildings, members shall properly dispose of cigarette butts and other waste products.  
(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 29 ON-DUTY MEALS.

1. This standard regulates the procurement of groceries and meals by on-duty shift personnel.
  - A. Ideally, meals should be planned prior to the beginning of each shift and groceries and other food items purchased prior to the beginning of the shift whenever possible. However, in the event that any of the on-duty personnel failed to prepare for the day's meals, the following guidelines shall apply.
  - B. Personnel may travel in a small apparatus, Truck 40, Truck 47, Engine 42 or Engine 43, to and from a grocery store or restaurant located within the city limits. They may not travel outside the city limits to



obtain food. They may have to respond to an emergency call in that apparatus if necessary.

- C. The firefighter and the apparatus shall remain in service at all times and properly park their vehicle in a designated parking space. At no time shall a vehicle park in a fire lane or other restricted space.
- D. The firefighter shall take a portable radio into the grocery store or restaurant and shall remain in contact with dispatch and the station at all times.
- E. When going for food at a grocery store or restaurant, the firefighter shall wear the minimum of a Class C Station Uniform.

2. Exceptions:

- A. It will be permissible for the firefighter to wear a white t-shirt in lieu of the uniform shirt when returning from an alarm or training session.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 30 LOST / DESTROYED EQUIPMENT.

1. This standard sets forth the requirements for reporting the loss or destruction of equipment owned or operated by the department.

2. Reporting procedure

- A. On discovery that a piece of equipment has been lost, damaged, or destroyed, an employee shall record his/her findings on the report of Equipment Loss or Destroyed form and forward it through the chain of command to the fire chief.
- B. If the lost or damaged item is replaced from existing inventory, note it on the report.
- C. The asset numbers and replacement costs should be recorded for budget and inventory purposes.

3. Responsibilities

- A. It is the responsibility of each Duty Firefighter/Engineer to maintain all equipment and apparatus in a constant state of readiness. To facilitate this process, each apparatus is to be inspected and inventoried at the beginning of each shift and after each incident during the process of returning the apparatus to service.
- B. It is the responsibility of every member of the department to properly

use and maintain the equipment assigned to him/her.

4. Accountability

- A. The deliberate or willful misuse, theft, loss, damage, or destruction of any tool, equipment, or other device owned by the department or other agency or private individual will result in appropriate disciplinary action as prescribed in the city's code of ordinance book.
- B. As a part of the disciplinary process, the individuals responsible for the loss or destruction may be required to reimburse the department for the costs to repair or replace the equipment.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 31 DAILY WORK SCHEDULE.

1. This standard regulates the daily activities of personnel assigned to fire station duty.

- A. The following tasks shall be performed during every shift, as incident volume and weather permit:

Time:	Daily Activity:
07:00	Officers and Duty Firefighter/Engineers report for duty.
07:01	Briefing to on coming crew of prior events at station and apparatus status, and any other pertinent information.
08:00	Check apparatus and equipment and daily chores per checklist
09:30-11:30	Do inspections, training, physical fitness, other scheduled activities
11:30-13:00	Lunch
13:00-16:00	Per 9:30-11:30
After 16:00	Unstructured activity, study, incident response
22:00	Lights out, bedtime
06:00	Lights on, out of bed
07:00	End shift

- B. Breaks may be taken as time and activities permit.

C. Watching television is permitted during morning news time, after briefing, until 08:00 and after all daily work is complete. Watching the weather channel, televised training, and relevant media is permissible anytime during the tour of duty.

D. Sleeping is permitted after 16:00 hours and during lunch break. Abnormally high incident volume may also necessitate additional rest periods.

## 2. Assigned Tasks

- A. In addition to routine apparatus checks and general housekeeping activities, the following maintenance tasks are to be performed as incident volume and weather permit.

Day:	Task:
Sunday	Dust apparatus, wash down front bay floors, and pick up trash around station.
Monday	Dust apparatus, sweep all living quarters and office floors, mop all tile floors.
Tuesday	Dust apparatus, dust all offices and living quarters, station laundry. Polish brass pole & bell.
Wednesday	Dust apparatus, long check apparatus and station equipment.
Thursday	Dust apparatus, wash all trash cans, all windows and mirrors and set out trash.
Friday	Dust apparatus, pick up trash around station, mow and trim lawn (this may be done on other days at Chief's discretion as rate of growth and weather may dictate the necessity).
Saturday	Sweep rear bay floors, dust apparatus, exercise all valves on apparatus.

- B. All work beyond the daily schedule shall be suspended on holidays.

## 3. Responsibility

- A. The Duty Firefighter/Engineers shall be responsible for ensuring that all assigned tasks are completed each shift if incident volume and weather permit.
- B. The Fire Chief, at his/her discretion, may also alter the daily schedule provided that all assigned tasks are completed before the end of each shift.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 32 STATION SUPPLIES.

1. This standard regulates the procurement of consumable supplies. It was promulgated to ensure that proper supplies would be available for cleaning and maintaining the department's apparatus, equipment, and building.
2. When supplies are needed, the member requesting them shall make a list and forward the list to the Fire Chief or Assistant Fire Chief. Occasionally, supplies must be obtained immediately so as to make repairs or complete an assignment.

3. The Fire Chief or Assistant Fire Chief shall approve or deny any purchase of consumable supplies, establish a minimum inventory of consumable supplies to be maintained at the fire station, and replenish the inventory of consumable supplies.

4. The Fire Chief or Assistant Fire Chief shall maintain a record of all purchases.

5. The Duty Firefighters shall regulate the use of consumable supplies and correct any misuse that may occur, report to the Fire Chief or Assistant Fire Chief the theft of any items immediately on discovery of the loss.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 33 MINIMUM STAFFING.

1. This standard regulates the daily, routine staffing of the fire department by sworn personnel. The Fire Chief or Assistant Fire Chief may suspend the provisions of this whenever special circumstances warrant. This standard was promulgated to:
  - A. Establish guidelines that are intended to provide the community with the highest quality fire service possible within the parameters of the department's budget.
  - B. Minimize the health and safety risk of personnel by assembling a sufficient number of personnel at every incident to bring the incident to a safe and satisfactory conclusion.

## 2. Staffing guidelines

- A. A minimum of two (2) personnel shall be on duty at all times, with a minimum of one of those personnel being a Duty Firefighter. Any deviation from this standard must be approved by the Fire Chief or in the Fire Chief's absence the Assistant Fire Chief.
- B. To insure compliance with this standard, the Fire Chief shall be responsible for maintaining staffing levels at prescribed minimums. To fulfill this responsibility, the Fire Chief shall have the authority to assign, move, or transfer personnel as necessary.
- C. Whenever fewer than two (2) personnel report for duty, an off-duty Duty Firefighter or Station Personnel can be assigned to duty to satisfy the minimum staffing requirements.
- D. When more than two (2) personnel report for duty and all minimum

staffing requirements have been met, any extra personnel that remain on duty may be allowed to remain with their regular scheduled shift.

3. Responsibilities:

- A. The Assistant Fire Chief and Captain shall:
  - 1. Be accountable for the location and duty status of all personnel assigned to his/her shift. This shall include all personnel who may be temporarily assigned to his/her shift because of relief duty, shift swaps, etc.
  - 2. Inform the Fire Chief at the conclusion of each shift of any shift changes made during his/her shift.
- B. The Fire Chief shall:
  - 1. Maintain an accurate record of each employee's attendance. This should include overtime worked and any leave time used. This information should be recorded on the personnel time cards and bi-weekly payroll and turned over to city administration.
  - 2. Approve or disapprove all types of leave requests.
  - 3. Notify off-duty personnel or part time personnel that they may be needed for assigned duty and that they are being placed on standby basis. This should be done as soon as practical.
- C. Sworn personnel shall:
  - 1. Not leave their assigned duty post until they are properly relieved. If their relief does not report for duty by 07:00, the Fire Chief and/or Assistant Fire Chief shall be notified immediately.

4. Method of filling vacancies

- A. Whenever a vacancy exists, a Duty Firefighter or Station Personnel shall be called.
- B. Personnel hired for relief shall report to their duty post on the appropriate date and at the appropriate time and shall report with all the required uniforms, protective clothing, bed linens, and personal items appropriate for the assignment.
- C. Members shall notify the Fire Chief before the start of their scheduled shift if they cannot report as

assigned and shall provide the Fire Chief with a satisfactory explanation and their estimated time of arrival.

- D. A member working relief may, with prior approval from the Fire Chief, and following the shift swap policy, find another employee to work the balance of his/her assignment. His/her relief must be:
  - 1. Eligible and qualified to work the assignment.
  - 2. Paid by the department and not the employee.
  - 3. Paid during the payroll that the hours were actually worked.

5. Emergency response

- A. Whenever an alarm is dispatched Part-time Firefighters respond per squad assignment. There are three squads of Part-time Firefighters. Each squad has their assignment as to coverage area. One squad will be assigned city alarms, one squad will be assigned county alarms, and one squad will be assigned dual alarms in which they will respond to city and county alarms.
- B. The squads rotate area coverage every year, example:

Year	Squad 1	Squad 2	Squad 3
2020	City	County	Dual
2021	Dual	City	County
2022	County	Dual	City
2023	City	County	Dual

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

§ 34 RECORDS AND FORMS.

1. Scope

This management procedure establishes guidelines for the collection and retention of information. It was promulgated to:

- A. Provide for the collection and maintenance of information for legal record keeping purposes.
- B. Provide a database for the analysis of the activities of the department.

2. Creation and Retention of Records

- A. This standard hereby creates a data collection system for the department.

- B. The data collection system is subdivided into the following general categories:
1. Administrative files.
  2. Investigation case files.
  3. Inspection files.
  4. Permanent personnel files.
  5. Training records.
  6. Vehicle and equipment maintenance and repair records.
- C. Records and reports shall be retained in accordance with the applicable state law, city ordinance, and department policy.
- D. No record of report shall be disposed of without the approval of the Fire Chief.
3. Forms
- A. The Fire Chief shall cause the creation of such forms as may be deemed necessary to document the activities of the department. A new form may be proposed by any member of the department but shall not be published or distributed without the authorization of the Fire Chief.
- B. Each form shall be reviewed periodically to ensure that it is still necessary, and it shall be revised or deleted as deemed appropriate by the Fire Chief.
4. Responsibilities
- A. The Fire Chief shall be the custodian of the records and shall be responsible for:
1. Causing the creation and maintenance of those records and reports that are required for legal purposes.
  2. Causing the creation and maintenance of the various reports and forms necessary to document the various activities of the department.
  3. Ensuring the confidentiality of those records where required by statute or otherwise deemed appropriate.
  4. Furnishing those records to the public that are properly requested under the states' Freedom of Information Act in accordance with the provisions of the statute.

- B. The Fire Chief shall be the custodian of all criminal records and case files generated by the department and shall be responsible for:
1. Causing the creation and maintenance of those records and reports that are required by statute that pertain to the investigation and prosecution of those crimes and offenses against persons and property as addressed by the State/Local Government Code.
  2. Causing the creation and maintenance of those records and reports that are required by the Fire Chief for the prevention of fire and the enforcement of applicable sections of the fire and building codes.
- C. Each employee shall be responsible for:
1. Completing the forms and filing the reports required by the provisions of the Standard Operating Procedures Manual. All forms and reports shall be complete and accurate.
  2. Filing and maintaining records and reports as required by departmental policy.
  3. Maintaining the confidentiality of departmental records and reports. Records and reports shall not be released without authorization by the appropriate supervisor and/or the Fire Chief.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

#### § 35 INCIDENT REPORTS.

##### 1. Scope

This standard establishes requirements for the preparation of reports for incidents to which the department responds. It was intended to:

- A. Create a permanent record of each incident to which the department responds.
- B. Develop a database for the analysis of the community's demand for fire and emergency medical services.
- C. Provide uniform data to the state fire marshal and the NFFA concerning the department's emergency response activity.

##### 2. Completing the Report

- A. The department uses the incident reporting system promulgated by the state fire marshal.

- B. A Basic Incident Report shall be completed for each incident to which the department is dispatched, and a copy of the report shall be forwarded by the department to the state fire marshal. If possible, the report shall be filed electronically using a suitable software program. If this is not possible, a report may be filed manually by completing a hard copy of the Basic Incident Report. A copy of the instructions for completing a Basic Incident Report has been provided in the communications room.
- C. The report shall be accurate and thorough, and it shall contain sufficient information that allows the reader to re-create an accurate portrayal of the facts and events surrounding a given incident.
- D. The member filing the report assigns a chronological number for each incident and shall record the appropriate incident number on the basic incident report.
- E. Whenever an incident is investigated by a member of the Indiana State Fire Marshals' office or by an outside arson or law enforcement team, the lead fire investigator should be contacted by the member completing the Basic Incident Report to report the appropriate information concerning cause, area and/or point of origin, and estimated dollar loss.
- F. A narrative shall be written for each incident. The narrative shall include a brief description of the events that occurred and the actions that were taken during the resolution of the incident. The narrative shall be thorough, concise, and accurate. Neatness and spelling count. The narrative shall be limited to the facts and not include superfluous or editorial comments.
- G. The proper number and types of vehicles, the number and names of personnel at the scene, and the equipment that is used shall be entered on each incident report. The station number of the vehicle that arrives on the scene first shall be entered on the report.
- H. A Basic Casualty Report shall be completed in addition to the Basic Incident Report if a person is injured or killed, including department members, as a result of a fire.

### 3. Responsibilities

- A. The incident command shall be responsible for the completion of the Basic Incident Report and all other

reports that may be subsequently required. Exception: If incident command is relinquished to a more senior firefighter or an officer, then they shall be responsible for the completion of all reports.

- B. The Fire Chief or his/her designee shall be responsible for reviewing the completeness and accuracy of all incidents, and casualty reports generated by the members making the report before submitting report to the state.
- C. Reports shall be completed and signed prior to the end of the next duty shift. The completed reports shall be forwarded to administration.
- D. The Fire Chief shall be responsible for causing the creation of a monthly report that provides an analysis of the incident activity for the month. This report shall include cumulative data for the calendar year.

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

### § 36 ANNUAL TRAINING REQUIREMENTS.

All Portland Firefighters will be required to attend and participate in a minimum of 20 hours of training per year to remain active with the Portland Fire Department. The Department will offer up to two (2) training sessions per month, consisting of one training that will be hands-on skills type training and the other training will be a tour of a local business/facility or medical type training. There must be a minimum of 8 hours of each type of training; the remaining 4 hours of training can be a combination of individual training, hands-on training, tours, medical, CFI, outside classes, etc. Failure to maintain your training hours will result in a corrective interview. Continued failure to meet the annual training requirements will result in disciplinary action including and up to termination from the Fire Department. (Ord. 2022-0, passed 2-7-22)

### § 37 APPLICATION REQUIREMENTS.

#### 1. Duty Firefighter

- A. Applicants shall apply through the Portland Fire Department. Applicants will be required to take and pass a written exam and physical agility test. An interview process will then be conducted by the Mayor, Fire Chief and Assistant Fire Chief. A recommendation and an alternate will then be presented to the Portland Board of Public Works and Safety. Then the Portland Board of Public Works and Safety shall choose one person plus an alternate for each open position. A conditional offer of employment is then offered to the

applicant. The person selected will then go for a psychological evaluation and a state pension physical exam, which is paid by the city. No person shall be appointed to Duty Firefighter/Engineer unless eligible for certification through the state firefighters pension board. Any denial by the state or local firefighters pension board or Portland Board of Public Works and Safety for any reason is final. The Fire Chief has full discretion to override any selection before presenting recommendations to the Portland Board of Public Works and Safety, with final say, if needed.

- B. To apply for a Duty Firefighter position, the applicant shall hold, at minimum, certifications in Firefighter II, Hazardous Materials Operations, Technical Rescue Awareness, NIMS 100, 200, 700, 800, and at minimum Emergency Medical Responder. Firefighters shall reside within the county, have a working telephone, shall have a high school diploma or equivalent, must be between 18 to 35 yrs old and must possess a valid Indiana driver's license. Other certifications will be mandated per the Fire Chief (Fire Officer Strategy and Tactics, Fire Inspector, Fire Investigator etc.)

2. Part-time Firefighter

- A. Applicants shall apply through the Portland Fire Department. Applicants will be required to take a written exam and a physical agility test and be subject to a driving record check and a criminal background check. The Part-time Firefighter applicant shall be approved through a Portland Firefighters Board consisting of the Fire Chief, Assistant Fire Chief and one Captain. The Fire Chief shall recommend the Boards selection to the Portland Board of Public Works and Safety. All applicants shall be appointed by the Portland Board of Public Works and Safety. The Fire Chief has full discretion to override any selection before presenting recommendations to the Portland Board of Public Works and Safety, with final say, if needed.

- B. To apply for a Part-time Firefighter position, applicant must have a working telephone, shall reside within Portland Fire Departments contracted territory in Jay County, have a high school diploma or equivalent, must be 18 years of age and possess a valid Indiana driver's license. An applicant who resides outside of the contracted territory but still in Jay County may be

considered on a case by case basis at the discretion of the Fire Chief. (Ord. 2022-0, passed 2-7-22)

Acknowledgement of Receipt

I have received a copy of the City of Portland Fire Department Standard Operating Procedures Manual and understand that it is my responsibility to become familiar with the contents as it outlines the expectations and procedures for the City of Portland Fire Department.

I understand that by being employed, and maintaining my employment by and with the City of Portland Fire Department, it is a mutual agreement to the rules and regulations, SOP's/SOG's and any other precedence and expectations set forth by the Department, the Fire Chief and/or the Mayor and The City of Portland.

I understand that no plea of ignorance of the rules and regulations, SOP's/SOG's, or departmental or city policies, will be accepted as an excuse for any violation.

I understand that the policies, rules and procedures described within are subject to change at the discretion of the Fire Chief and/or Mayor at any time.

I understand that this manual supersedes all other previous manuals for the City of Portland Fire Department.

I further understand that my employment is terminable "at will" either by myself, or the City of Portland, regardless of the length of my employment or the granting of benefits of any kind.

I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" employment relationship unless expressed in writing, with the understanding specifically set forth and signed by myself and the City Council.

Should I have any questions regarding these policies and procedures, I understand that I am encouraged to talk them over with the Fire Chief.

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

(Ord. 2013-5, passed 5-6-13; Ord. 2022-0, passed 2-7-22)

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## POLICY ADMINISTRATION

§ 32.001 INTRODUCTION AND PURPOSE.

(A) The purpose of this chapter is to provide a consistent, systematic and organized approach to the establishment, implementation and administration of the personnel policies of the City of Portland (hereinafter referred to as "the city"). This chapter was written, adopted, and interpreted exclusively by the elected official (Mayor, Clerk-Treasurer, Council) and their designee, and is not subject to modification, change or contrary interpretation by any employee or employee's representative organization, except as may otherwise be specifically authorized and recognized by the laws and/or Constitutions of the State of Indiana and United States.

(B) This chapter is to be used to assist and guide personnel in the day-to-day direction and performance of the general workforce, the result being that a number of important and responsible goals may be achieved:

(1) First, by implementing uniform personnel policies applied in as consistent and impartial a manner as is practicable, the goal is to promote the best possible working relationships and highest morale among all city employees. This chapter was created for personnel not covered by any other bargaining agreement. Furthermore, it is not the intent or purpose of this chapter to supersede or overrule any state or federal rules and regulations governing the operation of the Police and Fire Departments. It is, however, the intent of this chapter to provide support, direction and procedures that will

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enable the city to practice fair and consistent daily personnel administration.

(2) Second, by providing employees with fair and equal opportunities in their recruitment and advancement, by evaluating their service on the basis of merit and fitness, and by giving consideration to their needs and desires, the goal is to provide an employment atmosphere that increases the cooperation and productivity of the employees, together with the prospect for career opportunities within the city and each office or department of city government.

(3) Third, by providing dependable and courteous services to the residents of the city, the goal is to enhance the reputation and stature of the city's departments and offices within the community.

(C) This chapter is not a contract of employment and does not guarantee employment for any specified duration.

(D) Any further questions relating to the purpose, goals, and/or interpretation of the policies contained herein should be directed to the elected official.  
(Ord. 2012-12, passed 9-4-12)

§ 32.002 ORGANIZATION AND RESPONSIBILITY.

(A) The city is governed by the Mayor. The Mayor is responsible for the general administration of city business.

(B) The Clerk-Treasurer governs his/her department and agrees to all policies herein.

(C) The city is organized into various departments or offices, to ensure adequate expertise, specialization and efficient functioning. These departments or offices function under the administrative guidance and control of the elected official who is responsible for the day-to-day management and operation of the city.

(D) Each employee's particular duties, obligations and areas of responsibility are defined in his/her position description and/or by assignment or directive of any department head. Employees are primarily responsible to their department head for completion of specific work assignments, and the quality, quantity and timeliness of the work performed.

(E) The rights, authorities, powers and responsibilities of city employees at all levels, with respect to the policies in this chapter, are more clearly delineated in the specific subject areas. However, in general, the elected official is charged with the development, promulgation and adoption of the provisions of this chapter. The various management and supervisory personnel are charged with applying, interpreting, enforcing, and generally ensuring compliance with the provisions of this chapter. It is the obligation and a requirement as a condition of employment for each individual person employed by the city to comply in every

respect with the provisions of this chapter and any related procedures and work rules, and to perform their assigned duties in a responsible manner creditable to the city. As such, all city employees are expected to become knowledgeable about this chapter's contents and abide by the policies set forth herein. Any questions, concerns or lack of understanding about a particular provision of this chapter should be promptly discussed with their department head or the elected official.  
(Ord. 2012-12, passed 9-4-12)

§ 32.003 CHAPTER ADMINISTRATION.

To implement this chapter and to oversee its administration on a day-to-day basis, the following procedures will be taken:

(A) A copy of this chapter will be given to all current city employees and to all new employees, including part-time employees, subsequent to its adoption.

(B) The contents of this chapter are subject to change without notice at the sole discretion of the Council.

(C) Any changes in the chapter shall in no way alter the employment-at-will policy or create a binding contract between the city and any employee.

(D) Employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be directed to the elected official in writing, together with an explanation as to how such a change could benefit the city, department, and/or the public.

(E) The city will undertake to accomplish a review of the chapter in two-year intervals, or as may be indicated by law or change in characteristics of the city's workforce.

(F) The elected official maintains the ultimate right to manage their employees, consistent with the policies set forth in this chapter and all applicable state and federal laws. The elected official's rights include, but are not limited to, determining methods and procedures, number of employees, assignment of duties, hours of employment, compensation, hiring, disciplining, discharging, promoting and transferring employees, and laying off employees for lack of work, lack of funds, or due to job abolishment.

(G) The policies of this chapter supersede all previous policies of the city or any department jurisdiction of the city, written or unwritten, on subject matters covered or referred to herein.

(1) The Police and Fire Department procedure manuals will supersede this chapter in situations where they are written with stricter requirements.

(2) In policy areas in which the Police and Fire Department manuals are silent on a topic, this chapter will be in effect.



(H) In the event that any section of this chapter or amendment or revisions thereto is held to be unenforceable, contrary to law or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining section(s) of the chapter, to the extent that they remain unaffected by such declaration or restraint, shall continue in full force and effect.

(I) Any change to this chapter will be effective only if set forth in writing, by ordinance, and approved by the elected official.

(Ord. 2012-12, passed 9-4-12)

§ 32.004 EQUAL EMPLOYMENT OPPORTUNITY.

It is the policy of the city that all personnel actions, such as hiring, rate of compensation, benefits, promotions, transfers, layoffs, recalls, city-supported training, and social or recreational programs, shall be administered without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job related handicap. Therefore, all such personnel actions should be consistently administered for all employees without compromise and thus should be based on the results achieved on the job, as well as objective job relatedness in both job qualifications and performance standards.

(Ord. 2012-12, passed 9-4-12)

§ 32.005 DISCRIMINATION; SEXUAL HARASSMENT.

(A) The elected official believes that all city employees should be able to work in an atmosphere free from all forms of employment discrimination, including sexual harassment and any type of discrimination. This policy extends to every level of city operations. Accordingly, discrimination and sexual harassment, whether by a fellow employee, department head or elected official, will not be tolerated. Activities of this nature serve no legitimate purpose; they have a disruptive effect on the employee's ability to perform, and they undermine the integrity of the employment relationship.

(B) The elected official takes allegations of discrimination and sexual harassment very seriously. Any employee who believes that he/she is a victim of discrimination or sexual harassment should immediately bring the matter to the attention of his/her department head, or in the case where the department head is the problem, contact the elected official or City Attorney. All such matters will be treated confidentially, and with the utmost discretion. The city will actively investigate all discrimination and sexual harassment complaints, and if it is determined that discrimination or sexual harassment has occurred, the elected official will take appropriate disciplinary action against the offending party, up to and including termination.

(C) Acts considered to constitute "SEXUAL HARASSMENT" include, but are not limited to,

unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

(1) Submission to such conduct is either an express or implied term or condition of employment;

(2) Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person;

(3) The purpose or the effect of such conduct is to substantially interfere with the affected individual's job performance or to create an intimidating, hostile or offensive work environment.

(D) Acts considered to constitute "DISCRIMINATION" include, but are not limited to:

(1) Hiring based upon race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job-related handicaps;

(2) Promotions based upon race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job-related handicaps;

(3) Pay increases based upon race, color, religion, national origin, sex, age, marital status, sexual orientation, or non-job-related handicaps.

(Ord. 2012-12, passed 9-4-12)

§ 32.006 VERBAL HARASSMENT.

(A) "VERBAL ABUSE", as used in this chapter, means to disturb or persistently irritate through repeated attacks on fellow employees and/or department heads to disrupt their work or reputations.

(B) The city will actively investigate all verbal harassment complaints, and if it is determined harassment has occurred, the elected official will take appropriate disciplinary action against the offending party, up to and including termination.

(Ord. 2012-12, passed 9-4-12)

§ 32.007 PHYSICAL HARASSMENT.

(A) "PHYSICAL HARASSMENT" means to knowingly and intentionally cause or inflict physical pain to a fellow employee.

(B) The city will actively investigate all physical harassment complaints, and if it is determined that physical harassment has occurred, the elected official will take appropriate disciplinary action against the offending party, up to and including termination.

(Ord. 2012-12, passed 9-4-12)

§ 32.008 HARASSMENT/DISCRIMINATION GRIEVANCE PROCEDURE.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop.

If an employee desires to file a harassment or discrimination complaint against anyone in the city, the following procedures shall be followed:

(A) (1) Any employee who believes that he/she has been harassed or discriminated against must report this information to the department head as soon as possible.

(2) If the charge is against the department head or elected official member, the employee must report this information to the city attorney as soon as possible.

(B) Upon notification, the elected official's designee will conduct a thorough investigation of the alleged incident. The investigation will consist of the following:

(1) A written statement from the victim, along with an interview;

(2) Interviewing all of the witnesses to the alleged violation;

(3) Interviewing and getting a written statement from alleged violator.

(C) A written analysis of the investigation will be provided to the victim, alleged violator, and the elected official.

(D) A hearing will be conducted to render a final decision.

(1) The Board of Public Works will meet within two weeks of the initial claim.

(2) The victim and the alleged violator will have the opportunity to make a statement and provide the Board of Public Works with additional information if necessary.

(3) The Board of Public Works will render a final disposition at the close of the executive session hearing.

(E) The Board of Public Works decision will be carried out immediately.  
(Ord. 2012-12, passed 9-4-12)

§ 32.009 AMERICANS WITH DISABILITIES ACT (ADA).

(A) It is the policy of city that qualified individuals with disabilities are not to be excluded from participation in or benefit from the services, programs or activities of the city. It is the policy of the city not to 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. It is the intent of the city to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

(B) The city will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities

readily accessible to individuals with a disability, restructuring jobs, modifying work schedules and/or equipment, or similar accommodations.

(C) Employees should contact the elected official for assistance when an accommodation is necessary. Such employees are required to provide pertinent medical information.

(D) Accommodations may not create an undue hardship for the city or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position.

(E) All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and where the threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on the appropriate leave.

(F) Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "DIRECT THREAT" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Benefits provided to disabled individuals qualified to perform the work must be consistent with the benefits provided to other employees. Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint with the elected official.  
(Ord. 2012-12, passed 9-4-12)

§ 32.010 EMPLOYMENT AT WILL.

(A) Employment with the city is based on the "at-will" doctrine. "AT-WILL EMPLOYMENT" means any individual may voluntarily leave employment or may be terminated by the city at any time with or without cause.

(B) This policy may not be modified by any statements contained in this chapter or any other employee materials, including applications, memoranda or other documents provided to applicants and employees in connection with their employment. None of these documents, whether single or combined, create an expressed or implied contract of employment for a definite period, or an express or implied contract concerning any terms or conditions of employment.

(C) Similarly, city policies and practices with respect to any matter should not be considered as creating any contractual obligation on the city's part, or as stating in any way that termination will occur only "for cause". Statements of specific grounds for termination set forth in this chapter or in any other city documents are examples only, not all-inclusive lists, and are not intended to restrict the city's right to terminate at-will.

(D) Completion of a probationary period or conferral of regular status does not change an employee's status as an at-will employee, or in any way restrict the city's right to terminate the employee or change the terms or conditions of employment.  
(Ord. 2012-12, passed 9-4-12)

§ 32.011 NEPOTISM.

(A) The city selects employees based on their job qualifications.

(1) To make sure this standard is always followed and to protect the integrity of business operations, the city has certain restrictions on when and where relatives of employees can be hired and how related employees can work together.

(2) Members of an employee's "IMMEDIATE FAMILY" for this section include parents, spouse or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, grandparents, grandchildren, and all corresponding in-laws.

(B) Unless otherwise specified by state law, relatives will not be hired, promoted or transferred to positions that:

(1) Place them in direct or indirect supervisory or managerial capacity over a relative;

(2) Allow them to directly or indirectly influence salary adjustments, career progress or other managerial activities involving a relative;

(3) Require them to audit or review the work of another relative.

(C) (1) There is a "grandfathering clause" for current elected officials or employees with family relationships that would otherwise be in violation of this section, unless there is a break in the employment or office holding. Grandfathered employees may remain in their positions and they may be promoted as long as they do not report directly to the family member.

(2) Employees hired after July 1, 2012, who in later years have relatives elected that are in the direct line of supervision, will have no promotion possibilities unless the promotion is within the merit ranks for the Police and Fire Departments.

(D) State statute requires that each elected officer of the unit must annually certify in writing, subject to the penalties for perjury, that the officer has not violated IC 36-1-20.2 and submit the certification to the Mayor no later than December 31 of each year.

(Ord. 2012-12, passed 9-4-12)

Cross-reference:

Nepotism and Contracting with a Unit by a Relative, see Chapter 36

§ 32.012 EMPLOYER-EMPLOYEE RELATIONS.

(A) The city is committed to a mutually rewarding and direct relationship with its employees. Thus, the city attempts to be receptive to constructive suggestions, criticisms and questions. Department heads will conduct regularly scheduled department meetings to keep employees informed about items of interest and to discuss issues of concern to employees. The city, as part of its commitment to delivering the highest level of services to residents and guests, expects all employees:

(1) To treat all residents, guests and suppliers as customers of all city services;

(2) To represent the city in a positive and ethical manner;

(3) To perform assigned tasks in a safe and efficient manner;

(4) To attend work as required and to be punctual;

(5) To demonstrate a considerate, friendly and constructive attitude toward fellow employees, department heads and elected officials;

(6) To follow the city and departmental policies and practices.

(B) The elected official and department heads retain the sole discretion to exercise all managerial functions, including the following rights:

(1) To dismiss, assign, supervise and discipline employees;

(2) To determine and change employee work schedules to meet the needs of residents and guests of the city;

(3) To assign employees to other jobs within departments or into other departments;

(4) To determine and adjust the employee number and specific qualifications of the workforce;

(5) To assign duties to employees in accordance with the city's needs and requirements, and to carry out all ordinary administrative and management functions;

(6) To establish, change and abolish policies, practices, roles and regulations as the city works to meet the needs of its residents.

(Ord. 2012-12, passed 9-4-12)

§ 32.013 ALCOHOL- AND DRUG-FREE WORKPLACE.

(A) It is the intent and obligation of the city to provide employees with an alcohol- and drug-free workplace.

(B) Employees of the city are expected and required to report to work on time and in appropriate mental and physical condition. It

is unlawful to manufacture, consume, possess, control, distribute or sell alcohol or illegal drugs, in any amount, at any time during working hours, or at any time while on city premises. Alternatively, when the employee is performing his/her job functions while off city premises, a commission of the above unlawful acts will also constitute a violation of this section. Violation of this section is strictly prohibited. Violation of this section may result in disciplinary procedures, up to and including termination.

(C) The city recognizes alcohol or drug dependency as an illness and a major health problem. Additionally, the city also recognizes alcohol or drug abuse as a potential health, safety and security problem. The city understands that some employees are hesitant or afraid to ask for help, even when they are aware that they may have a drug and/or alcohol problem. Employees needing help in dealing with such problems will have one opportunity to ask for help without repercussion. They should contact the elected officials or their designee for guidance and direction. Every effort will be made to confidentially refer the employee who needs and requests such help to qualify for help. The employee will have one chance to seek such help without jeopardizing his/her job.

(D) Any employee who requests help and thereby takes time off from work will be required to pass an alcohol/drug test before he/she can return to his/her job.

(E) The city may require the employee to have periodic alcohol/drug tests.

(F) Any employee convicted of a criminal drug statute in the work place must inform the city within five days of such a conviction. When the city learns of the conviction, appropriate discipline action will be taken by the city against the employee.

(G) The city will implement the following policies:

(1) Pre-employment drug and alcohol testing.

(a) All applicants for positions with the city, as well as former employees seeking to be reinstated/rehired, will be notified of the city's drug and alcohol screening policy at the time they apply.

(b) As a condition of employment, the candidate will be required to pass a drug and alcohol screening, at the city's expense, before becoming employed by the city.

(c) The prospective employee will be denied employment if he/she fails the drug or the alcohol screening, or refuses to submit to the drug and alcohol screening.

(2) Random drug and alcohol testing.

(a) The city will test all full-time employees on a random basis, and all such tests will be unannounced. Any employee

will have an equal chance of being selected every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of the employees cannot be determined before or at the time of their selection. When an employee is randomly selected to be tested, he/she will be notified and instructed to report to the collection site immediately.

(b) An employee who tests positive for drugs and/or alcohol, will be suspended without pay for 15 calendar days. The employee will then be subject to random testing. If the employee tests positive a second time, he/she will be terminated.

(c) Any employee who refuses testing will be terminated.

(3) Reasonable suspicion screening.

(a) The city will administer a 12-panel alcohol and/or drug test when there are specific and objective reasons to believe that an employee's behavior is jeopardizing workplace safety. No test is to be performed until there is "cause" to believe that the employee is impaired and it is properly documented, preferably in writing by a city official.

(b) An employee who tests positive for drugs and/or alcohol to a reasonable suspicion drug and alcohol test will be suspended without pay for 15 days. The employee will then be subject to random testing. If the employee tests positive a second time, he/she will be terminated.

(c) Any employee who refuses testing will be terminated.

(4) Post-incident testing.

(a) The city will require a post-incident alcohol and drug test on any employee who is driving a city-owned vehicle or their personal vehicle on city time. The employee must submit to a post-incident drug and alcohol test as soon as possible after an accident, whenever:

1. He/she receives a citation for a moving violation involving the accident;
2. Either a person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or
3. One or more motor vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.

(b) Note: The police can also request that a test be done following an accident.

(c) An employee required to take a post-incident drug and alcohol test will, at the city's discretion, either be assigned to a

position that does not require driving city vehicles or placed on non-disciplinary suspension with pay while awaiting the post-incident test results.

(d) An employee who tests positive for drugs and/or alcohol, to a post-incident drug and alcohol test will be suspended without pay for 15 days. The employee will then be subject to random testing. If the employee tests positive a second time, he/she will be terminated.

(e) Any employee who refuses testing will be terminated.

(f) The employee must present any prescription to the elected officials at the time of collection or as soon as possible.

(g) If the employee tests positive for drugs or alcohol, he/she will be required to reimburse the city for the cost of testing.  
(Ord. 2012-12, passed 9-4-12)

§ 32.014 COMMERCIAL DRIVER'S LICENSE.

(A) Any city employee required to drive a city vehicle, which meets the federal regulations to be considered heavy equipment, will be required to maintain a Commercial Driver's License (CDL). These employees will be required to participate in city's alcohol and drug testing program as mandated by the Indiana Department of Transportation.

(B) If the employee is required by the city to maintain a CDL as a condition of employment, the city will pay for CDL physicals, but not CDL license renewal.

(C) The goals of the CDL drug and alcohol testing policy are to ensure a drug- and alcohol-free work environment, and to reduce and help eliminate drug- and alcohol-related accidents, fatalities and damage to property.

(D) Under the city's policy, drug and alcohol testing will be conducted on any current and/or prospective driver who may be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce, and on any driver of a motor vehicle that is used to transport hazardous materials in a quantity that requires the vehicle to be placarded regardless of the vehicle's size.

(E) All applicants for positions with the city that will include driving city equipment, and which meet the above requirements, will be notified of the city's drug and alcohol use and testing policy at the time they apply. They will be required to pass an alcohol and drug test before becoming employed by the city.

(F) A CDL driver must maintain his/her CDL license status or he/she may be terminated.

PERSONNEL POLICIES

§ 32.014

(1) Post-accident testing.

(a) Any employee carrying a CDL must submit to a post-accident drug and alcohol test as soon as possible after an accident, whenever:

1. He/she receives a citation for a moving violation involving the accident; or
2. Either a person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or
3. One or more motor vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.

(b) A department head on the scene can ask the employee to submit to drug and or alcohol test if they believe the situation warrants one, even if there is no personal injury or disabling vehicle damage.

(c) Note: The police can also request a test be done following an accident.

(d) An employee who is required to take a post-accident drug and alcohol test will, at the city's discretion, either be assigned to a position that does not require driving city vehicles, or placed on non-disciplinary suspension with pay while awaiting the post-accident test results.

(e) An employee who tests positive for drugs and/alcohol will be subject to disciplinary action, up to and including discharge.

(f) Any employee who refuses testing will be terminated.

(2) Random drug testing.

(a) The city is required to test CDL employees on a random basis, and all such tests will be unannounced. Every employee will have an equal chance of being selected every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of the individual drivers cannot be determined before or at the time of their selection. When a driver is randomly selected to be tested, he/she will be notified and instructed to report to the collection site immediately.

(b) An employee who tests positive for drugs and/or alcohol to a random drug and/or alcohol test will be subject to disciplinary action, up to and including discharge.

(c) Any employee who refuses testing will be terminated.

(3) Reasonable suspicion testing.

(a) Each CDL employee is required to submit to a drug and alcohol test whenever the city has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this section.

(b) Reasonable suspicion will exist when an employee's appearance, behavior, speech or body odors indicate drug or alcohol use, or the withdrawal effects of drugs. Such observations must be personally observed and documented by at least one city official who has received training covering the physical, behavioral, speech and performance indicators of probable drug and alcohol use. (If the trained individual is not available, the department head who observes the impairment will use his/her best judgment to determine whether a test is necessary.)

(c) An employee required to submit to a reasonable suspicion test will be escorted by his/her department head to the appropriate specimen collection site for the drug and alcohol test.

(d) The department head will arrange the transportation of the employee home at the completion of the test.

(e) An employee required to take a reasonable suspicion test will be considered by the city as unqualified to work and placed on immediate suspension, without pay, pending the results of the test. An employee whose test results are positive will not be reimbursed for the time of the suspension.

(f) An employee who tests positive for drugs and/or alcohol will be subject to disciplinary action, up to and including discharge.

(g) Any employee who refuses testing will be terminated.  
(Ord. 2012-12, passed 9-4-12)

§ 32.015 MANAGEMENT RIGHTS.

(A) The elected official reserves all rights afforded to the elected official by virtue of being an elected official, and all authority under the Indiana Code, together with all such other rights of management inherent by custom to such positions.

(B) The Council is responsible for determining compensation and benefits.

(C) Specifically, management (elected official) rights include, but are not limited to, the following:

(1) The right to manage through the implementation, enforcement, amendment, deletion or revision of policies, procedures, rules, regulations and directives.

(2) The right to control the efficiency of operations through organization

or reorganization of work methods or procedures, layoff or recall of employees due to operational or financial needs, and improvement in work methods, equipment, machinery and facilities.

(3) The right to direct the workforce through the determination of its size and number, including the right to determine the number of shifts required, work schedules and hours of employment, including the need for overtime or compensatory time.

(4) The right to select, retain and/or assign employees based upon qualifications and duties.

(5) The right to discipline employees, including suspension, termination, reduction in pay or position, and the right to promote and transfer employees as needed pursuant to established policy.

(6) The right to effectively, efficiently and economically manage the departments and functional areas by determining acceptable standards of conduct and performance.

(7) The right to determine the methods, means, equipment, materials and processes needed for the accomplishment of work.

(8) The right to establish the department's goals, objectives, programs, services and work to be performed, and to utilize personnel in a manner designed to meet these purposes and improve productivity.

(9) The right to determine when an emergency exists, and to implement actions and assignments deemed advisable and necessary to effectively respond to such emergencies.

(10) Consistent with city policy, the right and authority of each department head to promulgate and enforce any reasonable work rules, operational policies, and procedures necessary to carry out the mission, goals, objectives and functions of the departments and other functional areas.

(D) The elected official shall further have the right to promulgate and enforce any rules, regulations and procedures necessary to implement the personnel policies contained in this chapter.

(E) Such rules, regulations and procedures shall not conflict in any manner with the policies of this chapter and are only applicable to the particular department or office.  
(Ord. 2012-12, passed 9-4-12)

EMPLOYMENT§ 32.025 EMPLOYMENT STATUS.

All employees of the city shall be categorized as full-time, part-time, and seasonal/temporary.

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(A) Full-time employee. An employee who works an average of 37½-40 hours per week, or as designated by the elected official. Full-time employees are eligible for benefits.

(B) Firefighters. Refer to Department SOPs for classification of hours.

(C) Part-time employee. An employee who works less than a full-time employee on a regularly scheduled basis. Part-time employees are not eligible for benefits.

(D) Temporary/seasonal employee. An employee hired for a specific and limited amount of time of less than ten months in any calendar year. Temporary/seasonal employees are not eligible for benefits.

(E) Exempt employee. An employee classified as executive, administrative or professional according to provisions of the Fair Labor Standards Act (FLSA), plus any elected official, are not eligible for overtime pay.

(F) Non-exempt employee. An employee that does not meet the Fair Labor Standards Act (FLSA) exempt provision, and is eligible for overtime pay after 40 hours of work.

(G) Updating employee information. All employees must provide the Clerk-Treasurer with their current address and phone number. Changes in this information must be reported within five days of an employee changing their address or phone number. This way, the Clerk-Treasurer can inform payroll concerning insurance carriers, the IRS (for W-2 purposes), and any others requiring the information.

(Ord. 2012-12, passed 9-4-12)

§ 32.026 CLASSIFICATION PLAN.

(A) A classification plan based upon the duties and responsibilities of positions shall be maintained by the city. The plan shall include job descriptions, consisting of job titles, position summaries, job requirements and responsibilities.

(B) The department heads shall, as needed, review the duties and responsibilities of positions to recommend to the elected official, adjustments or revisions to the classification plan.

(C) Any employee may request that his/her position be audited for proper classification by requesting a review through the grievance procedure. Unless duties are substantially altered on a permanent basis, the employee may not request such a review for a year from the date of the disposition of the last review.  
(Ord. 2012-12, passed 9-4-12)

§ 32.027 MINIMUM JOB QUALIFICATIONS.

(A) It is the responsibility of employees to maintain the minimum qualifications of their classifications as established by the elected official and/or mandated by state or

federal law. The elected official shall determine the qualifications and requirements for each classification in the city.

(B) Employees failing to maintain the minimum qualifications of their classification, or who do not comply with state and federal requirements may be subject to either termination of employment or a reduction of position.

(C) If a vacancy exists in a classification for which the employee is qualified, the employee may be recommended for the position by the department head, with final approval granted by the elected official.

(D) An employee who is terminated pursuant to this section may reapply for employment upon meeting the minimum requirements of the classification. An employee who is reduced in position shall receive the rate of pay of the new classification, and may apply for his/her former position when a vacancy becomes available and the requirements of the position have been met. All employees are expected to make reasonable and diligent efforts to maintain the qualifications of their current classification.

(Ord. 2012-12, passed 9-4-12)

#### § 32.028 VACANCIES AND APPOINTMENTS.

(A) In the event the department head determines that a vacancy exists, a notice of such position opening shall be conspicuously posted for a period of five working days on the employee bulletin board in City Hall. The notice shall include the date of posting, as well as the date the notice expires. The Clerk-Treasurer shall do the postings.

(B) All announcements will specify the job title, nature of the job, required qualifications, and essential functions of the position, compensation range, application deadline and the place to file such applications.

(C) Any employee may apply for a posted vacancy provided he/she possesses the requisite minimum qualifications and is not a probationary employee. Criteria used in evaluating an applicant's qualifications may include such considerations as evaluations, aptitude, attendance records, education, training, prior work experience history, physical and mental fitness for the position, and length of service with the city, and the particular city department or office.

(D) In the event that no qualified employees apply or the department head determines that such position(s) should be filled from outside, the department head, at his/her discretion, may do so.

(E) An applicant for employment with the city must complete an employment application, including acknowledgment that he/she is a citizen of the United States, is a legal alien or has filed a declaration of intent to become one, and a declaration that all information provided is truthful.

(1) Falsification of any statements by the applicant shall be cause for denial of employment or termination from employment if discovered after the applicant has been hired.

(2) Evidence of a conviction of a felony that was not reported, or other conduct unbecoming a public servant of the city or posing a threat to the legitimate business concerns of the city or its various departments, shall also be cause for denial or termination from employment. However, prior criminal conviction(s) shall not be an automatic bar to employment.

(3) This application must be given to the Clerk-Treasurer's Office by the close of business on the last day of posting.

(F) Applicants may be subject to a background investigation.

(G) Upon determination of which applicants meet the minimum job-related qualifications, the applicant's knowledge, skill and ability to perform the essential functions of the position may be considered. Applicants shall be required to provide any information and undergo any job-related performance tests, reference checks, background checks, or other job-related procedures necessary to demonstrate qualifications for the position sought.

(H) Applicants selected for employment will be required to submit to drug and alcohol testing to determine their ability to perform the duties of the position for which they have been selected. Such examinations shall be conducted prior to commencement of employment and shall be a condition for acceptance as an employee of the city.

(I) In the event that an applicant has a disability that affects his/her abilities to complete employment testing, a request for reasonable accommodation, made by the applicant prior to the administration of the testing (including accessible testing sites, modified testing conditions, and accessible testing formats), will be evaluated to ensure that the application process is available to all qualified applicants.

(J) Requests for reasonable accommodations will be evaluated for applicants and employees with a handicap as required by law. Health and medical conditions shall only be a bar to employment if the employee or applicant's condition is still such that, after making reasonable accommodation, he/she could not perform the substantial and material aspects of the job. In addition, the department head may require an employee at any time to take a medical examination conducted by a licensed physician to be selected by the department head, if the department head has reason to believe the employee is no longer capable of performing the substantial and material portions of the duties and responsibilities of his/her position.



(K) In the event that the minimum requirements and qualifications of a classification are changed by external law or technological advancement, it shall be the sole responsibility of the employee to meet such new requirements within a reasonable period and maintain such qualifications. Employees failing to maintain the minimum requirements and qualifications of their classification in a reasonable amount of time may be subject to reduction in position and pay, provided a vacancy exists in a classification for which the employee is qualified, or termination if no such vacancy exists. The city has no obligation to create a vacancy for an employee failing to maintain the qualifications of his/her job.

(L) The department head may eliminate a prospective employee from consideration if he/she:

(1) Does not possess the knowledge, skill, and abilities necessary to effectively perform the duties of the vacant position;

(2) Has made a false statement of material fact on the application form or supplements;

(3) Has committed or attempted to commit a fraudulent act at any stage of the selection process;

(4) Is an illegal alien.

(M) An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements (i.e., inability to perform essential functions even though reasonable accommodations have been met). If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the elected official may terminate the employee for dishonesty, incompetence, nonfeasance or malfeasance. The city, through the department head, shall maintain a record-keeping system reflecting the disposition of all job applicants and the reasons for hiring or not hiring an applicant. Such records shall be kept on file for at least two years, and shall include a completed job application, medical examination data, test results, and/or any job-related information.

(N) Continued employment by the city is conditioned upon the employee maintaining the physical, mental and emotional ability to perform the substantial and material portions of his/her duties, and a satisfactory record of performance and discipline as determined solely and exclusively by the elected official and/or designees.

(O) If an applicant is hired and it is subsequently discovered the above disqualifying criteria apply, the elected official may terminate the employee.  
(Ord. 2012-12, passed 9-4-12)

§ 32.029 EMPLOYMENT ORIENTATION.

(A) An orientation program will be conducted for all newly hired employees of the city. The primary purpose of the orientation program is to acquaint new employees with city policies and departmental rules and procedures, the organization's structure, their position description, and to familiarize such new employees with facilities, equipment, and introduce them to department personnel and department heads.

(B) The elected official is responsible for establishing an orientation program for new employees.

(C) This orientation program may include, but is not limited to, such areas as:

(1) Clerk-Treasurer's responsibilities. The following should be completed before the employee's first day on the job:

- (a) Application;
- (b) Review city benefits;
- (c) E-verify;
- (d) I-9 Form;
- (e) W-4 Form;
- (f) Insurance forms;
- (g) Review this chapter.

(2) Department head's responsibilities.

- (a) Introduction to supervisor;
- (b) City philosophy;
- (c) Importance of attitude;
- (d) Employee dress code;
- (e) Reporting to work (time, place, daily and weekly work hours);
- (f) Employee parking area;
- (g) Where to store personal belongings while working;
- (h) Personal calls, e-mailing, texting, social networking;
- (i) Where to pick up payroll check;
- (j) Who to see if there is a question or mistake on payroll check;
- (k) Job description and training for new job;
- (l) Probationary period;
- (m) Overtime and compensatory time;

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- (n) Who to call if absent;
- (o) Safety in the workplace;
- (p) What to do in case of fire or other disasters;
- (q) First aid procedures in case of an emergency;
- (r) Whom to contact for suggestions for improvements, use of city equipment and/or vehicles, city grievance procedure;
- (s) Job and employee information postings;
- (t) Introduction to employees within the department;
- (u) Others as determined by the elected official.

(D) It is the responsibility of the Clerk-Treasurer and department heads to establish an orientation check-off list covering the above areas. The individual conducting the orientation will be required to check off each area after they have acquainted the new employee with this area, and obtain the employee's signature and date indicating the employee has completed the orientation program, and understands all information provided in each of the above areas. This checklist will be completed and sent to the Clerk Treasurer within seven days from the employee's first day of work. The signed and dated check-off list will be filed in the employee's personnel file in the Clerk-Treasurer's Office.  
(Ord. 2012-12, passed 9-4-12)

§ 32.030 PROBATIONARY PERIOD.

(A) Newly hired city employees shall be required to complete a probationary period of 90 calendar days. Such employees will be evaluated in writing on or about their completion of this probationary period. The evaluation will be discussed with the employee who then will be requested to acknowledge his/her review in writing.

(B) At the discretion of the elected official, the probationary period may be extended.

(C) Employees will be eligible for holiday pay after 30 days of employment.

(D) The probationary period allows management the opportunity to closely observe and evaluate the employee's fitness and suitability for the position to which they have been appointed.

(E) Only those employees who demonstrate an acceptable standard of conduct and performance during this period shall be retained in their positions.

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(F) If the service of a newly hired probationary employee is unsatisfactory, he/she may be terminated at any time during his/her probationary period.

(G) Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

(H) Police and Fire Departments will follow their SOPs on probationary period.  
(Ord. 2012-12, passed 9-4-12)

§ 32.031 PERFORMANCE EVALUATION.

(A) Employees' job performance will be reviewed before the end of probationary period.

(B) After the one-year review, an annual performance review for all employees may be given by their department head. At these reviews, the department head will discuss the employee's progress with the city, past accomplishments, performance shortcomings (if any), attendance, safety record, and overall performance on the job.

(C) The elected official may evaluate department heads annually.

(D) The Clerk-Treasurer may evaluate his/her staff.

(E) All evaluations shall be properly documented and kept in the employee's permanent personnel file in the Clerk-Treasurer's Office.  
(Ord. 2012-12, passed 9-4-12)

§ 32.032 EMPLOYEE FILE.

(A) The city maintains a confidential file for each employee, including (but not limited to) employment application, reference responses, attendance records and evaluation reports. A copy of any written disciplinary action shall be given to the affected employee and shall be placed in the affected employee's personnel file.

(B) Keeping your personnel file up-to-date can be important to you with regard to pay, deductions, benefits and other matters. If you have a change in any of the following items, please be sure to notify your department head:

- (1) Legal name;
- (2) Home address;
- (3) Home telephone number;
- (4) Person to call in case of emergency;
- (5) Number of dependents;
- (6) Marital status;
- (7) Change of beneficiary;

(8) Military or draft status;

(9) Exemptions on W-4 tax form.

(C) Coverage or benefits that the employee and the employee's family may receive under the city's benefits package could be negatively affected if the information in the employee's personnel file is incorrect.

(D) Since the city refers to the employee's personnel file in making decisions in connection with promotions, transfers, layoffs and recalls, it is to the employee's benefit to be sure his/her personnel file includes information about the completion of educational or training courses, outside civic activities, and areas of interest and skills that may not be part of his/her current position.

(E) Access to personnel files is allowed in accordance with applicable law.

(F) Upon written request, an employee may review their personnel file. This request must be signed, dated and given to the Clerk-Treasurer.

(G) Employee medical records will be maintained in accordance with HIPPA requirements.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.033 RESIGNATION.

(A) In the event that an employee intends to resign, he/she should notify the elected official, in writing, at least two weeks in advance of the effective date in order to assure continuity of operations.

(B) Employees who plan to retire are urged to provide the city with a minimum notice of one month or more. This will allow ample time for the processing of appropriate forms to ensure that any benefits to which an employee may be entitled commence in a timely manner.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.034 ON-THE-JOB TRAINING; CONFERENCES; PROFESSIONAL DEVELOPMENT.

(A) Employee's responsibility. It is the employee's responsibility to maintaining and upgrade job skills. Each individual administrator, department head, and employee bears primary responsibility for maintaining individual knowledge, skills and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change or to seek promotion. The city will facilitate those efforts and provide training from time to time.

(B) On-the-job training (OJT). On-the-job training prepares an employee to perform the responsibilities required of his/her position. It allows the employee to learn his/her job duties, proper procedures, and expected performance levels.

(C) Training program evaluation. The elected official may periodically examine current and proposed training programs in order to ensure the program's relevance to both the individual employee and organizational training needs.

(D) Training/schooling leave. The Clerk-Treasurer and city employees may obtain training/schooling leave without loss of pay for the purpose of participating in training/schooling that will increase their knowledge and efficiency in their position with the municipality. The straight eight hours per day will be paid while attending seminars, conferences or training classes.  
(Ord. 2012-12, passed 9-4-12)

#### EMPLOYEE BEHAVIOR AND CONDUCT

#### § 32.045 ETHICS; CONFLICT OF INTEREST.

(A) Purpose. The proper operation of the city requires that all official representatives be effective, independent, objective and accountable to the people they serve. To ensure these qualities are upheld, the city has adopted this section to promote and maintain the highest standards of personal and professional conduct in our community. All elected and appointed officials, employees, volunteers and others who participate in our government are required to subscribe to this code of ethics, understand how it applies to their specific responsibilities, and practice these core values in their work. Because we value the public's confidence and trust in our services and its decision-makers, our character and behaviors must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this section.

#### (B) Honesty and integrity.

(1) To act with moral courage.

(2) To make decisions for the public's best interests, even when they may not be popular.

(3) To not engage in any business that would be, directly or indirectly, inconsistent with the conscientious performance of public duties.

(4) To make no private promises of any kind that may unduly influence public duties.

(5) To accept the responsibility to:

(a) Expose corrupt practices and/or behaviors; and

(b) Where empowered to do so, protect from retaliation any public employee who has exposed corrupt practices and/or behaviors.

#### (C) Respect and civility.

(1) To treat others as you would wish to be treated.

(2) To accomplish one's individual employment goals and responsibilities, while respecting one's role as a member of a team and the community at large.

(3) To act in a professional and responsive manner.

(4) To work together in a spirit of tolerance and understanding.

(5) To work to build consensus and accommodate diverse opinions.

(6) To communicate effectively by listening carefully, asking questions, and responding in a way that adds value to conversations.

(D) Accountability and responsibility.

(1) To not participate in any decision where in which there is a conflict of interest or from which one's family, business, or professional associates may personally benefit.

(2) To not use one's position, public property or public resources for the personal benefits of one's self, one's family, one's business or professional associates.

(3) To never solicit or accept any favor or benefit for one's self or one's family, one's business or one's professional associates that might be construed as influencing one's performance or public duties

(4) To make full public disclosure of the nature of any conflict of interest prior to any action taken.

(5) To avoid disclosing or abusing the information gained by virtue of one's position for one's personal benefit or that of one's family, businesses or professional associates.

(6) To not engage in direct competition with the city while we are an employee, an appointed or an elected official.

(7) To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

(E) Fairness and justice.

(1) To promote non-discrimination in decision-making for the city, and to make decisions based upon the merits of the issue at hand.

(2) To recognize the function of government to serve the best interests of the citizens.

(3) To use one's authority to promote the efficient and effective delivery of public services.

(4) To refrain from proposing services where adequate resources are not available.

(5) To work to remedy the imbalance where inadequate resources adversely affect the best interest of the citizens.



(F) Behavior inconsistent with the values set forth in this section may be redressed by the traditional instruments of governance, including state law, ordinances and work rules.

(G) No employee shall use his/her position with the city for personal gain, nor shall he/she engage in any business or transaction in conflict with the proper discharge of his/her duties.

(H) No employee shall engage in, accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties, or would tend to impair his/her independent judgment or action in the performance of his/her official duties.

(Ord. 2012-12, passed 9-4-12)

§ 32.046 GROOMING; UNIFORMS.

(A) The city expects employees to be suitably attired and groomed during working hours. An employee may be required to wear a uniform. If so, an employee must wear the uniform appropriately and in its entirety.

(B) All employees must practice proper personal hygiene. Failure to comply with this policy may result in disciplinary action, up to and including discharge.

(C) The city is a place of business and staff should dress accordingly.

(D) Some employees are provided uniforms, whether bought or rented, which must be worn while on duty. If not dressed in clothing provided during a work period, the employee shall be sent home to dress in work clothes.

(E) Uniforms may only be worn while on duty.

(Ord. 2012-12, passed 9-4-12)

§ 32.047 CLOTHING ALLOWANCE.

(A) Employees in some departments will receive a clothing allowance as established by the City Council.

(B) Clothing allowances will be taxed according to IRS rules and included on the employee's W-2.

(C) Employees will have the option to rent shorts/pants from an outside vendor and be deducted from the established clothing allowance. Department heads will track the amount being paid to vendor, vendor will be paid and that amount will be deducted from employee's clothing allowance.

(D) All employees' clothing attire must follow OSHA laws and regulations.

(Ord. 2012-12, passed 9-4-12; Am. Ord. 2016-10, passed 7-5-16)

§ 32.048 EMPLOYEE FITNESS FOR DUTY.

The city has a strong commitment to provide a safe and healthy environment for its employees.

(A) All employees must be able to perform their job duties. If a department head deems an employee unfit to perform such duties, the employee will be subject to a written reprimand, up to and including being sent home for the day. Discipline for the same infraction may be cause for disciplinary action, up to and including termination.

(B) Fitness for duty will be determined when reasonable suspicion exists that the employee is unfit to continue working. When an employee's appearance, behavior, speech or body odors indicate he/she may have an illness, drug or alcohol use, or other health-related issues that could affect the entire staff or the employee's ability to perform his/her duties, he/she will be disciplined or sent home according to this policy. Such observations must be personally observed and documented by at least one department head. This department head will use his/her best judgment to determine whether disciplinary action or merely sending the employee home is required.

(C) An employee is obligated to notify his/her department head when reporting for duty or in the course of work, if the use of any substance, even if medically required, may adversely affect his/her ability to satisfactorily perform his/her normal job. (Ord. 2012-12, passed 9-4-12)

§ 32.049 BEHAVIOR.

(A) Always treat the public with respect. Employees are expected to adopt a friendly, courteous and service-oriented attitude towards the citizens of Portland.

(B) The use of a firearm, ammunition or other deadly weapons on city property or while on duty by city employees who are not police officers is strictly prohibited.

(C) By state law, employees may keep a firearm in their locked vehicle, out of site, on city property.

(D) Profane or vulgar language is not permitted while on duty.

(E) Personal telephone calls are acceptable, but should be limited. Receiving personal telephone calls at work shall be limited as much as possible. (Family and friends should be informed concerning this policy.) When telephone calls are necessary, employees should try to limit length of the call. No personal phone calls are allowed to be charged to the city's business numbers.

(F) Improper (i.e., immoral, unethical and unprofessional) use of the city's computers and the city's e-mail system will not be tolerated.

(G) Fighting, immoral acts, threats, intimidation or similar behavior aimed at the public or other employees will not be tolerated.

(H) Visits from family and friends while on duty should be limited.

(I) While not everything can be listed, employees should remember that their behavior should reflect the fact that they work for the public, and that their behavior could negatively affect the people they meet.

(J) Excessive complaints from the public against any employee will be investigated and may result in disciplinary action.

(K) Violation of federal, state or local laws and/or ordinances may result in disciplinary action, up to and including termination.

(Ord. 2012-12, passed 9-4-12)

§ 32.050 ATTENDANCE; LATE ARRIVAL; OCCURRENCE.

(A) Each employee is expected to be available to work as scheduled, to be at work at the beginning of his/her assigned shift, and to work until the end of the assigned shift, unless prior approval to do otherwise has been received.

(B) If an employee is unable to report to work as scheduled, will be late, or will need to leave early, he/she must report this information to the department head as soon as possible.

(C) If an employee is excused in advance from scheduled work, such absences will not count as an absence occurrence.

(D) Occurrences.

(1) Any employee not notifying the department head or not reporting to work at his/her scheduled start time will be considered to be on unauthorized leave, and receive a written warning (occurrence). This warning will be placed in the employee's file for the 12 months following the incident.

(2) If an employee has a second occurrence within the 12-month period, he/she will receive a second written warning to be placed in his/her file.

(3) If an employee has a third occurrence within the 12-month period, he/she shall receive a third written warning, and a hearing before the Board of Public Works to determine if a three-day suspension is warranted.

(4) If the employee has a fourth occurrence within the same 12 months he/she will be subject to termination pending a Board of Public Works Hearing.

(E) Occurrences will not be given if the employee is off work because of workers' compensation or FMLA.

(F) All city employees who are absent from their scheduled shifts for any reason, and do not have sick days accumulated, shall receive an occurrence for each shift they are

absent. If time is taken off with or without supervisor's permission, a city employee must use a sick day, personal day or vacation day if it is available.

(Ord. 2012-12, passed 9-4-12; Am. Ord. 2014-2, passed 2-3-14)

§ 32.051 OUTSIDE EMPLOYMENT.

(A) "EMPLOYMENT CONFLICTS," as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his/her position.

(B) Full-time employment by the city shall be considered the employee's primary occupation, taking precedence over all other occupations. Outside employment or "moonlighting" shall be a concern to the elected official only if it adversely affects the job performance of the employee's city job.

(C) Should the elected official feel that an employee's outside employment is adversely affecting the employee's job performance, the elected official may recommend, but may not demand, the employee refrain from such activity. However, any conflict, policy infractions or other specific offense directly resulting from an employee's participation in outside employment will subject the employee to discipline or discharge, in a manner consistent with the policies set forth in this chapter. (Ord. 2012-12, passed 9-4-12)

§ 32.052 PROGRESSIVE DISCIPLINE.

All employees are expected to perform their duties in a competent, efficient and professional manner. Further, employees are required to act courteously and cooperatively with their fellow employees, department heads and the public. When employee conduct falls below these standards, disciplinary action may be warranted.

In order to promote the common good and welfare of the city and its employees, the city has established rules of conduct. The commission of any of the acts listed below will result in disciplinary action ranging from verbal or written warnings to suspension or immediate discharge, depending on the act and the circumstances. This list is not exhaustive.

(A) Group I rules.

(1) If a violation of a Group I rule occurs, the department head will use the following procedures:

(a) Step 1. Corrective interview, confirmed in writing.

(b) Step 2. Violation of any Group I rule, within the calendar year, may subject the employee to up to three days suspension without pay.

(c) Step 3. Violations of any Group I rule, following a disciplinary suspension, will be subject to discharge, pending a review by a Board of Public Works (BPW) hearing.

(d) Step 4. The employee may request to have any written documentation

removed from his/her file at the end of 12 months from date of occurrence.

(2) The following list, which is not intended to be exhaustive, provides examples of disciplinary violations:

- (a) Excessive tardiness;
- (b) Unauthorized leave;
- (c) Leaving city premises during working hours without permission;
- (d) Failing to report absence within one-half hour of starting time;
- (e) Neglect of duty and/or failure to perform assigned duties;
- (f) Failure to follow established work procedures and policies;
- (g) Horseplay or use of machinery, equipment or tools in a hazardous manner;
- (h) Creating or contributing to any unsanitary condition;
- (i) Unauthorized use of bulletin boards;
- (j) Posting notices in unauthorized places;
- (k) Restricting one's own production or interfering with that of other employees;
- (l) Conducting personal business on city time;
- (m) Violating safety regulations;
- (n) Failing to make an immediate report of an occupational injury;
- (o) Fighting or committing an assault;
- (p) Failure to report an accident while on city time;
- (q) Failure to wear provided, department-approved uniforms;
- (r) Violation of the smoking policy;
- (s) Failure to report a traffic ticket while driving a city vehicle.

(B) Group II rules.

(1) Any violation of a Group II rule will result in the employee being relieved from duty with pay from three to five days, and may be subject to discharge, pending a BPW hearing.

(2) Examples of Group II disciplinary actions include, but are not limited to, the following:

- (a) Improper use of accident leaves or extended disability leave benefits;
- (b) Insubordination;
- (c) Illegal possession of firearms, weapons, explosives, and so forth, on city premises;
- (d) Disclosure of confidential city information to outsiders without proper authorization;
- (e) Completing another employee's time record or allowing another to complete one's time record;
- (f) Loafing, loitering or sleeping on the job;
- (g) Mistreatment of members of the public, fellow employees or supervisory personnel, or blatant disrespect of fellow employees, department head, citizens;
- (h) Using abusive or threatening language;
- (i) Using, selling or being under the influence of an illegal substance or a controlled substance not prescribed by a physician;
- (j) Disorderly, offensive or illegal conduct;
- (k) Falsifying any city records or employment application;
- (l) Stealing or committing any criminal offense on city property;
- (m) Damage to or improper use of city property, either willfully or through gross negligence;
- (n) Intentional making of scrap or waste;
- (o) Employee testing positive for drug and/or alcohol test;
- (p) Unauthorized use or possession of city property.  
(Ord. 2012-12, passed 9-4-12)

§ 32.053 EMPLOYEE APPEAL.

(A) In the event that disciplinary action must be taken against an employee, it will be for just cause and normally in a progressive manner in an attempt to correct an employee's behavior, except in those cases of gross or serious misconduct, where an employee may be subject to suspension, reduction or removal from employment for violation of Group II rules.

(B) In cases of possible suspension without pay, reductions in pay or position, or termination, an employee shall be notified of the charges in advance and be afforded the



opportunity to present evidence and witnesses on his/her behalf before disciplinary action. The hearing will be before the Board of Public Works. The employee may also be represented by third party if so requested.  
(Ord. 2012-12, passed 9-4-12)

§ 32.054 GRIEVANCE PROCEDURE.

(A) It is inevitable that misunderstandings and differences will arise when employees of the city are working together on a day-to-day basis. In order that employees have a formal process in which to have their problems and questions heard and appropriately resolved in a timely manner, the following grievance procedure is hereby established:

(1) Step 1.

(a) The employee will submit an oral grievance to the elected official within five working days of the action's occurrence. The elected official shall meet with the employee and make every effort to resolve the grievance within five working days of the date of the presentation of the grievance.

(b) If the grievance is against the elected official, the employee should contact the elected official.

(2) Step 2. If the grievance has not been settled in Step 1, the written appeal, along with all pertinent correspondence to date, shall be presented to the elected official within five working days of the receipt of the reply from Step 1.

(3) Step 3. After the written appeal, the Board of Public Works shall conduct a detailed hearing. The Board shall issue a final decision within ten working days of the date of presentation of the written grievance.

(B) Failure of the employee to submit his/her appeal within the time limits specified will result in the city considering the matter settled and closed, and shall constitute a legal defense in any legal action involving the employee.

(C) The time limits in the grievance procedure may be extended only by mutual written agreement of the parties due to extenuating circumstances.

(D) A grievance shall be considered resolved if, at any point, the grievant withdraws his/her grievance in writing, or fails to process the grievance within the specified time limits.  
(Ord. 2012-12, passed 9-4-12)

GENERAL POLICIES

§ 32.065 TRAVEL AND EXPENSE REIMBURSEMENT.

(A) An employee may be reimbursed for mileage at the federal government mileage rate for the use of privately owned automobiles for official business. However, such reimbursement may be made only if the employee carries motor

vehicle liability insurance as required by law, and demonstrates proof.

(B) An employee must file all receipts on a claim form. Employee must state the origin and destination of each trip in sufficient detail to account for the mileage claimed. No reimbursements are payable for travel between home and office. Claims, with original itemized receipts, must be turned into the Clerk-Treasurer's Office within seven days of the trip. Charges for parking are reimbursable on any day when an employee is entitled to claim reimbursement for mileage.

(C) Travel by commercial airlines, rail service, or bus will be reimbursed for the prevailing "tourist" or "coach" rate when authorized and supported by original receipts.

(D) On overnight trips, a subsistence pay not to exceed the amount of \$65 per day will be reimbursed when original itemized meal receipts are presented.

(E) On non-overnight trips, subsistence pay not to exceed the amount of \$50 per day will be reimbursed when original itemized meal receipts are presented.

(F) Such gratuity should be reasonable and not exceed 20%. The elected official may approve additional meal reimbursement, depending on the geographical location of the training.

(G) When separate checks are not available, an employee may claim reimbursement for other employees, up to the maximum amount provided for in the preceding section multiplied by the number of employees, provided that each employee is identified by name and that an original receipt is provided.

(1) Payment for meals will only be made to the individual submitting the claim.

(2) No meals will be reimbursed for meals already provided for in a registration fee.

(H) By IRS regulations, non-overnight meals are taxable as wages to the employee.

(I) Lodging shall be reimbursed when supported by original receipts in the following manner:

(1) Single occupancy will be reimbursed at the conference event rate.

(2) Reimbursement for lodging costs shall include room costs, associated local taxes, and necessary business-related charges.

(3) Room service will not be reimbursed.

(J) Personal expenses incurred in traveling are not reimbursable, including but not limited to, personal telephone calls, laundry,

entertainment, in-room movies and alcoholic beverages.  
(Ord. 2012-12, passed 9-4-12)

§ 32.066 HEALTH AND SAFETY.

(A) In accordance with the Occupational Safety and Health Act of 1970, the city has established that, as a matter of policy, a safe and healthful workplace shall be provided for all employees. The Mayor has the ultimate responsibility and authority for compliance with the federal and state laws pertaining to occupational safety and health.

(B) Each employee is to work in a safe manner, and observe the safety procedures as instructed by his/her department head.

(C) Any employee who has a valid prescription for a narcotic and is required to take the medication during work hours is required to inform his/her department head of the prescription. This employee will not be allowed to operate a city-owned vehicle or heavy equipment.

(D) Any accident hazards or unsafe conditions of equipment are to be corrected or immediately reported to the employee's department head, who will then notify the Mayor or his/her designee. The designated safety officer will be the central point of contact for OSHA/IOSHA issues. Nothing in this appointment shall reduce the responsibility or authority of department heads from the effective and ongoing performance of OSHA/IOSHA.

(E) If an employee has an accident involving a city vehicle that causes property damage or an injury requiring medical attention, the employee will be subject to an alcohol and drug test.

(F) Workers' compensation forms will be filed for all injuries. All department heads or their designee will file their report, on behalf of the employee, within 24 hours of the accident. The degree of injury does not matter. If the employee has complications later, a properly completed form will allow the treatment to be covered by workers' compensation.

(G) If an employee is injured and is physically unable to complete the balance of the workday, he/she shall be paid for the remainder of that day. Further absence may require the employee to apply for benefits pursuant to workers' compensation.

(H) The city's compliance with applicable OSHA/IOSHA laws, standards, policies, and the like shall be monitored and documented by the Clerk-Treasurer.  
(Ord. 2012-12, passed 9-4-12)

§ 32.067 MATERIAL DATA SAFETY SHEET (M.S.D.S.).

(A) The city will maintain and utilize appropriate material safety data sheets on any

products, chemicals or substances used in the city operation that is required by federal law.

(B) In cases where an employee may come into contact with such substance and medical treatment is necessary, a copy of the material safety data sheet will accompany the employee to the medical facility.  
(Ord. 2012-12, passed 9-4-12)

§ 32.068 BLOOD-BORNE PATHOGENS.

Several departments within the city may have occupational exposure to blood or other potentially infectious material.

(A) Universal precautions will be observed at the city in order to prevent contact with blood or infectious materials. All blood and potentially infectious material will be considered infectious, regardless of the perceived status of the source of the individual.

(B) Employees should not compress trash in waste cans, as it would be easy to be stuck by a needle or other sharp object. Employees should not place their hand on the bottom of trash bags for support as they could be stuck by sharp objects in the bag. Employees should examine the bags before picking them up to be sure there are no sharp objects sticking out of the bag.

(C) Hand-washing facilities are also available to employees who incur exposure to potentially infectious materials. Employees should wash as soon as possible.

(D) Protective gloves should be worn whenever possible.

(E) When performing CPR, proper face guards must be used.

(F) Do not reuse gloves, face guards or other protective equipment.

(G) All employees will be provided annual training on blood-borne pathogens.  
(Ord. 2012-12, passed 9-4-12)

§ 32.069 HIPAA PRIVACY.

(A) The HIPAA Privacy Rule ("Standards for Privacy of Individually Identifiable Health Information") provides national standards for protecting the privacy of health information. The Privacy Rule regulates how certain entities, called covered entities, use and disclose certain individually identifiable health information, called protected health information (PHI). "PHI" is individually identifiable health information transmitted or maintained in any form or medium (e.g., electronic, paper or oral), but excludes certain educational records and employment records.

(B) The Protected Health Information Privacy Rule protects certain information that covered entities use and disclose. This

information is called "PROTECTED HEALTH INFORMATION (PHI)", which is generally individually identifiable health information transmitted by, or maintained in, electronic media or any other form or medium. This information must relate to (1) the past, present or future physical or mental health, or condition of an individual; (2) provision of health care to an individual; or (3) payment for the provision of health care to an individual. If the information identifies or provides a reasonable basis to believe it can be used to identify an individual, it is considered individually identifiable health information.

(C) The city will maintain the employee's health and medical records in accordance with the requirements of HIPAA.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.070 TOBACCO POLICY.

(A) Recognizing that the use of tobacco may cause hazards to the health of smokers and non-smokers alike, no smoking will be permitted in city-owned or occupied buildings or vehicles.

(B) Smoking is prohibited within eight feet of any door of city buildings.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.071 USE OF TOOLS AND/OR EQUIPMENT.

(A) (1) Employees are allowed to use city, materials, tools, equipment and labor for personal and private use during non-work time, with approval from the department head and Mayor.

(2) The employee will be responsible for payment of any repair or replacement of city equipment damaged or destroyed while in the employee's possession.

(B) Employees may not expend labor during scheduled work hours for work not related to city business. This prohibits any employee from performing private work for himself, another employee or a non-employee.

(C) If an employee is injured while using city tools or equipment, he/she may be required to take a drug and/or alcohol test.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.072 USE OF CITY VEHICLES.

(A) Any city employee required to operate a city vehicle in the course of his/her employment shall be subject to reassignment or other appropriate personnel action in the event of license revocation, suspension or arrest for a DUI.

(B) Employees required to operate city vehicles during the course of their employment must immediately report any condition that adversely affects their ability to operate such vehicle(s) and/or equipment.

(1) These employees must be able to meet insurability standards and requirements of the city liability insurance provider.

(2) These employees must also maintain a valid driver's license.

(C) Employees must not permit unauthorized drivers or passengers in city vehicles, unless on official business or approved by the elected official.

(D) Reimbursement for necessary emergency road service and repairs, parking and highway-related tolls require appropriate receipts for reimbursement.

(E) In the event of an accident, employees must do the following:

(1) Assist any injured party if possible and call 911;

(2) Do not move any vehicles unless instructed to do so by proper police authority;

(3) Write down all pertinent facts, such as the other driver's name, address, telephone number, license plate number, driver's license number, Social Security number, and name of insurance, policy number, name, address and telephone number of any injured party or witnesses;

(4) Employees should not admit any fault or make any oral or written statements, but should give their name, address, telephone number, and so forth; and

(5) Employees should notify the elected official and submit a written report as soon as possible.

(F) If an employee has an accident involving a city vehicle that causes property damage or an injury requiring medical attention, the employee will be subject to an alcohol and drug test.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.073 TAKE-HOME VEHICLES.

(A) Employees may not use City Vehicles for personal use. (Police officers and firefighters should refer to their own SOPs on this policy.)

(B) City employees assigned a city vehicle for duty for domicile travel are subject to Internal Revenue Service rulings regarding such usage. The use of such a vehicle for commuting is considered by the IRS to be a taxable benefit. A value must be established and the total annual amount reported to the IRS on the employee's W-2 Form.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.074 SOLICITATION AND DISTRIBUTION.

The following policy on solicitation and distribution is hereby adopted by the elected

official as to all city premises, including but not limited to, the various administrative offices, locations and work sites.

(A) Non-employees of the city who intend a solicitation and distribution visit to the interior premises of the city's facility shall give the Mayor and/or Clerk-Treasurer not less than 24 hours notice of each visit. Such notice shall be accompanied by a list of persons intending access and a designated time. All solicitation and distribution activity by non-employees shall be confined to non-work time and in non-work areas designated by the city, and must not jeopardize health and safety. Exceptions to this are at the sole discretion of the Mayor and/or Clerk-Treasurer, and may include such persons as suppliers, vendors and manufacturer's representatives who make regular visits with the continuing knowledge of the Mayor and/or Clerk-Treasurer.

(B) City employees are not permitted to engage in solicitation of others on city premises.

(C) The elected official may regulate any solicitation and distribution activity by any employee or non-employee that disrupts or interferes with the normal work of the city on its premises, or in areas under the operational control of the city.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.075 CONFIDENTIAL INFORMATION.

In the course of employment with the city, an employee may have access to confidential information, including but not limited to, information about any new city projects, accounting records, personnel records, insurance records, the community, and their families. The employee shall not use, disclose or divulge confidential information to any third party without prior authorization.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.076 HOURS OF WORK.

(A) The elected official shall establish the standard workday, workweek, and the starting and quitting times for each department, taking into account current and anticipated workloads, public service needs, and other factors. No established schedule shall be construed as a guarantee of work hours or as a restriction of the city's right to restructure the workday or workweek.

(B) The city is open for business Monday through Friday, 52 weeks a year, unless there is a scheduled holiday. Employees should contact the elected official for the hours of operation for their department. Employees of the Clerk-Treasurer's Office shall contact that department for hours of operation.

(C) Subject to the discretion of the department head, employees may be allowed to take one 15-minute rest break during any

four-hour work period. Such breaks shall not interfere with the proper performance of the employee's work.

(D) Employees shall receive an unpaid lunch period.

(E) Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days or weeks.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.077 TIME SHEETS.

(A) Time sheets shall be used by all city employees.

(B) Time sheets shall be submitted to the employee's department head for approval. All time sheets shall be signed by the employee and the department head.

(C) An employee's work time shall be calculated in 15-minute increments, calculated to the nearest quarter hour, except as otherwise provided for herein. If an employee arrives at his/her work site before their scheduled starting time, the employee should not clock in more than ten minutes before their starting time, and strive to clock out not later than ten minutes after their normal quitting time.

(D) Each employee shall be responsible for his/her own time sheet, and shall ensure that the actual hours worked and time taken is recorded accurately. Each employee must personally clock in and out. Falsification of a time record is a breach of city policy and is grounds for disciplinary action, up to and including termination.

(E) Salaried employees are required to keep an accurate written record of the days and hours worked.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.078 COMPUTERS, INTERNET AND E-MAIL.

This section was adopted by the Board of Public Works and Safety (the "Board") to assist in fulfilling its goal of ensuring proper and productive use of computer, network, Internet and telecommunication technology by employees, contractors and other users of the city's computer and telecommunications technologies.

(A) The Board hereby directs and resolves that all users of the city's computer and telecommunications technology have the affirmative responsibility for professional, productive, lawful and ethical use of the city's computer resources.

(B) To this end, the Board mandates adherence to the rules, regulations, policies and standards by all users of the city's computer and telecommunications technology, including, but not limited to, city employees, independent contractors and others that may be granted access and use of such technologies. Employees and others to which this section

applies may be subject to legal actions, termination, suspension, employment probation and other potential sanctions, including in some cases possible criminal sanctions, for failure to abide by the policies contained in this section.

(C) These policies shall be followed when using any of the city's computer and telecommunications technologies, which shall include, but are not limited to, computer work stations, servers (application and mail servers), and intranet networks. The city's computer and telecommunication resources include, but are not limited to, the following: host computers, file servers, application servers, mail servers, fax servers and fax machines, communications servers, workstations, laptops, software, and internal or external computer and communications networks (including Electronic Data Interchange networks, Internet, newsgroup, commercial online services, bulletin board systems, and e-mail systems) that are accessed directly or indirectly using telecommunication and computer technology owned, leased or otherwise controlled by the city, or used by any party to which these policies apply in furtherance of the city's goals.

(D) The city may, but is not obligated to, institute programs to monitor all aspects of its computer and telecommunications technologies. Monitoring activities may include, but are not necessarily limited to, monitoring the Internet activity of users, including web sites visited, newsgroups visited, chat group activity, materials that are downloaded or uploaded, reviewing and monitoring e-mails sent and received, and monitoring the total time involved in Internet-related activities.

(E) Any computer and telecommunications technology used by users and any e-mail and web accounts established by the city for the use of users are for use only in furtherance of the job responsibilities and for the betterment of the city. Use is limited to business purposes of the user and such technology is not to be used for the personal purposes of the user.

(F) Users are placed on notice that they should have no expectation of privacy in their use of the city's computer and telecommunications technologies. All users hereby waive any and all rights to privacy in their usage of the city's technology and in any item or file that they create access, store, send or receive using the city's technology. City representatives are authorized to access, inspect and review any and all materials that any users create, store, access, send, transmit or receive using the city's technology, and users hereby consent to the same.

(G) All uses of the city's computer and telecommunications resources and services

shall be subject to the following rules, regulations, policies and standards:

(1) Users shall comply with all software licenses and copyrights, and with all state, federal and international laws governing intellectual property and online activities. Users shall not be permitted to make any unauthorized copies of software resident on any of the city's technology.

(2) Users shall not engage in any fraudulent, harassing, embarrassing, sexually explicit, obscene, intimidating, defamatory, or other unlawful or inappropriate material, whether through transmission of e-mails, posting in newsgroups, involvement in chat rooms or any other form of electronic communications. Such material may not be sent by e-mail or other forms of electronic communication. Users encountering or receiving such material, or observing or gaining knowledge that others subject to these policies have violated these mandates, shall immediately report the incident to their supervisor.

(3) No person subject to these policies is authorized to engage in any chat room discussions using the city's technology, unless consent is obtained from the user's supervisor who certifies that such activity is in furtherance of the city's business and prospects, and is not for the personal benefit or pleasure of the user. No person shall be authorized to place any web pages, postings, or other promotional materials promoting the city or its products or services without the consent of the Board.

(4) Without prior written permission, the computer and telecommunications resources and services of the city may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is, viruses or self-replicating code), political material, or any other unauthorized use.

(5) Content of all authorized communications should be accurate and concise. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communication. Anything created on the computer may, and likely will, be reviewed by others.

(6) Users are prohibited from sending, receiving, distributing or disclosing any confidential and proprietary information of the city, unless expressly directed to do so by the user's supervisor in furtherance of a valid city interest. Failure to abide by this provision can subject the user to discipline as well as potential civil and criminal penalties.

(7) No user is permitted to install software of any kind on the city's technology. Only software that is placed on the computer technology by the MIS Department shall be authorized. In the event that a user needs

additional software not provided by the city, the user shall make a written request for such software, which shall include the bona fide business purpose and function to be accomplished using the software. Users are not authorized to install or use any encryption software except as directed by the city. No passwords or encryption keys not provided by the city shall be utilized. All passwords shall be reported to the appropriate city representative, who shall maintain a log of all such passwords.

(8) Any material authorized and brought onto the city's computers, or authorized and downloaded from the Internet or provided from any other source, shall be first scanned for viruses or other destructive elements. Any such items shall be reported to the MIS Director, who shall assure that appropriate virus scanning is performed. Until such virus scanning is performed, even where such item is authorized, it shall not be placed on the city's computers.

(9) Users shall not send unauthorized or unsolicited e-mail to any party. Bulk e-mailing is strictly prohibited.

(10) All e-mail communication with the city's inside or outside legal counsel shall include a legend identifying such material to be confidential communications with the city's legal counsel and protected by the attorney-client privilege.

(11) No user is permitted to access, copy or open a file created by another user without first obtaining the permission of the author of such file.

(12) Users shall take all steps necessary to safeguard any password assigned for their use. Passwords shall be committed to memory and shall not be auto-saved, stored on the computer or the network, printed, kept in written form or other hard copy. Users are prohibited from accessing the city's computers and networks using any password other than the password that is specifically assigned to the user.

(13) Users shall comply with all export restrictions applicable to the city's technology. Specifically, no items, including encryption technology or other restricted technology, may be placed on the Internet or otherwise transmitted, by e-mail or otherwise, in any way that could potentially permit access to such materials from outside of the United States.

(14) Notwithstanding any term hereof, all users shall be bound by and abide by all other policies, directives and guidelines established by the city. All such items shall apply to the user's activities using the city's technologies.

(15) The city is not responsible for material viewed or downloaded by users

from the Internet. Users are cautioned that the Internet is a worldwide network of computers that contains millions of pages of information. Many of these pages include offensive, sexually explicit, and inappropriate material. Users accessing the Internet do so at their own risk.

(16) These policies may be amended and/or restated by the city at any time. Users shall comply with all such policies as amended.

(H) Users agree to abide by all of the requirements of this section and understand that failure to abide by these requirements may result in sanctions, including but not limited to, adverse employment actions, suspension, employment probation, demotions, termination, and potential civil and criminal liability.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.079 CELL PHONES.

(A) Some city employees may receive a city cell phone.

(1) City cell phones may only be used for city business.

(2) Employees in possession of a city-owned cell phone are expected to protect the equipment from loss, damage or theft.

(3) Upon resignation or termination of employment, the employee will be required to return the equipment to the city.

(4) The Clerk-Treasurer or his/her designee will periodically audit cell-phone invoices to ensure compliance with this section.

(B) While at work, employees are expected to exercise the same discretion in using a personal cell phone as is expected with city phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with the employee's job. All calls should be kept to a minimum.

(C) Employees who violate this policy will be subject to disciplinary action, up to and including termination.  
(Ord. 2012-12, passed 9-4-12)

#### § 32.080 HANDING CITIZENS' QUESTIONS AND COMPLAINTS.

(A) All citizens should be treated with respect and courtesy. Employees should not engage in arguments, debates or lengthy discussions with private citizens regarding the city's policies, procedures or services.

(B) Any employee who receives a complaint from a private citizen should refer that individual to his/her department head.  
(Ord. 2012-12, passed 9-4-12)

§ 32.081 POLITICAL ACTIVITY.

(A) Employees may not participate in any partisan or non-partisan political activity while on-duty or off-duty in a uniform required by, used by, or identified with any department of city government.

(B) Employees may not use municipal vehicles for any political activities.

(C) Any municipal employee found violating any provisions of this policy is subject to reprimand, suspension or dismissal from city employment.  
(Ord. 2012-12, passed 9-4-12)

§ 32.082 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AT-WILL EMPLOYEE." An employee who may voluntarily leave employment or may be terminated by the city at any time, with or without cause.

"CITY." The City of Portland, Indiana.

"DISTRIBUTION." Includes the passing out of any type of literature, advertising, handbills, circulars, forms or any other memorabilia

"ELECTED OFFICIAL." The Mayor, Clerk-Treasurer, and/or Council

"EMPLOYEE." Any person in the employ of the city in any status.

"EXEMPT." Employees classified as executive, administrative or professional according to provisions of the Fair Labor Standards Act (FLSA), plus any elected official, who are not eligible for overtime pay.

"HOLIDAY PAY." Pay based on eight hours of straight base pay.

"HOURLY." Employee paid bi-weekly at an "HOURLY" rate.

"NON-EXEMPT." All employees that do not meet the Fair Labor Standards Act (FLSA) exempt provision are entitled to overtime pay. For most employees, however, whether they are exempt or "NON-EXEMPT" depends on:

- (1) How much they are paid;
- (2) How they are paid; and
- (3) What kind of work they do.

"NON-WORK AREA." Any area on or off the city's premises not designed as a work area.

"NON-WORK TIME." Includes any time during an employee's workday where the employee is completely relieved of work duties, such as break time and lunch time.

Whether an employee is in paid or unpaid status during these times is immaterial to the designation of "NON-WORK TIME."

"SALARIED." An employee paid a predetermined amount of compensation bi-weekly.

"SOLICITATION." Includes, but is not limited to, an act that requests, urges or seeks to induce an employee to give or obligate him/her to pay money for any cause or for any reason, or to sign any document indicating membership in any obligation, association or group, or indicating support for or a pledge to any such organization, association or group.

"WORK AREA." Includes, but is not limited to, offices, work sites, locations, conference rooms, common areas, and corridors leading directly thereto, and such other areas essential to the performance of an employee's duties.

"WORK WEEK." The scheduled starting and quitting time each week, for each position, as determined by the elected official  
(Ord. 2012-12, passed 9-4-12)

## WAGES AND HOURS

§ 32.100 PAYROLL.

(A) Payroll is paid bi-weekly and will be available by the end of business on pay day. All required deductions will be made according to the law.

(B) All non-elected personnel will be required to maintain a time record.

(C) Straight time will be paid to hourly employees working 40 hours or less per workweek. Work performed by hourly employees in excess of 40 hours in a week will be considered "OVERTIME," and will be paid at the rate of time and one-half the employee's regular rate of pay. "BENEFIT HOURS" (vacation, holiday pay, personal leave, and the like) are not considered time worked for computing overtime.

(D) The city is required by law to make certain deductions from a city employee's paycheck each time one is prepared. Among these deductions are federal, state and local income taxes, and contribution to Social Security as required by law. These deductions will be itemized on the payroll check stub. The amount of the deductions may depend on the city employee's earnings and on the information furnished on his/her W-4 Form regarding the number of dependents and exemptions claimed. Any change in name, address, telephone number, marital status or number of exemptions must be reported to one's supervisor immediately, to ensure proper credit for tax purposes. The W-2 Form the city employee receives for each year indicates precisely how much of his/her earnings were deducted for these purposes.  
(Ord. 2012-12, passed 9-4-12)

§ 32.101 DIRECT DEPOSIT.

All employees are required to have their paychecks direct deposited.  
(Ord. 2012-12, passed 9-4-12)

§ 32.102 OVERTIME.

(A) Any employee may be required to work in excess of the normal workday or workweek to meet operational demands. Overtime for non-exempt employees will be addressed under the guidelines set out by the FLSA (Fair Labor Standards Act) and treated accordingly. Eligibility for overtime shall be based upon all hours in "active pay status."

(B) Overtime is generally discouraged and is usually performed only when the department head determines it is necessary. All overtime must be approved by the employee's department head in advance, except in unusual or emergency situations.

(C) Exempt employees are not subject to the overtime payment requirements of the FLSA due to the nature of their work. These employees are expected to have flexible working hours, which may exceed 40 hours in a week. These individuals do not expect to receive overtime pay.

(D) When computing overtime, benefit hours will not be considered as time worked.  
(Ord. 2012-12, passed 9-4-12)

§ 32.102.5 FLEX TIME (CIVILIAN AND POLICE).

(A) Flex time is a work schedule with time of arrival and departure that differs from the department's standard operating hours.

(B) It is encouraged that flex time be used within the same pay period.

(C) Supervisors approve flex time on a case by case basis.

(D) Employee must first discuss the possible flex time arrangement with their supervisor and then submit a written request using a Flex Time Request Form.

(E) The supervisor will approve or deny the flex time request based on the staffing needs.  
(Ord. 2018-6, passed 4-16-18)

§ 32.103 LONGEVITY PAY (POLICE AND FIRE).

Police officers and firemen shall receive longevity after their probationary period as required by their respective departments. Details of longevity pay shall be listed in the city salary ordinance.  
(Ord. 2012-12, passed 9-4-12)

§ 32.104 CLOTHING ALLOWANCE (POLICE AND FIRE).

After police officers and firemen complete their probationary period of one year, they will begin receiving a clothing allowance. The amount of allowance is set forth in the city salary ordinance.  
(Ord. 2012-12, passed 9-4-12)

§ 32.105 PENSION PLAN.

The city has elected to participate in the Public Employees Retirement Fund ("PERF"). Employees should contact their department head or the Clerk-Treasurer for more information.  
(Ord. 2012-12, passed 9-4-12)

§ 32.106 GARNISHMENTS.

A court-ordered legal claim against the wages of an employee by legal authority is a "GARNISHMENT," and shall be recognized and executed by the city. When a garnishment is received for an employee, the Clerk-Treasurer's office will notify the employee.  
(Ord. 2012-12, passed 9-4-12)

HOLIDAYS VACATIONS AND LEAVES

§ 32.115 HOLIDAYS.

(A) After 30 days of employment, all employees are entitled to the following federal holidays (subject to change yearly):

- (1) New Year's Day, January 1;
- (2) Good Friday, the Friday before Easter;
- (3) Memorial Day, the last Monday in May;
- (4) Independence Day, July 4;
- (5) Labor Day, the first Monday in September;
- (6) Veterans Day, November 11;
- (7) Thanksgiving, the fourth Thursday in November;
- (8) The Friday after Thanksgiving, the fourth Friday in November;
- (9) Christmas Eve, December 24;
- (10) Christmas Day, December 25.

(B) All holidays are approved by the City Council.

(C) All employees are entitled to the above holidays, but only full-time employees will be paid for the day.

(D) If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.

(E) If a holiday occurs while an employee is on vacation, such vacation day will not be charged against his/her vacation leave.

(F) Employees must work the scheduled day before and the scheduled day after a holiday in order to be paid for the holiday, unless they are on a scheduled vacation or a personal day.



(G) An employee scheduled to return from a non-paid leave on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the end of the last business day preceding a holiday is also presumed to be on leave during the holiday, and will not receive compensation for the holiday.

(1) On call employees.

(a) An employee who is "ON CALL" is required to be available to respond to the workplace in a timely manner. The definition of "ON CALL" is being designated to answer calls for his/her respective department during non-scheduled hours.



(b) On call employees completing a required check, as required by Water and Wastewater Departments, will receive a minimum of a one hour compensation at the rate of time and one-half per required check for time worked, up to and including one hour. On call employees responding to all other call outs will receive a minimum of a one hour compensation at the rate of time and one-half. An employee who is called in to work by the supervisor for any reason will be paid at his/her regular rate of pay, up to 40 hours actually worked in that pay period, at which time additional hours will be paid at the rate of time and one-half.

(2) Holiday on call.

(a) An employee who is on call on a paid holiday will receive eight hours holiday pay at his/her regular rate of pay.

(b) In addition, he/she will receive a minimum of a one hour compensation at the rate of time and one-half per required check, as required by Water and Wastewater Departments, for time worked up to and including one hour.

(c) An employee who is called in to work on a holiday by the supervisor for any reason will be paid at his/her regular rate of pay, up to 40 hours actually worked in that pay period, at which time additional hours will be paid at the rate of time and one-half.

(H) Holiday pay shall be at straight-time pay. If an employee is scheduled to work on a holiday, the employee will be given the holiday on a different day.

(I) The holiday schedule may be amended by the Mayor, with written notice, and distributed to all departments within city government.  
(Ord. 2012-12, passed 9-4-12; Am. Ord. 2013-1, passed 3-4-13; Am. Ord. 2014-14, passed 7-21-14)

§ 32.116 VACATION (CIVILIAN).

(A) Full-time civilian employees shall be entitled to annual vacation leave with pay according to the following schedule:

(1) On the employee's one-year anniversary, he/she will receive one week (40 hours) of vacation with pay.

(2) On January 1 of the year in which the two-year anniversary occurs, the employee will receive one week of vacation. He/she will receive an additional one week upon his/her anniversary.

(3) The employee will receive two weeks of vacation each year thereafter through nine years of employment.

(4) On January 1 of the year in which the ten-year anniversary occurs, the employee will receive two weeks of vacation. He/she

will receive an additional one week upon his/her anniversary.

(5) The employee will receive three weeks of vacation each year thereafter through 14 years of employment.

(6) On January 1 of the year in which the 15-year anniversary occurs, the employee will receive three weeks of vacation. He/she will receive an additional one week of vacation upon his/her anniversary.

(7) The employee will receive four weeks of vacation each year thereafter.

(B) A "WEEK'S VACATION" shall mean one calendar week, Sunday through Saturday (40 hours).

(C) Vacation leave will be granted at a time that is mutually acceptable to the employee and the department head. The person with the most longevity will be given preference. Employees are advised to schedule their vacations as far in advance as possible. (A minimum of five days is preferred.)

(D) Vacation must be taken by the end of the year in which it is received without permission of the department head.

(E) Upon termination of employment, an employee leaving in good standing will be paid for all unused vacation time in a lump sum.

(F) Subject to prior provisions limiting the accumulation of vacation days, an employee who becomes an elected official will not forfeit his/her vacation days accumulated during the year that he/she takes public office. If the employee retires from elected office, the employee will be paid for the accumulated vacation days in the same manner as a retiring employee. Should an employee return to his/her previous position from public office, the accumulated vacation days will remain available for use or continue to accumulate to retirement. Nothing in this provision should be interpreted as allowing vacation days in excess of one year's allowed vacation days to accumulate.  
(Ord. 2012-12, passed 9-4-12)

§ 32.117 VACATION (POLICE AND FIRE).

Police officers and firemen employed after July 1, 1986, after serving the probationary period as required as a member of their respective departments, shall receive vacation weeks as follows:

(A) Two weeks per year vacation after serving the probationary period required by their respective departments.

(B) Three weeks per year after ten years with their respective departments.

(C) Four weeks per year after 15 years with their respective departments.

(D) A "WEEK'S VACATION" shall mean one calendar week, Sunday through Saturday (40 hours).  
(Ord. 2012-12, passed 9-4-12)

§ 32.118 SICK LEAVE (CIVILIAN AND POLICE).

(A) (1) Full-time employees shall receive sick leave with pay after six months of employment.

(2) The employee will receive one day of sick leave per month on the first day of the month.

(B) Six of the sick days per year may be used for personal days with the consent of the department supervisor.

(C) (1) Unused sick leave will be converted into accumulated sick days at the end of the year (not to exceed 720 hours).

(2) Employees hired after January 1, 2013, may only accumulate 360 hours.

(D) Sick leave will not accrue during any pay period in which the employee does not receive compensation.

(E) The department head may request a physician's written certification of illness after three days of consecutive sick leave.

(F) To be eligible for sick-day benefits, all employees must have reported for work or called in reporting the sickness or injury. Hourly employees shall call their department head. In the absence of the department head, calls shall be directed to the Mayor's Office. Salaried employees shall call or report the absence to Mayor's Office.

(G) If an employee reports to work and becomes sick, he/she may be paid for the actual hours worked, and may utilize sick leave, if available, for the remaining hours he/she is scheduled to work.

(H) The employee or someone on his/her behalf shall notify in the above order the absence of the employee as soon as possible prior to the scheduled hours of work. It is preferred that the call be made at least one hour prior to the employee's starting time.

(I) At retirement, employees will be reimbursed for 50% of unused sick days.

(1) For the purposes of this section, "RETIREMENT" refers to employees who are eligible to retire under PERF or Social Security regulations.

(2) Accumulated sick days will be paid in a lump sum of one check after the last day worked.

(J) A full-time employee who becomes an elected official will not forfeit his/her accumulated sick days. If the employee retires from elected office, the employee will be paid for the accumulated sick days in the same manner as a retiring employee. Should an employee return to his/her previous position from public office, the accumulated sick days will remain available for use or continue to accumulate until retirement. (Ord. 2012-12, passed 9-4-12)

§ 32.119 SICK LEAVE (FIRE).

(A) After six months of employment, full-time, regular firefighters will receive one sick day each quarter, on the first day of January, April, July and October.

(B) (1) Current firefighters may accumulate up to 720 hours of sick leave.

(2) Firefighters hired after January 1, 2013, may only accumulate 360 hours of sick leave. (Ord. 2012-12, passed 9-4-12)

§ 32.120 BEREAVEMENT LEAVE.

(A) Bereavement leave must be arranged with the appropriate department head through a written request. This must be done as soon as practical. The request must be executed by the employee. It must state the relationship between the deceased and the employee, and the length of time needed for the requested absence.

(B) Upon the death of a member of immediate family (spouse, mother, father, son, daughter, brother, sister) an employee will receive a maximum of three working days leave with pay. Employees shall receive one day leave with pay upon the death of the following relatives: grandparents, grandchild, brother-in-law, mother-in-law, father-in-law, sister-in-law, niece, nephew, aunt, uncle, step-parent, step-child and step sibling. The department head has discretion to grant three days of leave to be charged against earned vacation or sick or personal time for death of someone other than those listed above.

(C) For employees who have been recently hired by the city and who have not earned any vacation, sick or personal time, the Mayor may grant, at his or her sole discretion, time off without pay upon their request. (Ord. 2012-12, passed 9-4-12; Am. Ord. 2013-3, passed 5-20-13; Am. Ord. 2014-2, passed 2-3-14; Am. Ord. 2014-18, passed 8-4-14)

§ 32.121 COURT LEAVE.

(A) If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, the employee shall be compensated for such time.

(1) However, all compensation received for such court service shall be signed over to the city.

(2) Employees will be reimbursed by the city for any mileage received and turned in to the city.

(B) The employee will be expected to report for work following jury duty, if a reasonable amount of time (two hours or more) remains during his/her scheduled workday.

(C) The city will not reimburse employees when appearing in court for criminal or civil cases, when the case is being heard in

connection with the employee's personal matters, unless the employee utilizes unused vacation or personal time.  
(Ord. 2012-12, passed 9-4-12)

§ 32.122 MILITARY OR RESERVE SERVICE.

(A) Reserve training. IC 10-5-8-1, 10-5-8-2, and 36-8-5-8 require that Indiana National Guard, Defense Corps, Naval Militia, and all U.S. Armed Forces reserve component members be authorized up to 15 working days leave with pay per calendar year for training purposes.

(B) Documentation. Along with requests for such leave, employees are required to submit the published order authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.

(C) Active duty. A full-time employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Public Health Service, Civil Defense, or is drafted in the Merchant Marine Service, shall (in accordance with existing law) be entitled to reemployment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required and reports for work within 90 days of such discharge, or within 90 days after he/she is released from hospitalization continuing after discharge for a period of not more than one year. He/she shall be employed in the position or a similar position to the one held at the time of entry into the Armed Forces. All salary adjustments or position upgrades shall be granted to the employee upon reinstatement. In the event his/her former job no longer exists, he/she shall be employed in a position for which he/she is qualified, at a salary comparable with the one he/she formerly received.

(D) Employees who serve in United States military organizations or state militia groups may take the necessary time off without pay to fulfill this obligation, and will retain all of their legal rights for continued employment under existing laws. These employees may apply accrued personal leave and unused earned vacation time to the leave if they wish; however, they are not obliged to do so.  
(Ord. 2012-12, passed 9-4-12)

§ 32.123 FAMILY MEDICAL LEAVE ACT (FMLA).

(A) Eligibility. The Family and Medical Leave Act of 1993 (FMLA), enacted February 5, 1993, allows for "eligible" employees to request and, if approved, receive up to a total of 12 weeks of unpaid leave during any 12-month period for four circumstances:

(1) Because of the birth of a child of the employee and in order to care for the child;

(2) Because of the placement of a child with an employee for adoption or foster care;

(3) Because a spouse, parent or child (including biological, adopted, foster and stepchildren) of the employee has a "serious health condition" that requires care by the employee; or

(4) Because the employee suffers from a "serious health condition" that prevents the employee from being able to perform the functions of his/her position.

(B) Eligible employee defined. An "ELIGIBLE EMPLOYEE" is an employee that has been on the city payroll for at least 12 months, and has worked at least 1,250 work hours during the 12 months preceding the request for leave.

(C) Requests in writing. Requests are to be made in writing to the employee's department head with approvals as required.

(D) Notice requirements for birth or adoption of child. In the case of a leave for the birth of a child or adoption, an employee is required to provide not less than 30 days advance notice, or as much advance notice as possible, of the intent to take leave.

(E) Other notice requirements. Employees seeking leave for a foreseeable medical treatment for himself or herself, or a family member, must also give 30 days notice, or as much notice as possible, and attempt to schedule the treatment so that the leave does not unduly disrupt city operations.

(F) Certification of request. The city has the right to request that the medical leave be properly certified by the health care provider, and the employee is to provide such certification in a timely manner. If an employee requests a leave to care for a family member, the certification must confirm that this is necessary and contain an estimate of the amount of time involved. When intermittent medical leave is sought, the certification must recite the anticipated dates and duration of treatment.

(G) Employee resignation. Failure to return to work on the determined return-to-work day will be considered as a resignation by the employee.

(H) Approval or denial of FMLA.

(1) The Clerk-Treasurer shall notify the employee orally or in writing within two business days as to the approval or denial of his/her FMLA request, and that any sick, personal or vacation leave will be set off against the leave pursuant to the department head's policy regarding it (see division (I) below).

(2) Oral notice will be followed by written confirmation by the following payday.

(3) If the department head is late in complying with these notice requirements, paid leave may only be set off against FMLA leave prospectively, once notice is given (see division (I) below).

(4) The department head shall note the starting and ending dates of leave, reinstatement procedures, and utilization of accrued paid leave.

(5) The department head shall send a copy of this written notice to the Clerk-Treasurer's Office.

(6) The Clerk-Treasurer's Office shall notify the employee as to the status of insurance coverage and the employee's contribution, if applicable.

(I) Utilization of accrued paid leave.

(1) Employees are required to utilize accrued paid leave for all or part of the FMLA 12-week period.

(2) Unpaid FMLA shall be authorized when all eligible accrued paid leaves have been exhausted (PTO, vacation).

(3) Family and Medical Leave and paid leave, for conditions that qualify under FMLA, run concurrently.

(4) The entire 12-week FMLA is not in addition to the paid leave, just any remaining portion after the paid leave time is subtracted.

(J) Leave period.

(1) An eligible employee may take up to 12 workweeks of FMLA during a 12-month period. The 12-month period shall be measured forward from the date the employee's first FMLA begins (e.g., an employee whose eligible FMLA begins September 15, 2012, is entitled to up to 12 weeks from September 15, 2012, through September 14, 2013).

(2) Employees may request intermittent or reduced leave schedules to accommodate medically necessary treatment in connection with a serious health condition. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular 12-week schedule. If intermittent or reduced leave is approved, the department head may require the employee to schedule the leave so as not to unduly disrupt the department operation, or the employee may be placed in an alternate position that better accommodates the intermittent leave schedule.

(K) Insurance coverage during FMLA.

(1) Employees are entitled to maintain the same health benefits during the FMLA.

(2) However, it is the employee's responsibility to arrange through the

Clerk-Treasurer for his/her portion of the contribution of monthly premiums.

(3) Should an employee fail to return to work after his/her FMLA expires; the department head may recover from the employee the city's share of health insurance premiums paid during the period of unpaid FMLA.

(4) Insurance premiums may not be recovered if the employee fails to return to work due to the continuation, recurrence or onset of a serious health condition, or circumstances beyond the employee's control.

(L) Working while on family and medical leave.

(1) An employee who is self-employed, accepts other employment, or works for any other employer during a Family and Medical Leave, must report such work immediately to the Clerk-Treasurer.

(2) An employee who is self-employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion that the employee performed for the city, during Family Medical shall be considered to have terminated employment with the city as of the date of such employment began.

(3) Employees described in the immediately division (L)(2) above may be required to reimburse the city for the employer-paid portion of group health insurance premium contributions made while the employee was on leave.

(M) Job restoration.

(1) During Family and Medical Leave, every effort will be made by the city to hold an employee's position open until he/she returns to work.

(2) However, based upon the necessity of continuing operations during an employee's absence, the city may choose to fill any non-elected position. If the position is filled while an employee is on the FMLA, the city will make every effort to place the employee in an equivalent position, with equivalent pay, benefits, and other terms and conditions of employment. In addition, the position into which the employee is placed will have substantially similar duties.

(3) Note: If an employee's position is eliminated during the time of Family and Medical Leave, through layoff or restructuring, the employee will not be entitled to return to his/her former or an equivalent position.

(4) The city does not have "light duty" positions, but if a health care provider indicates in writing that an employee is not able to perform all the essential functions of the position, the employee may perform his/her job with restrictions. The city will make every effort to cooperate with a doctor's

written orders for restrictions placed on an employee in order for the employee to perform meaningful and necessary work the city needs done. Arrangements for restricted work must be made in writing and approved by the department head in advance of an employee's return.

(5) The city does have a return-to-work policy. Employees should contact the Safety Officer for details of this policy.

(6) Employees whose FMLA was for their own personal medical conditions must, prior to reinstatement, submit a medical certification to the Clerk-Treasurer as to their ability to return to work, subject to a second medical opinion as deemed necessary by the department head, or a third medical opinion as provided in the Family and Medical Leave Act.

(7) Employees on FMLA who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of his/her positions, shall be considered to have voluntarily terminated employment as of the date of the release.

(8) Employment will be terminated if an employee is not able to return to work at the end of the FMLA. There may be exceptions to termination required under the ADA; the city will comply with ADA.

(N) Definitions under the Family and Medical Leave Act.

"CHILD." A son or daughter, including a child 18 years or older who is incapable of self-care because of a mental or physical disability.

"FOSTER CARE." Placement of a child with the employee through a formal agreement for substitute care requiring state action, rather than an informal arrangement to take care of another person's child

"PARENT." A biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). An in-law is not considered a "PARENT" under this definition.

"SERIOUS HEALTH CONDITION." An illness, injury, impairment or physical/mental condition that involves a period of treatment that requires absence from employment for more than three calendar days, and involves care by a health care provider. "SERIOUS HEALTH CONDITION" also includes prenatal care and continuing treatment of chronic or long-term incurable conditions.

"SPOUSE." A husband or wife. Unmarried domestic partners do not qualify for FMLA to care for their partner.

(O) Determination of a "serious medical condition". The Clerk-Treasurer's Office will assist city employees with any questions

in determining a "serious health condition" under the Family and Medical Leave Act.

(P) Workers' compensation and FMLA. An Absence resulting from a work-related injury or illness (workers' compensation) will be considered as FMLA leave time, if the employee has worked for city for at least 12 months and for a minimum of 1,250 hours (not including holidays) in the immediately preceding calendar year.

(Q) Notification of FMLA while on workers' compensation. The employee will be mailed the notification that they are being placed on FMLA during their absence from work while on workers' compensation.

(R) Amendment of FMLA. On January 28, 2008, President Bush signed into law H.R. 4986, the National Defense Authorization Act for FY 2008, which amends the Family and Medical Leave Act of 1993 (FMLA) to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." Under the first of these new military family leave entitlements, eligible employees who are family members of covered service members will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

(S) Qualifying exigency leave. The second new military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation.

(1) This provision makes the normal 12 workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation.

(2) The Department's final rule defines "QUALIFYING EXIGENCY" by referring to a number of broad categories for which employees can use FMLA leave:

- (a) Short-notice deployment;
- (b) Military events and related activities;
- (c) Childcare and school activities;
- (d) Financial and legal arrangements;

- (e) Counseling;
  - (f) Rest and recuperation;
  - (g) Post-deployment activities;
- and
- (h) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

(3) Definitions.

"ACTIVE DUTY." Duty under a call or order to "ACTIVE DUTY" under a provision of law referred to in of 10 U.S.C. § 101(a) (13) (B).

"COMBINED LEAVE TOTAL." During the single 12-month period described in the definition of "OUTPATIENT STATUS" below, an eligible employee shall be entitled to a combined 26 workweeks of leave.

"COVERED SERVICE MEMBER." A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"NEXT OF KIN." With respect to an individual, the nearest blood relative of that individual.

"OUTPATIENT STATUS." With respect to a covered service member, the status of a member of the Armed Forces assigned to:

1. A military medical treatment facility as an outpatient; or
2. A unit established for providing command and control of members of the Armed Forces receiving medical care as outpatients.

"SERIOUS INJURY OR ILLNESS." In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

(T) Aggregate leave for spouses. The aggregate number of workweeks of leave to which both a husband and wife (if they are employed by the city) under this leave may be limited to 26 workweeks during the single 12-month period.  
(Ord. 2012-12, passed 9-4-12)

INSURANCE COVERAGE

§ 32.130 GROUP HEALTH INSURANCE; LIFE INSURANCE.

Full-time city employees will be offered insurance benefits, including health and life

insurance. Eligibility for any such insurance benefits is governed by the terms of the applicable insurance policy. Eligible employees should contact their department head or the Clerk-Treasurer for more information on the city's insurance benefits.  
(Ord. 2012-12, passed 9-4-12)

§ 32.131 WORKERS' COMPENSATION.

Workers' compensation insurance provides coverage for work-related injuries and illnesses as required under the workers' compensation laws of the State of Indiana. Workers' compensation insurance covers all authorized expenses related to the treatment of a work-related illness or injury, and provides "lost time benefits" when an employee must be absent from work on a workers' compensation disability leave.

(A) Reporting a work-related injury or illness.

(1) Any illness or injury related to an employee's work assignment must be reported to the Clerk-Treasurer so that, if possible, the necessary forms can be completed and sent with the employee prior to evaluation and treatment. The city will inform an injured employee of its approved medical facility at the time of injury.

(2) The department head or injured employee must notify the Clerk-Treasurer as soon as possible so that all claims and compensation can be administered properly and in a timely manner.

(3) All work-related injuries will require a drug/alcohol screening.

(B) Compensation and benefits for an absence resulting from a work-related injury or illness and a workers' compensation disability leave.

(1) Lost-time benefits due to a work-related injury or illness begin on the eighth calendar day following an employee's absence because of a work-related injury or illness. If an employee wishes to be paid for work missed during the first seven calendar days, he/she must use any accrued time.

(2) If the absence from work extends longer than 21 calendar days, the initial seven-day waiting period will be retroactively paid by the workers' compensation insurance carrier.

(C) Insurance coverage. Group health insurance coverage and other insurance benefits will continue on the same basis, as coverage would have been provided had the employee been continuously employed during the period of a workers' compensation disability leave, as long as the employee pays his/her regular portion of the premium on a timely basis. Employees must arrange with the Clerk-Treasurer's Office to pay their portion of this insurance coverage.  
(Ord. 2012-12, passed 9-4-12)



## Section

- 33.01 Program Coordinator designated
- 33.02 Transition plan; compliance with federal regulation
- 33.03 Grievance procedure
- 33.04 Assistance to those unable to present complaint

§ 33.01 PROGRAM COORDINATOR DESIGNATED.

The Clerk-Treasurer is designated as the Program Coordinator for the city handicap plan.  
(Ord. 1984-8, passed 10-4-84)

§ 33.02 TRANSITION PLAN; COMPLIANCE WITH FEDERAL REGULATION.

The Mayor and Clerk-Treasurer shall execute a transition plan that shall become a part of this Code of Ordinances to implement compliance with the Federal Rehabilitation Act of 1983.  
(Ord. 1984-8, passed 10-4-84)

§ 33.03 GRIEVANCE PROCEDURE.

Pursuant to the policies of the city to provide handicapped individuals access to city service and facilities and to further provide a method whereby handicapped individuals may file complaints with the city regarding any alleged lack of access to those facilities and services, there is established the following grievance procedure for such complaints:

(A) (1) Any handicapped individual may file a written complaint with the Clerk-Treasurer during regular business hours stating what service or facility that handicapped individual is being denied. The written complaint should be specific in what service has been denied, when it was denied, and how it was denied.

(2) Those handicapped individuals unable to submit a written complaint by reason of their handicap will be assisted by the Clerk-Treasurer in filing a complaint.

(B) The Clerk-Treasurer will then make an investigation of the alleged failure to provide services or facilities by the city and will make a recommendation to the Common Council regarding that grievance. The Clerk-Treasurer's recommendation will be communicated to the complaining party and will become the action of the Council unless objected to by the complaining party.

(C) The Common Council will hear any appeal from the recommendation of the Clerk-Treasurer.

(D) The Clerk-Treasurer will notify the aggrieved party within 14 days of the filing of the complaint of his recommendation. He will further notify the aggrieved party that they have a right to appeal the Clerk-Treasurer's recommendation and to be heard by the full Council at a regularly scheduled Council meeting upon notice by the aggrieved party that they wish to be heard by the full Council.

(Ord. 1984-8, passed 10-4-84)

§ 33.04 ASSISTANCE TO THOSE UNABLE TO PRESENT COMPLAINT.

Any person unable to communicate their objections to the recommendation of the Clerk-Treasurer will be assisted by an individual designated by the Mayor in the presentation of their complaint.

(Ord. 1984-8, passed 10-4-84)



Section

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- 34.01 Payment of membership dues to organizations
- 34.02 Use of city credit cards
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- 34.58 Watson Excavating Retainage Fund
- 34.59 FAA Grant Fund
- 34.60 FAA Grant Fund - Land Acquisition
- 34.61 LOIT special distribution fund
- 34.62 Muhlenkamp Building Corp. Retainage Fund
- 34.63 Community Crossing Matching Grant Fund
- 34.64 Motor Vehicle Funds - Unallocated and Allocated
- 34.65 Milestone Contractors, LP, Retainage Fund
- 34.66 FAA Grant Fund- Engineering
- 34.67 Cross Roads Lease - Spray Patcher Fund
- 34.68 Cross Roads Lease - Wheel Loader Fund
- 34.69 OCRA - Sewage Fund

- 34.70 Street Department Nonreverting Equipment Fund
- 34.71 OCRA - Grant Fund
- 34.72 Sanitation Fund
- 34.73 DNR Grant Fund
- 34.74 Insurance Surplus Fund
- 34.75 ARP Coronavirus Fiscal Recovery Fund
- 34.76 Aviation Fund
- 34.77 Safe Haven Baby Box Donation Fund
- 34.78 Opioid Settlement Funds
- 34.79 Pool Nonreverting Equipment Fund

GENERAL PROVISIONS

§ 34.01 PAYMENT OF MEMBERSHIP DUES TO ORGANIZATIONS.

(A) The Common Council is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the city, and the elected and appointed officials and members of the municipality's boards, Council, departments, or agencies in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

(B) The Common Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs.  
(Ord. 1982-4, passed 6-21-82)

Cross-reference:

Mayor's Promotional Fund, see § 34.36

§ 34.02 USE OF CITY CREDIT CARDS.

The Mayor and the Clerk Treasurer are hereby authorized to obtain a credit card in the name of the city for the purpose of acquiring supplies and services on behalf of the city. Both the Mayor and the Clerk-Treasurer shall be authorized to use the credit card for the purposes set out herein, as well as a city employee with specific authority from the Mayor or the Clerk Treasurer.

(A) The administration of the city is hereby authorized to secure and maintain one or more credit cards in the name of the city for use by properly authorized city representatives in carrying out the business of the city and to pay a reasonable annual fee if to do so is determined to be in the city's best interests.

(B) Charges shall only be made on the credit card to purchase items or services, which are included and authorized in the budget of the city. All purchases or payments made with a credit card remain subject to any and all other policies, written or unwritten, regarding purchases and payments.

(C) Payment should not be made on the basis of a statement or a credit card slip only. Credit card receipts shall be received by the Clerk-Treasurer's office in a timely

manner to allow proper payment. The person using the credit card shall provide the Clerk-Treasurer with a copy of the itemized credit card receipt with written particulars of:

(1) The purpose of the purchase;

(2) The line item from which the purchase is to be paid.

(D) No improper charges, interest, carrying charges, penalties or taxes will be paid. Procedures for payments should be no different than for any other claim. Supporting documents such as paid bills and itemized receipts must be available. Additionally, any interest or penalty incurred due to late filing or furnishing of documentation by an officer or employee should be the responsibility of that officer or employee.

(E) No credit card issued to the city shall be used for a private or other non-city purchase.

(F) Improperly documented charges or those charges shown to be unnecessary in carrying out the city's business and any finance charges resulting from the use of the card shall be the responsibility of the person making the charge and subject to collection as any other city claim.

(G) If claims are not properly itemized and documented, those claims shall be returned to the employee user for correction.

(H) The credit card may not be used to bypass the accounting system.  
(Res. 2006-4, passed 6-19-06)

§ 34.03 COPYING COSTS.

The Clerk-Treasurer shall collect ten cents per page as a copying fee for the copying of one page of a standard-sized public record. For a larger than standard-sized public record the copying fee shall be the cost incurred by the Clerk-Treasurer in obtaining the copy. The copying fee shall be collected by the Clerk-Treasurer before the copy of the public record is released.  
(Ord. 2013-7, passed 5-20-13)

§ 34.04 DOWNTOWN FACADE FUNDING PROGRAM.

(A) There is hereby established in the city a Downtown Facade Funding Program ("Program").

(B) The Program shall be administered by the Downtown Facade Funding Committee ("Committee"), which shall consist of:

(1) Two members of the Portland Redevelopment Commission, who are appointed by the Commission; and

(2) Two members of the Portland Historic Preservation Commission, who are appointed by the Commission and the Mayor.

(C) The Committee shall establish guidelines for the funding of the Program.

(D) All projects must adhere to the Portland Downtown Historic District design guidelines.

(E) Initial funding shall be provided by \$25,000 in TIF funds and \$25,000 in CED1T funds. Additional funds may be provided.

(F) The TIF funds shall be deposited into one separate fund and the CED1T funds shall be deposited into one separate fund, which funds will be appropriated and maintained by the Clerk-Treasurer.

(G) The Clerk-Treasurer shall pay all approved project claims from either account as determined by the Clerk-Treasurer.  
(Ord. 2009-21, passed 11-16-09; Am. Ord. 2014-17, passed 8-4-14)

Cross-reference:

Downtown Commercial Historic District, see T.S.O. VI  
Historic districts, conservation districts and guidelines, see § 155.04

§ 34.05 INTERNAL CONTROL STANDARDS.

(A) The City of Portland finds that its mission as related to an internal control system is as follows:

(1) Provision of a democratic governmental structure at the grassroots level;

(2) Provision of services as determined through the political process including but not limited to the Police, Fire Utilities, Parks, MVH (Street Department), Mayor's Office, Clerk-Treasurer's Office, City Court, Plan Commission and Common Council.

(3) Promotion of government efficiency, accountability, reliability and transparency; and

(4) Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors.

(B) The City of Portland finds that its interrelated and often overlapping objectives as related to an internal control system are as follows:

(1) Operations Objectives which involve the ways governmental services are performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.

(2) Reporting objectives which involve the filing of financial and nonfinancial information to those inside the government and those outside of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.

(C) The City of Portland adopts and directs the minimum level of internal control

standards and internal control procedures for an internal control system that includes the following five standards to promote government accountability and transparency as described in the Uniform Internal Control Standards for Indiana Political Subdivisions guidance document from the State Board of Accounts dated September 2015 and as thereafter modified:

- (1) Control Environment.
- (2) Risk Assessment.
- (3) Control Activities.
- (4) Information and Communication.
- (5) Monitoring.

(D) The City of Portland adopts and directs the following principles in explanation of the pertinent standards above be followed at all levels of the city government:

(1) Control environment:

(a) The oversight body and management demonstrate a commitment to integrity and ethical values.

(b) The oversight body oversees the city's internal control system.

(c) Management establishes an organizational structure, assigns responsibility and delegates authority to achieve the city's objectives.

(d) Management demonstrates a commitment to attract, develop and retain competent individuals.

(e) Management evaluates performance and holds individuals accountable for their internal control responsibilities.

(2) Risk assessment:

(a) Management defines objectives clearly to enable the identification of risks and defines risk tolerances.

(b) Management identifies, analyzes and responds to risk related to achieving the defined objectives.

(c) Management considers the potential for fraud when identifying, analyzing and responding to risks.

(d) Management identifies, analyzes and responds to significant changes that could impact the internal control system.

(3) Control activities:

(a) Management designs control activities to achieve objectives and respond to risks.

(b) Management designs the city's information system and related control

activities to achieve objectives and respond to risks.

(c) Management implements control activities through policies.

(4) Information and communication:

(a) Management uses quality information to achieve the city's objectives.

(b) Management internally communicates the necessary quality information to achieve the city's objectives.

(c) Management externally communicates the necessary quality information to achieve the city's objectives.

(5) Monitoring:

(a) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

(b) Management remedies identified internal control deficiencies on a timely basis.

(E) The City of Portland adopts the internal control standards above so as to establish an effective internal control system for the city through its design, implementation and operation.

(F) The City of Portland directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the city, promote reliability, accountability and transparency of financial and non-financial information and to assure compliance with laws and regulations for each office, department and personnel (as defined below) for an effective and reasonable internal control system of the city.

(G) The City of Portland authorizes the Clerk-Treasurer to review the current internal control system of the City of Portland and adopt a policy for the future internal control system to be effective after June 30, 2016 and perform an annual review, or more if determined necessary for compliance with this section.

(H) The personnel, whether an official or employee, of the City of Portland whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the city now and as modified in the future.

(I) The personnel of the City of Portland whose official duties include receiving,

processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and procedures and any other standards and procedures determined necessary by the city and shall cooperate with the city fiscal officer or designee so that the fiscal officer can timely certify to the State Board of Accounts that the training was received annually by the personnel as provided by law.

(J) The City of Portland authorizes the Clerk-Treasurer to determine the position and person who are the personnel referred to in divisions (H) and (I) above and notify such personnel.

(K) The Clerk-Treasurer and the Deputy Clerk-Treasurer will perform internal control activities. Jointly they will develop and implement a policy.

(L) All elected and appointed officials and employees of the City of Portland are hereby directed to abide by and to cooperate fully in the implementation of the internal control system of the City of Portland.

(M) An employee who fails to abide by or cooperate with the implementation, compliance and certifications connected with the Internal Control System commits a violation of and may result in the discipline, including termination, of the employee.

(N) An elected or appointed official of the City of Portland who fails to abide by or cooperate with the implementation and the mandated certifications of the Internal Control System may be subject to any action allowed by law.

(O) This section may be implemented by any and all of the following actions or such others as authorized by this Council or the Clerk-Treasurer, (a) posting a copy of Ordinance 2016-8 in its entirety in at least one of the locations in the city where it posts employer posters or other notices to its employees; (b) providing a copy of Ordinance 2016-8 to its employees and elected and appointed officials; (c) providing or posting a notice of the adoption of Ordinance 2016-8; or (d) any such other action or actions that would communicate the policies established by Ordinance 2016-8 to its employees and elected and appointed officials.  
(Ord. 2016-8, passed 6-6-16)

§ 34.06 REPORTING MATERIAL ITEMS.

(A) The Common Council hereby endorses the city's declaration, attached as Appendix to Resolution 2016-1, regarding a policy on materiality and a process for reporting material items.

(B) The Common Council calls upon all city officials, employees and agents to enforce and comply with the policy on

materiality and process for reporting material items and to report noteworthy items to the Clerk-Treasurer.

(C) The Common Council directs the Clerk-Treasurer to monitor, as it deems necessary, compliance with the policy on materiality and process for reporting material items and report noteworthy items to the full Common Council.

(D) The Common Council asks the Clerk-Treasurer to advise them of any changes in the policy on materiality and process for reporting material items.  
(Res. 2016-1, passed 2-1-16)

§ 34.07 PROCEDURES FOR THE PAYMENT OF CLAIMS.

(A) Issuance of warrants. Money may be paid out of the City Treasury only on warrant of the City Clerk-Treasurer. Unless otherwise provided by state law (such as wire transfers or EFTs), the Clerk-Treasurer may draw a warrant against a fund of the city only if an appropriation has been made for that purpose, the appropriation is not exhausted, it is for funds that are not appropriated, and the fund balance supports the payment of that warrant.

(B) Approval and order for issuance. The Common Council must approve the claims docket at their first meeting each month. The Clerk-Treasurer shall prepare the claims docket and submit it to the Common Council and the Mayor for approval.

(C) Warrants that may be paid prior to Common Council approval.

(1) The following types of warrants are allowed to be paid prior to Common Council approval:

- (a) Utility payments;
- (b) Grants for federal or state funds;
- (c) Principal and interest on bonds;
- (d) Payroll, including direct deposits;
- (e) State, federal or county taxes;
- (f) Expenses that must be paid because of emergency circumstances;
- (g) Registration fees associated with conferences, seminars, or workshops that city employees wish to attend;
- (h) Credit card payments;
- (i) Insurance premiums;
- (j) Claims for self-insurance;
- (k) License fees or permit fees;

(l) Maintenance agreements or service agreement payments to avoid penalties;

(m) Lease agreements or service agreements;

(n) Payment of sales tax or gross income tax;

(o) Reimbursement to the city for water meter deposits applied;

(p) Payments to vendors that provided services or goods to the city, and for which a delay of payment incurs penalties or late payment charges.

(2) Each payment of expenses outlined in division (A) of this section must be supported by a fully itemized accounts payable voucher.

(3) Council will review on the next docket and allow the payment of the pre-approved claim.

(C) Audit and investigation of claims.

(1) The Clerk-Treasurer may audit a claim against the city by examining under oath any officer, agent or employee of the city or any other person. When acting under this division, the Clerk-Treasurer has the same powers as the Common Council in summoning and examining witnesses.

(2) If the Clerk-Treasurer finds that:

(a) The claim includes an item for which no appropriation has been made;

(b) There is not a sufficient balance for payment of the claim in the proper fund; or

(c) The claim should not be approved for any reason;

the Clerk-Treasurer may not issue warrants to pay the claim, and shall notify the proper department of the reasons for his or her refusal to pay the claim.

(D) Approval of claims.

(1) The Common Council may allow a claims:

(a) Only at a meeting of the Common Council;

(b) Only if the claim was filed in the manner prescribed by IC 5-11-10-2 at least five days before the meeting

(2) A city officer who violates this division forfeits his or her office pursuant to IC 36-4-8-5.

(E) Prerequisites for approval of claims.

(1) Itemized and certified under IC 5-11-10-1;

(2) Approved by the officer or person receiving the goods or services;

(3) Filed with the Clerk-Treasurer;

(4) Audited and approved by the Clerk-Treasurer; and

(5) Allowed by the Common Council or the city board having jurisdiction over allowance of the claim.

(F) Payment of warrants prior to receiving goods. Warrants may be paid prior to receiving goods in the event of needing a new server, and the vendor requires payment for the hardware prior to ordering. The server is imperative in running the city's Finance Department and Utility Department. The installation of the equipment will not be paid until the installation has been completed. The installation warrant will go on the docket for Common Council approval. (Ord. 2017-3, passed 2-20-17; Am. Ord. 2017-17, passed 11-6-17)

PROCUREMENT AND PURCHASING POLICY

§ 34.15 PURCHASING AGENCY.

The purchasing agency of the City shall be the Board of Public Works and Safety. (Res. 1998-4, passed 9-16-98)

§ 34.16 DEPARTMENT PURCHASING.

Each department head of the various City departments shall be the purchasing agent for purchases of \$10,000.00 or less for his or her respective department. (Res. 1998-4, passed 9-16-98; Am. Ord. 2008-16, passed 6-16-08)

§ 34.17 CITY PURCHASING AGENCY.

The Board of Public Works and Safety shall be the City's purchasing agent for purchases in excess of \$10,000.00. (Res. 1998-4, passed 9-16-98; Am. Ord. 2008-16, passed 6-16-08)

§ 34.18 PROCESS OF PURCHASING.

(A) Whenever the purchase (excluding the purchase of services or data processing equipment or software) is expected to be less than \$50,000.00, the purchasing agent may make the purchase in the open market without inviting or receiving quotes; it may make the purchase by inviting or receiving quotes; or it may bid the purchase.

(B) Whenever the purchase is expected to be at least \$50,000.00, but less than \$150,000.00, the purchasing agent shall follow the purchasing guidelines shown by IC 5-22-7 or 5-22-8-3.

(C) The purchasing agent shall evaluate each bid or quote received with the requirements of IC5-22-15 in mind, and the preferences called for therein.

(D) The purchasing agent, when making a purchase of supplies, shall specify and purchase supplies manufactured in the United States of America unless the purchasing agent determines any of the following apply:

(1) The supplies are not manufactured in the United States in reasonably available quantities.

(2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States.

(3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States.

(4) The purchase of supplies manufactured in the United States is not in the public interest.



(E) For the procurement or purchase of services, the purchasing agent may make the purchase in the open market without inviting or receiving quotes; it may make the purchase by inviting or receiving quotes; or it may bid the purchase. If the procurement or purchase of services may be made on a renewal of a previous contract, the Board of Works and Safety may delegate the authority to renew said contract to the Mayor of the City, provided that the increase in cost of the renewal contract is not greater than 10% increase.

(F) Whenever the purchasing agent makes a written determination that the use of competitive said bidding is either not practicable or not advantageous to the governmental body, it may award a contract using the procedure provided in IC 5-22-9 instead of competitive sealed bidding under IC 5-22-7.  
 (Res. 1998-4, passed 9-16-98, Am. Res. 1999-3, passed 4-22-99; Am. Ord. 2008-11, passed 5-19-08)

CAPITAL ASSET POLICY

§ 34.25 ESTABLISHMENT.

(A) General information.

(1) The Capital Asset Policy is being issued effective January 1, 2004. This policy is being issued to document the minimum value of capital assets to be reported on our financial reports and to include infrastructure assets. This issuance of a policy document is related to the implementation of a new reporting model, Governmental Accounting Standards Board Statement 34. The capital asset threshold will be \$5,000. An asset with a value under \$5,000 will be expensed in the year of purchase. The infrastructure portion of this policy is also effective January 1, 2004.

(2) The city has established a Capital Asset Policy in order to provide a higher degree of control over its considerable investment in capital assets, and to be able to demonstrate accountability to its various constituencies.

(3) The purpose of establishing a Capital Policy is fivefold:

- (a) To safeguard the investments of the citizens of Portland;
- (b) To fix responsibility for the custody of equipment;
- (c) To provide a basis for formulating capital asset acquisition, maintenance and retirement policies;
- (d) To provide data for financial reporting;
- (e) To demonstrate appropriate stewardship responsibility for public assets.

(4) This policy will only serve to classify capital assets, including fixed and infrastructure, for accuracy in financial reporting through the Indiana State Board of Accounts. It does not include data processing, programming requirements, or computer operations procedures.

(B) Definition.

(1) "Capital assets" include: land, land improvements, including monuments, buildings, building improvements, construction in progress, machinery and equipment, vehicles and infrastructure. All items with a useful life of more than one year, and having a unit cost of \$5,000 or more shall be capitalized (including acquisitions by lease-purchase agreements and donated items). A capital asset meeting the criteria will be reported in the government-wide financial statements.

(2) Assets that are not capitalized (items <\$5,000) are expensed in the year of acquisition. An inventory will be kept on all computers and other equipment with a capitalized cost of <\$5,000.

(3) Exceptions.

(a) Items costing less than the above limits which are permanently installed as a part of the cost of original construction or installation of a larger building or equipment unit will be included in the cost of the larger unit.

(b) Modular equipment added subsequent to original equipment construction of a larger building or equipment unit which may be put together to form larger units costing more than the prescribed limits will be charged to capital assets even though the cost of individual items is less than such units.

(c) Cabinets, shelving, bookcases, and similar items, added subsequent to original construction, which are custom made for a specific place and adaptable elsewhere, will be capitalized.

(4) Purchases made using grant funds must comply with grant requirements of the above procedures, whichever are the most restrictive.

(C) Threshold levels for capital assets. The following schedule will be followed for the different types of capital assets other than infrastructure assets:

Land	All
Land Improvements	\$5,000
Building	\$5,000
Building Improvements	\$5,000
Construction in Progress	All
Machinery and Equipment	\$5,000
Vehicle	\$5,000
City Utility Assets	\$5,000

(D) Valuation of capital assets.

(1) Capital assets must be recorded at actual cost. Normally the cost recorded is the purchase price or construction costs of the asset, but also included is any other reasonable and necessary costs incurred to place the asset in its intended location and intended use. Such costs could include the following: legal and title fees; closing costs; appraisal and negotiation fees; surveying fees; damage payments; land preparation costs, demolition costs; architect, engineering and accounting fees; insurance premiums during construction; transportation charges; and interest costs during construction.

(2) Donated or contributed assets should be recorded at their fair market value on the date donated.

(E) Asset definitions by major category. It is important to the maintenance of accurate records that each asset category be precisely defined and that all persons responsible for records maintenance be fully aware of the categorization system. This section further clarifies the asset definitions by major category.

(F) Land. Land is defined as specified land, lots, parcels or acreage including rights of way, owned by the city, its various departments, boards or authorities, regardless of the method or date of acquisition. Easements will not be included as the city does not own them, but as an interest in land owned by another that entitles its holder to a specified limited use.

(G) Improvements other than buildings.

(1) Examples of Civil City assets in this category are walks, parking areas and drives, fencing, retaining walls, pools, fountains, planters, underground sprinkler systems, and other similar items.

(2) Examples of City Utilities assets in this category are water supply mains, collections sewers, wells, dams, fences, intake pipes, manholes, and fire hydrants.

(H) Buildings.

(1) All structures designed and erected to house equipment services, or functions are included. This includes systems, services, and fixtures within buildings, and attachments such as porches, stairs, fire escapes, canopies, areaways, lighting fixtures, flagpoles, and all other such units that serve the building.

(2) Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, alarm systems, sound systems, surveillance systems, passenger and freight elevators, escalators, build-in casework, walk-in coolers and freezers, fixed shelving, and other fixed equipment are

included with the building, if owned. Communication antennas and/or towers are not included as buildings. These are parts of the equipment units that they serve.

(I) Equipment. Equipment includes all other types of physical property within the scope of the Fixed Asset Management System not previously classified. Included within this category are office mechanical equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, police, fire, sanitation and park department, laboratory equipment, vehicles, road equipment, aircraft, emergency equipment, earth moving equipment, text equipment, civil defense equipment, and data processing equipment. All supplies are excluded.

(J) Infrastructure.

(1) Infrastructure assets are long-lived capital that normally can be preserved for a significantly greater number of years than most capital and that are normally stationary in nature. Examples include roads, streetlights, traffic signals, drainage systems, and water systems. Infrastructure assets do not include buildings, drives, parking lots or any other examples given above that are incidental to property or access to the property above.

(2) Additions and improvements to infrastructure, which increase the capacity or efficiency of the asset, will be capitalized. Maintenance/repairs will be considered as necessary to maintain the existing asset, and therefore not capitalized. For example, patching, resurfacing, snow removal, and the like, are considered maintenance activities and will be expensed. Also, normal department operating activities such as feasibility studies, and preliminary engineering and design, will be expensed and not capitalized as an element of the infrastructure asset.

(3) Alleys will not be included as part of infrastructure. The land under alleys will be added to total land.

(K) Capital asset acquisitions.

(1) The method of acquisition is not a determining factor. Each department should report items acquired by:

- (a) Regular purchases;
- (b) Lease purchase - see below;
- (c) Construction by city personnel;
- (d) Construction by an outside contractor;
- (e) Resolution/condemnation;
- (f) Donation/contribution;
- (g) Addition to an existing asset;

- (h) Transfer from another department;
- (i) Trade or barter;
- (j) Annexation.

(2) Lease equipment should be capitalized if the lease agreement meets any one of the following criteria:

(a) The lease transfers ownership of the property to the lessee by the end of the lease term;

(b) The lease contains a bargain purchase option;

(c) The lease term is equal to 75% of the estimated economic life of the leased property. The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair value of the leased property.

(3) Leases that do not meet any of the above criteria should be recorded as an operating lease and reported in the notes of the financial statements.

(L) Asset transfers and dispositions.

(1) Property should not be transferred, turned-in for auction, or disposed of without prior approval of the department head. A Vehicle/Equipment Outprocessing checklist should be sent to the City Clerk-Treasurer's Office in all cases. This form is a dual-purpose form for transfer (defined as any movement of an asset by virtue of change in location, either by account, department building, floor, or room) or retirement (disposal) of property.

(2) The main points to be remembered when using this form are:

(a) Always provide sufficient detail to properly identify the asset, most importantly the asset's tag number or city ID;

(b) Be accurate and do not overlook any of the needed entries;

(c) Write legibly;

(d) Complete each column for every asset listed on the form;

(e) Enter information in correct row, depending on whether you are transferring or deleting an asset;

(f) Have Department Head sign at the bottom of the form;

(g) Return the form to the City Clerk-Treasurer's Office.

(3) If an asset is stolen, the department should notify the Police Department as well as the City Clerk-Treasurer's office.

(M) Periodic inventories. A physical inventory of all capital assets (any item over \$5,000) will be conducted in each department on or about December 31 of every year. The Clerk-Treasurer's office will conduct spot checks on a random basis. Department heads will be accountable for the capital asset inventory charged to their departments by verifying a list of their capital assets at year-end.

(N) Responsibilities of Clerk-Treasurer's office. The Fiscal Officer will ensure that accounting for capital assets is being exercised by establishing a capital asset inventory, both initially and periodically in subsequent years. The Fiscal Officer will further ensure that the capital asset report will be updated annually to reflect additions, retirements and transfers and to reflect the new, annual capital asset balance for financial reporting purposes.

(O) Responsibilities of department managers.

(1) It is the responsibility of the department manager to act as or designate a steward for each piece of property. The steward will become the focal point for questions regarding the availability, condition, and usage of the asset, as well as the contact during the physical inventory process.

(2) Someone should be designated to record the receipt of the asset, to examine the asset to make sure that no damage was incurred during shipment and to make sure that the asset was received in working order.

(3) The steward is also responsible for arranging for the necessary preventative maintenance and any needed repairs to keep the asset in working condition. It is necessary to have a responsible person available for questions that arise during a physical inventory or when someone wants to borrow the asset. The steward ensures that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. In addition, the steward should report any property damage or theft.

(Ord 2003-12, passed 12-15-03)

FUNDS

§ 34.35 RECYCLED FUNDS.

Recycled funds shall be used for the following purposes:

(A) Retirement of the mortgage debt on the city's industrial park resulting in more attractive land prices for potential industries.

(B) Initiation of a revolving loan fund for local industry expansion, which creates or retains employees and for any new industry locating in the city.

(Res. 1986-2, passed 2-3-86)

§ 34.36 MAYOR'S PROMOTIONAL FUND.

(A) The Mayor's Promotional Fund is hereby established. The Common Council is authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality.

(B) Expenditures from this Fund may include, but are not necessarily limited to the following:

(1) Membership dues in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

(2) Direct expenses for travel, meals, and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.

(3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals, and travel.

(4) Commemorative plaques, certificates, or objects such as commemorative keys.

(5) Other purposes which are deemed by the Mayor to directly relate to promotion or betterment of the city.

(C) No expenses shall be allowed from this Fund without prior authorization and approval of the Mayor. Claims for expenses under this section shall be allowed as prescribed by law. (Ord. 1982-3, passed 6-21-82)

§ 34.37 GENERAL IMPROVEMENT FUND.

There is hereby established a fund to be known as the General Improvement Fund to pay for the construction, repair, or improvement of streets, alleys, sidewalks, curbs, gutters, and sewers, which this Fund shall consist of funds realized from the collection of all special assessments for benefits to property from the construction, repair, or improvement of streets, alleys, sidewalks, curbs, gutters, and sewers, which may lawfully be deposited in the Fund together with any appropriation which may hereafter be made from the General Fund of the city or from taxes levied by the Common Council for those purposes. (Ord. 1965-5, passed 5-17-65)

§ 34.38 UNEMPLOYMENT COMPENSATION NONREVERTING FUND.

(A) There is established a nonreverting fund for the city to be known as the Unemployment Compensation Nonreverting Fund,

and that there is annually deposited in the fund an amount equal to that amount set forth in the annual budget of the city for unemployment compensation insurance and that this amount be designated annually hereafter by approval of the budget for the city.

(B) The Clerk-Treasurer shall maintain a separate account from the books of the city known as the Unemployment Compensation Nonreverting Fund and that all sums budgeted by the city for those purposes be placed in the account, invested and reinvested and the income therefrom reapplied to the Nonreverting Fund.

(C) All funds so deposited in the Nonreverting Fund may be used for no other purpose than the payment of unemployment compensation insurance or costs directly related thereto including the administration of the Fund and the defense of any claims filed against the Fund.

(D) Those funds as accumulated with the interest thereon shall not be considered as funds available for expenditure when determining funds available and budgetable for the next fiscal year of the city. (Res. 1982-4, passed 4-5-82)

§ 34.39 NONREVERTING CAPITAL IMPROVEMENT FUND.

(A) There is hereby created and established a Nonreverting Capital Fund for the purposes of acquiring and developing sites and facilities for general park and recreation functions, for the making of improvements thereto and for the continued operation and management thereof, as authorized by IC 36-10-3-1 et seq.

(B) Moneys, properties, and assets, such as fees, donations, bequests, contributions, federal funds, special levies, and transfers from other funds or agencies, shall be deposited in the Nonreverting Capital Improvement Fund and shall be disbursed only by appropriation.

(C) The Capital Improvement Funds shall be expended for the express purposes of acquiring lands and properties, the development thereof, the making of capital improvements thereto and the payment of acquisitional, operational, management, maintenance, and incidental expenses connected therewith, all as provided in the law mentioned in division (A) of this section.

(D) Moneys from the Capital Fund shall be disbursed only on approved claims allowed and signed by the President and secretary of the Park and Recreation Board, as other claims are allowed and paid through the office of the City Clerk Treasurer.  
(Ord. 1972-15, passed 12-28-72)

§ 34.40 CUMULATIVE CAPITAL IMPROVEMENT FUNDS.

(A) The term "capital improvements" means the construction or improvement of any property owned by the city, including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of the city issued, and the proceeds used for the purpose of constructing capital improvements. The term capital improvement shall not include salaries of any public officials or employees except those which are directly changeable to a capital improvement.

(B) In accordance with the requirements of section 8 of chapter 225, Acts 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of the City of Portland into which the cigarette taxes allotted to the city by reason of subsection C (1) (C) of section 27C and section 27d of the Indiana Cigarette Tax Law being chapter 222 of the Acts of 1947 as amended shall be deposited. Said fund shall be cumulative fund and all of the monies deposited into said fund shall be appropriated and used solely for capital improvements as defined in division (A) and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements.

(C) A Cumulative Capital Improvement Fund is hereby established, pursuant to IC 36-9-16, for one or more of the following purposes:

(1) To purchase, construct, equip, and maintain buildings for public purposes.

(2) To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.

(3) To demolish any improvements on land acquired under this section, and to level, grade, and prepare the land for the construction of a public building.

(4) To acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building.

(5) To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.

(6) To acquire land or rights-of-way to be used for public ways or sidewalks.

(7) To construct and maintain public ways or sidewalks.

(8) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.

(9) To construct and maintain sanitary or storm sewers, or both.

(10) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.

(11) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.

(12) To purchase or acquire land, with or without buildings, for park or recreation purposes.

(13) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders and hoses.

(14) To retire, in whole or in part, any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvements funds.

(15) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.

(16) The fund may also be used for any of the following purposes:

(a) To purchase, lease, upgrade, maintain, or repair one or more of the following:

1. Computer hardware;

- 2. Computer software;
- 3. Wiring and computer networks;
- 4. Communication access systems used to connect with computer networks or electronic gateways;

(b) To pay for the services of full-time or part-time computer maintenance employees.

(c) To conduct nonrecurring, in-service technology training of unit employees.

(17) Any other purpose that might be allowed in any subsequent amendment to IC 36-9-16. (Ord. 1965-12, passed 7-19-65; Am. Ord. 1986-7, passed 7-24-86; Am. Ord. 2002-10, passed 10-21-02)

§ 34.41 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is hereby established a Cumulative Capital Development Fund.

(B) An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Cumulative Capital Development Fund.

(C) The maximum levy under division (B) of this section to be imposed will not exceed \$.05 per \$100 assessed valuation for 2015, payable in 2016.

(D) The funds accumulated in the Cumulative Capital Development Fund for all uses as set out in IC 36-9-15.5-2.

(E) Notwithstanding division (D) of this section, money held in the Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division (D), if the purpose is to protect the public health, welfare, or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Mayor: (1) issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the Fund, or (2) certifies in the minutes of the municipal legislative body that the contribution is made to the authority for capital development purposes. (Ord. 1985-11, passed 7-29-85; Am. Ord. 1988-3, passed 4-4-88; Am. Ord. 1991-81, passed 5-20-91; Am. Ord. 1994-1, passed 5-2-94; Am. Ord. 2015-6, passed 5-18-15)

Statutory reference:

Cumulative Capital Development Fund, see IC 36-4-9-2

34.42 ECONOMIC DEVELOPMENT FUND.

There is hereby established a Private Industrial Development Committee as hereinafter structured and there is further created an Industrial Development Fund to be administered by the Common Council upon advice of the Private Industrial Development Committee.

(A) The Private Industrial Development Committee shall consist of five members who shall serve as an advisory committee on industrial development and shall be appointed by the Mayor for terms of one year each.

(1) The five members so appointed by the Mayor shall be composed of a representative of the municipal government; one representative of the local industrial development committee, if one exists; at least one representative of a local banking or financial institution; and at least one representative of a local utility company. A member of the Committee may represent more than one of the organizations enumerated.

(2) The Common Council shall request the Committee's recommendations. The Common Council may not conduct any business requiring expenditures from the Industrial Development Fund; make any sale or lease of property; or loan funds acquired by the municipality under this section without the approval, in writing, of a majority of the membership of the Committee. Either the Common Council or the Committee may submit to the other a request for advice and consent. All such meetings shall be with notice and pursuant to the Indiana Open Door Law but may consist of executive sessions pursuant to said Open Door Law for the purpose of industrial recruitment and negotiation.

(B) The Economic Development Fund created hereby may be funded by local non-tax dollar sources or through tax revenues as designated by the Common Council, including repayments of existing loans, grants, or subsidies extended to the city or industry within the city through federal or state assisted loans and grants.

(1) The assets of the Fund may be used to extend loans and grants in aid for the relocation of industry within the community or the expansion of existing industry. The terms of said loans and grants may be made upon interest rates and terms as are reasonable and necessary under the given circumstances of a particular loan or grant.

(2) The funds may also be used to assist the city in providing matching funds necessary to obtain further state or federal grants relating to community and economic development or provide loan guarantees of private sector funds as well as the acquisition of real estate and personal property for the development and construction of industrial park buildings and other properties.

(3) The Development Fund may also be the recipient of loan or grant fees as well as charges for administrative fees including recording fees, closing fees, processing fees, legal fees, abstracting expense or any other reasonably incurred processing fees.

(4) The loan applicant must be a business or industry located within the city limits or within Jay County. In the event that a loan applicant is located in Jay County outside of the corporate limits of Portland, the Economic Development Committee must make a finding that the applicant's project is economically beneficial to the city prior to the Committee approving a loan; and the loan applicant must sign a legally binding document providing for payment-in-lieu of taxes to the Economic Development Loan Fund equal to the annual difference between the total city tax rate and the county tax rate where the project is located; and, such agreement shall be in effect until the project is annexed into the corporate limits of the city. The Committee may establish target areas or target businesses and industries for loan priorities. A residential property owner may be an applicant if funds for housing rehabilitation or historic preservation are available for loans.

(5) Loan criteria will be established by the Committee and will include, but not be limited to, the number of jobs created or retained, the types of jobs to be created, the ratio of loan fund dollars to jobs created, the ratio of loan funds to private investment funds, the growth potential of the business, the generation of tax revenue and tax assessment base to further the long term economic growth of the city, and the need of loan funds to make the project economically feasible. The Committee shall comply with the loan criteria as established by federal or state funding agencies in relation to the expenditure of funds provided by said agencies. Other additional criteria regarding loans may be developed by the Committee.

(6) Each loan application will be evaluated on its own merits without regard to other loans.

(7) The maximum amount of the loan fund injection into any one business or industrial project will be limited to \$100,000 or 25% of the then current balance of the Economic Development Loan Fund, whichever is greater.

(8) The Clerk-Treasurer will be responsible for the financial management of the funds including, but not limited to, the proper accounting of funds and the investment of surplus funds. Technical support may be provided by the Committee to assist the Clerk-Treasurer.  
(Ord. 1987-1, passed 3-2-87)

§ 34.43 RESERVED.

§ 34.44 RAINY DAY FUND.

There is hereby established a Rainy Day Fund to receive transfers of unused and unencumbered funds under Indiana Code 36-1-8-5.1. It is the intent of the Common Council to use the Rainy Day Fund for any purpose in which tax money is currently received and expended by the Common Council. The Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax money.  
(Ord. 2004-3, passed 3-15-04)

§ 34.45 COMMON COUNCIL PROMOTIONAL FUND.

(A) The Common Council Promotional Fund is hereby established. The Common Council is authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality.

(B) Expenditures from this fund may include, but are not necessarily limited to, the following.

(1) Membership dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

(2) Direct expenses for travel, meals and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.

(3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals and travel.

(4) Commemorative plaques, keys, certificates or other similar objects.

(5) Other purposes the Common Council deems to directly relate to the promotion or betterment of the city.

(C) No expenses shall be allowed from this fund without prior authorization from the President of the Common Council. Claims for expenses under this section shall be allowed as prescribed by law.

(Ord. 2012-6, passed 7-2-12)

§ 34.46 EDIT PROMOTIONAL FUND.

(A) The Economic Development Income Tax (EDIT) Promotional Fund is hereby established. The Common Council is authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality.

(B) Expenditures from this fund may include, but are not necessarily limited to, the following.

(1) Membership dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

(2) Direct expenses for travel, meals and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.

(3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals and travel.

(4) Commemorative plaques, keys, certificates or other similar objects.

(5) Other purposes the Mayor deems to directly relate to the promotion or betterment of the city.

(C) No expenses shall be allowed from this fund without prior authorization and approval of the Mayor. Claims for expenses under this section shall be allowed as prescribed by law. (Ord. 2012-7, passed 7-2-12)

§ 34.47 POLICE CONFIDENTIAL FUND.

(A) The Police Confidential Fund is hereby established. The Common Council is authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in providing law enforcement to the municipality.

(B) Expenditures from this fund may include, but are not necessarily limited to, the following.

(1) To purchase controlled substances.

(2) To pay confidential informants.

(3) Other purposes the Chief of Police deems appropriate.

(C) No expenses shall be allowed from this fund without prior authorization and approval of the Chief of Police.

(D) The Chief of Police shall submit to the Mayor and Clerk-Treasurer a verified and itemized accounting for the expenditure of all funds on or before July 1 of each calendar year.

(Ord. 2012-8, passed 7-2-12)

§ 34.48 ALTERNATIVE WEST SIDE SEWER PROJECT.

(A) There is hereby created a nonreverting fund for the city entitled "Alternative West Side Sewer Project".

(B) This fund shall be funded with monies from Economic Development Income Tax. (The Geesaman Industries Balance)

(C) The purpose of this fund is to hold monies to pay for engineering and construction fees to comply with our agreed order from Indiana Department of Environmental Management.

(D) The monies in the fund shall only be expended with the approval of the Common Council and the Mayor.

(E) The fund created by this section shall endure until this project is completed.

(F) In the event this section is repealed, any existing balance shall be repaid to the Indiana Office of Community and Rural Affairs.

(Ord. 2013-17, passed 11-18-13)

§ 34.49 FIRE DEPARTMENT NONREVERTING FIRE EQUIPMENT FUND.

(A) A nonreverting fund is hereby established in the Portland Fire Department entitled Portland Fire Department Nonreverting Equipment Fund.

(B) The City Council may, in its discretion, appropriate funds to the Portland Fire Department Nonreverting Equipment Fund.

(C) Revenue collected from the Township contracts equipment budget and funds received from state or federal grants, plus monies that may be transferred from other authorized city funds are specifically designated for the purchase of apparatus and equipment from the Portland Fire Department Nonreverting Equipment Fund.

(D) The Portland Fire Department Nonreverting Equipment Fund shall be used in a manner for the expenses associated with the City Fire Department's equipment needs which include fire apparatus such as fire engines, tankers, aerial ladders/platforms, brush truck and rescue truck plus all equipment required on the apparatus to meet NFPA and/or ISO rating.

(E) The funds in this account shall not revert to any other fund for any other use. (Ord. 2013-19, passed 12-2-13; Am. Ord. 2015-7, passed 5-4-15)



§ 34.50 AVIATION FUEL FUND.

(A) The Common Council hereby establishes the Aviation Fuel Fund.

(B) This is a non-appropriated fund, which shall be used by the Portland Board of Aviation Commissioners for the following purposes:

(1) Funds received from the sale of aviation fuel and any other aviation product shall be accounted for and deposited into this fund.

(2) Expenditures may be itemized and paid from this fund for the purchase of aviation fuel, other aviation products, maintenance, repairs, annual inspections and any other expenditure approved by the Board of Aviation Commissioners  
(Ord. 2014-7, passed 4-21-14)

§ 34.51 POOL CONSTRUCTION FUND.

(A) The Common Council hereby establishes the Pool Construction Fund.

(B) This is an appropriated fund, which shall be used for the following purposes:

(1) Funds may be received from donations, Park Fund, Cumulative Capital Improvement Fund (Cigarette Tax), Cumulative Development Fund, Cumulative Capital Improvement Fund (rate), EDIT Fund, Riverboat Fund and General Fund.

(2) Expenditures shall be itemized and paid from this fund for architectural, engineering, legal, accounting, construction and any other related services for the construction of a new swimming pool.  
(ord. 2014-13, passed 7-7-14)

§ 34.52 PORTLAND MEN'S SOFTBALL LEAGUE DONATION FUND.

(A) The Common Council hereby establishes the Portland Men's Softball League Donation Fund, a non-appropriated and non-reverting fund for improvements for the Portland Men's Softball League.

(B) This fund shall be funded with monies from donations.

(C) The purpose of this fund is to hold monies to pay for maintenance and/or improvements to the men's softball diamond (Portland Memorial Park/Jerry VanSkyock).

(D) The monies in the fund shall only be expended with the approval of the Common Council and the Mayor.

(E) The fund created by this section shall endure until it is no longer deemed necessary.

(F) In the event this section is repealed, any existing balance shall be paid into the Park and Recreation Fund.  
(Ord. 2014-16, passed 8-18-14)

§ 34.53 MAYOR'S GOLF OUTING FUND.

(A) The Common Council hereby establishes the Mayor's Golf Outing Fund. This fund shall be a non-appropriated fund. Net proceeds from the Mayor's Golf Outing shall be deposited into this fund.

(B) Expenditures from this fund may include, but are not limited to, the following:

(1) Contributions to charitable, educational, benevolent, fraternal or other civic organizations that have as their purpose the betterment and improvement of the lives of citizens in Jay County, Indiana.

(2) Other purposes deemed by the Mayor to directly relate to the promotion, development or improvement of the city.

(C) No distributions shall be allowed from this fund without prior authorization and approval of the Mayor. Claims for distributions made under this chapter shall be allowed as prescribed by law.  
(Ord. 2014-20, passed 8-18-14)

§ 34.54 POLICE BENEVOLENCE DONATION FUND.

(A) There is hereby created the Police Benevolence Donation Fund which is an unappropriated fund.

(B) This fund shall receive donations from the public.

(C) Expenditures from this fund may be made to the following:

(1) Current or former members of the Portland Police Department.

(2) Current or former city employees and their family.

(3) Graduates or current members of the citizen's Police Academy or their family.

(4) Current or former chaplains and their families.

(5) Citizens of the Jay County community.

(D) Expenditures from this fund may include, but not be limited to, the following:

(1) Flowers or other items to show sympathy during time of illness or death.

(2) Awards or commendations.

(3) Flowers or other items for birth of baby.

(4) Police Department Christmas party or other celebration.

(5) Citizen's Police Academy graduation.

(6) Items for department meetings which may include food, drinks or supplies.

(7) Any other purpose that would promote the Portland Police Department.

(E) No expenditures shall be made for cash gifts, prepaid credit cards, or alcoholic beverages. No expenditures shall be made from this fund without approval of the Chief of Police. Claims for expenditures shall be approved on the claim's docket. (Ord. 2015-1, passed 2-2-15)

§ 34.55 BLIGHT ELIMINATION FUND.

(A) There is hereby created the Blight Elimination Fund which is an unappropriated fund.

(B) This fund shall receive grant money together with any other funds for the purpose of blight elimination within the city.

(C) Expenditures from this fund may include, but not be limited to, cost and expenses which are incurred in the removal of blighted buildings and other blighted structures within the city.

(D) Claims for expenditures shall be made on the claim's docket. (Ord. 2015-10, passed 7-6-15)

§ 34.56 RL TURNER RETAINAGE FUND.

(A) There is hereby created the RL Turner Retainage Fund which is an unappropriated fund.

(B) This fund shall receive retainage which is required to be held by the city under a construction contract with RL Turner for the Portland Water Park.

(C) Expenditures shall be made as provided in the construction contract.

(D) Claims for expenditures shall be approved on the claim's docket. (Ord. 2015-11, passed 7-6-15)

§ 34.57 CRIMINAL INVESTIGATION FUND.

(A) There is hereby created the Criminal Investigation Fund which is an unappropriated fund.

(B) This fund shall receive donations from the public.

(C) Expenditures from this fund may include, but not be limited to, the following:

(1) For buy money in criminal investigations;

(2) To pay confidential informants in criminal investigations;

(3) To pay persons for information that could lead to the arrest of a suspect and/or the recovery of either lost or stolen property; and

(4) For any other purpose which would assist in a criminal investigation.

(D) Claims for expenditures shall not be made without approval of the Chief of Police. Claims for expenditures shall be approved on the claim's docket. (Ord. 2015-12, passed 7-6-15)

§ 34.58 WATSON EXCAVATING RETAINAGE FUND.

(A) There is hereby created the Watson Excavating Retainage Fund which is an unappropriated fund.

(B) This fund shall receive retainage which is required to be held by the city under a construction contract with Watson Excavating for the Portland Northwest Sewer Separation Project.

(C) Expenditures shall be made as provided in the construction contract.

(D) Claims for expenditures shall be approved on the claim's docket. (Ord. 2015-15, passed 8-3-15)

§ 34.59 FAA GRANT FUND.

(A) There is hereby created an FAA Grant Fund which is an unappropriated fund and designated as AIP 3-18-0068-012.

(B) This fund shall receive grant funds for the improvements at the Portland Municipal Airport.

(C) Expenditures shall be made as provided in the construction contract.

(D) Claims for expenditures shall be approved on the claim's docket. (Ord. 2015-14, passed 7-20-15)

§ 34.60 FAA GRANT FUND - LAND ACQUISITION.

(A) There is hereby created an FAA Grant Fund which is an unappropriated fund and designated as AIP 3-18-0068-13.

(B) This fund shall receive grant funds for acquisition on 41 acres for expansion of the airport runway at the Portland Municipal Airport.

(C) Expenditures shall be made as provided in the closing agreement.

(D) Claims for expenditure shall be approved on the claim's docket. (Ord. 2016-18, passed 10-10-16)

§ 34.61 LOIT SPECIAL DISTRIBUTION FUND.

(A) There is hereby created the LOIT Special Distribution Fund which is an appropriated fund.

(B) This fund will receive 75% of the one-time distribution from a county's trust account maintained by the state under the former local income tax laws.

(C) Under IC 6-3.6-9-17 (h) (1) (A) counties, cities and towns have restricted use of the LOIT monies received. It is required that 75% of the LOIT distribution be used for infrastructure.

(D) Claims for expenditures shall be made on the claim's docket.

(E) LOIT Special Distribution Fund account will be 257-215.  
(Ord. 2016-6, passed 5-2-16)

§ 34.62 MUHLENKAMP BUILDING CORP. RETAINAGE FUND.

(A) There is hereby created the Muhlenkamp Building Corp. Retainage Fund which is an unappropriated fund. Fund number shall be 231.

(B) This fund shall receive retainage which is required to be held by the City of Portland under a construction contract with Muhlenkamp Building Corp. for the Lutheran hangar at the airport.

(C) Expenditures shall be made as provided in the construction contract.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2016-11, passed 7-5-16)

§ 34.63 COMMUNITY CROSSING MATCHING GRANT FUND.

(A) There is hereby created the Community Crossing Matching Grant Fund, which is a non-appropriated fund.

(B) This fund is for 50/50 matching grants.

(C) This fund will receive grant funds from the Indiana Department of Transportation and local match for the repair work to local roads and streets.

(D) Claims for expenditures shall be made on the claim's docket.

(E) The Community Crossing Matching Grant Fund account will be 356-397.  
(Ord. 2017-1, passed 2-20-17)

§ 34.64 MOTOR VEHICLE FUNDS - UNALLOCATED AND ALLOCATED.

(A) Unallocateed. The "Motor Vehicle Highway Fund" (201) shall be renamed "Motor Vehicle Highway Fund - Unallocated" (201).

(1) The fund will receive 50% of all state motor vehicle highway distributions received after June 30, 2017.

(2) The fund will retain any cash balance as of June 30, 2017.

(3) The fund will receive all miscellaneous revenues and tax distributions, etc., related to the Motor Vehicle Highway Fund, allocated or unallocated.

(4) The fund will be used for any legal expenditure of motor vehicle highway dollars.

(B) Allocated. The "Motor Vehicle Highway Fund - Allocated" (258) is created.

(1) The allocated fund will receive 50% of all state motor vehicle highway distributions received after June 30, 2017.

(2) The allocated fund will be used solely for construction, reconstruction, and maintenance of highways as defined in IC 8-14-1-1.

(3) The allocated fund balances will remain in the fund and will not revert to the unallocated fund.

(4) The allocated fund balances will not be eligible for transfer to the Rainy Day Fund (500).

(5) The allocated fund will be an appropriated fund approved by the Common Council.  
(Ord. 2017-10, passed 7-3-17)

§ 34.65 MILESTONE CONTRACTORS, LP, RETAINAGE FUND.

(A) There is hereby created the Milestone Contractors, LP, Retainage Fund, which is an unappropriated fund.

(B) This fund shall receive retainage required to be held by the city under the paving contract with Milestone Contractors, LP, for street paving.

(C) Expenditures shall be made as provided in the paving contract.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2017-14, passed 10-2-17)

§ 34.66 FAA GRANT FUND - ENGINEERING.

(A) There is hereby created an FAA Grant Fund, which is an unappropriated fund and designated as AIP 3-18-0068-014.

(B) This fund shall receive grant funds for runway extension design at the Portland Municipal Airport.

(C) Expenditures shall be made as provided in the engineering contract.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2017-19, passed 12-18-17)

§ 34.67 CROSS ROADS LEASE - SPRAY PATCHER FUND.

(A) There is hereby created the Cross Roads Lease - Spray Patcher Fund which is an appropriated fund.

(B) This fund shall pay the annual lease payment (\$17,702.04) for the spray patcher purchased for MVH.

(C) Expenditures shall be made to Cross Roads Bank no later than May 10 in the years 2018, 2019, 2020 and 2021.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2018-8, passed 5-7-18)

§ 34.68 CROSS ROADS LEASE - WHEEL LOADER FUND.

(A) There is hereby created the Cross Roads Lease - Wheel Loader Fund which is an appropriated fund.

(B) This fund shall pay the annual lease payment (\$35,594.42) for the wheel loader purchased for MVH.

(C) Expenditures shall be made to Cross Roads Bank no later than July 15 in the years 2018, 2019, 2020 and 2021.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2018-9, passed 5-7-18)

§ 34.69 OCRA - SEWAGE FUND.

(A) There is hereby created an OCRA Sewage Fund which is a grant fund.

(B) This fund shall pay construction costs at the Waste Water Treatment Plant.

(C) Expenditures made to this fund shall be paid within five days of receipt of grant money. This fund is an unappropriated fund.

(D) Claims for this fund shall be approved by Council.  
(Ord. 2018-15, passed 7-16-18)

§ 34.70 STREET DEPARTMENT NONREVERTING EQUIPMENT FUND.

(A) A nonreverting fund is established in the Street Department entitled Street Department Nonreverting Equipment Fund.

(B) The Common Council may, in its discretion, appropriate funds to the Street Department Nonreverting Equipment Fund.

(C) The Street Department Nonreverting Equipment Fund shall be used to purchase necessary equipment for the Street Department which shall include, but not be limited to, the purchase of a trash removal vehicle.

(D) The funds in this account shall not revert to any other fund for any other use.  
(Ord. 2018-22, passed 12-3-18)

§ 34.71 OCRA - GRANT FUND.

(A) There is hereby created an OCRA CDBG Fund which is a grant fund.

(B) This fund shall pay for the grant share of the Downtown Revitalization Study being completed by R & B Architects, LLC.

(C) Expenditures made to this fund shall be paid within five days of receipt of grant money. This fund is an unappropriated fund.

(D) Claims for this fund shall be approved by Council.  
(Ord. 2018-18, passed 9-17-18)

§ 34.72 SANITATION FUND.

(A) There is hereby created the Sanitation Fund (609) which is an appropriated fund.

(B) This fund shall receipt funds collected from sanitation collections off of the utility bill.

(C) This fund shall pay any sanitation related fees.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2019-4, passed 6-3-19)

§ 34.73 DNR GRANT FUND.

(A) There is hereby created the DNR Grant Fund (243) which is an appropriated fund.

(B) This fund shall receipt funds from DNR grant and funds transferred for local match.

(C) This fund shall pay claims for the Jay County Trails project.

(D) Claims for this fund shall be approved by Council.  
(Ord. 2019-6, passed 8-5-19)

§ 34.74 INSURANCE SURPLUS FUND.

(A) There is hereby created an Insurance Surplus Fund which is an appropriated fund.

(B) Expenditures from this fund may include, but not limited to the following:

- (1) Health insurance premiums from MVH, Water, Wastewater and Council;
- (2) Health insurance claims from MVH, Water, Wastewater and Council;
- (3) Wellness screening for all employees;
- (4) Any health related expense.

(C) Claims for expenditures shall be approved on the claim's docket.

(D) Money will be transferred in from MVH, Water, Wastewater and Council to pay each department's insurance expenses.  
(Ord. 2019-9, passed 10-21-19)

§ 34.75 ARP CORONAVIRUS FISCAL RECOVERY FUND.

(A) Fund established. There is hereby established fund to be known as ARP Coronavirus Fiscal Recovery Fund, fund number being 176.

(B) Sources of funding. The source of funding includes monies allocated to the City of Portland from the American Rescue Plan of 2021 and distributed to the City of Portland in 2021 and 2022.

(C) Uses of funding.

(1) The City of Portland shall only appropriate and use the funds to cover costs incurred by the City of Portland by December 31, 2024 for the following:

(a) To respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the City of Portland that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(c) For the provision of government services to the extent of the reduction of revenues collected in the most recent full fiscal year of the City of Portland prior to the emergency that being 2019; or

(d) To make necessary investments in water, sewer, or broadband infrastructure.

(2) The City of Portland shall adopt a plan which provides details for the use of funds.

(3) This section may be amended if additional guidance is received from federal or state agency.

(D) Funds must be appropriated and disbursed directly from the ARP Fund through the normal claims process. Money may not be transferred to another fund.

(E) The ARP Coronavirus Fiscal Recovery Fund shall exist until terminated by Ordinance of Common Council.  
(Ord. 2021-5, passed 5-3-21)

§ 34.76 AVIATION FUND.

(A) The Common Council hereby establishes an Aviation Fund (2501) which is an appropriated fund.

(B) Expenditures from this fund may include, but not limited to, the following:

(1) Personnel expenses, gas, communication and transportation, supplies, utilities, repairs and maintenance, printing

and advertising, promotion of airport, taxes, equipment, insurance and capital improvements.

(C) Any other expenditure must be approved by the Portland Board of Aviation Commissioners.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2022-7, passed 6-20-22)

§ 34.77 SAFE HAVEN BABY BOX DONATION FUND.

(A) The Common Council hereby establishes a Safe Haven Baby Box Donation Fund (4600) which is a non-appropriated fund.

(B) Expenditures from this fund may include, but not limited to, the following:

(1) Installation of the Safe Haven Baby Box, maintenance of Safe Haven Baby Box, 24-hour alarm monitoring service, legal fees, and signage for the Safe Haven Baby Box.

(2) Any other miscellaneous charges associated with the Safe Haven Baby Box.

(C) Any other expenditure must be approved by the Common Council of the City of Portland.

(D) Claims for expenditures shall be approved on the claim's docket.  
(Ord. 2022-8, passed 7-5-22)

§ 34.78 OPIOID SETTLEMENT FUNDS.

The Common Council hereby establishes a special fund known as Opioid Settlement Fund - Restricted (Fund 2257). Also, hereby establishes a special fund known as Opioid Settlement Fund - Unrestricted (Fund 2256).

(A) Fund 2256. Contributions to the fund shall be the unrestricted portion of Opioid Settlement Funds received from the State of Indiana by the City of Portland as a participating political subdivision from a national settlement with Johnson & Johnson, AmerisourceBergen, Cardinal Health and McKesson.

(B) Fund 2257.

(1) Contributions to the fund shall be the restricted portion of Opioid Settlement Funds received from the State of Indiana by the City of Portland as a participating political subdivision from a national settlement with Johnson & Johnson, AmerisourceBergen, Cardinal Health and McKesson.

(2) Use of funds. Expenditures may be made from the non-appropriation by the Common Council for any purpose approved by the Common Council from the list attached to Ordinance 2022-16 as Exhibit E.  
(Ord. 2022-16, passed 11-7-22)

§ 34.79 POOL NONREVERTING EQUIPMENT FUND.

(A) A nonreverting fund is hereby established in the Park Department entitled Pool Nonreverting Equipment Fund.

(B) The Common Council may, at its discretion, appropriate funds to the Pool Nonreverting Equipment Fund.

(C) The Pool Nonreverting Equipment Fund shall be used to purchase necessary equipment to operate the pool/water park.

(D) The funds in this account shall not revert to any other fund for any other use. (Ord. 2023-5, passed 5-15-23)

## Section

## 35.01 Establishment

§ 35.01 ESTABLISHMENT.

Pursuant to IC 33-35 the City Court shall continue in existence unless terminated by acts of the Common Council of the city pursuant to law.

(Ord. 1983-20, passed 8-22-83; Am. Ord. 1987-5, passed 8-3-87)

Cross-reference:

City Court headed by elected judge,  
see § 30.65





## Section

- 36.01 Findings
- 36.02 Compliance
- 36.03 Nepotism policy
- 36.04 Contracting with a unit by a relative policy
- 36.05 Application and implementation of policies

2012, is attached to Resolution 2012-8 as Exhibit A.  
(Res. 2012-8, passed 6-18-12)

§ 36.04 CONTRACTING WITH A UNIT BY A RELATIVE POLICY.

The city contracting with a unit by a relative policy is hereby established effective July 1, 2012, by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto that become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of IC 36-1-21, Contracting With a Unit, in effect on July 1, 2012, is attached to Resolution 2012-8 as Exhibit B.  
(Res. 2012-8, passed 6-18-12)

§ 36.05 APPLICATION AND IMPLEMENTATION OF POLICIES.

(A) All elected and appointed officials and employees of the city are hereby directed to cooperate fully in the implementation of the policies created by this chapter and in demonstrating compliance with these same policies.

(B) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the nepotism policy is a violation and may result in the discipline, including termination, of an employee, or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the city who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the nepotism policy may be subject to action allowed by law.

(C) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the contracting with a unit by a relative policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the city who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the contracting with a unit by a relative policy may be subject to action allowed by law.

(D) (1) The policies created by this chapter are hereby directed to be implemented by any of the following actions:

(a) Posting a copy of Resolution 2012-8 in its entirety in at least one of the locations in the city where it posts employer posters or other notices to its employees;

(b) Providing a copy of Resolution 2012-8 to its employees and elected and appointed officials;

(c) Providing or posting a notice of the adoption of Resolution 2012-8; or

(d) Any such other action or actions that would communicate the policies

Cross-reference:

Nepotism, see § 32.011

§ 36.01 FINDINGS.

(A) The city finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the city, and in contracting with the city, in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012, known as IC 36-1-20.2 and IC 36-1-21, respectively.

(B) The city finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed" and that more detailed are necessary.

(C) The city further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, and therefore, without such authority by the majority, he/she will not be in the direct line of supervision (see IC 36-4-6-11 and IC 36-5-2-9.4).

(D) The city finds that a single member of governing bodies with authority over employees in the city cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority, the single member will not be in the direct line of supervision.  
(Res. 2012-8, passed 6-18-12)

§ 36.02 COMPLIANCE.

On July 1, 2012, the city shall have a nepotism and a contracting with a unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter "nepotism policy") and IC 36-1-21 (hereinafter "contracting with a unit by a relative policy") and implementation will begin.

(Res. 2012-8, passed 6-18-12)

§ 36.03 NEPOTISM POLICY.

The city nepotism policy is hereby established effective July 1, 2012, by adopting the minimum requirement provisions of IC 36-1-20.2, and including all future supplements and amendments thereto that become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of IC 36-1-20.2 Nepotism, in effect on July 1,

established by Resolution 2012-8 to its employees and elected and appointed officials.

(2) Upon taking any of these actions, these policies are deemed implemented by the city.

(E) The provisions of IC 36-1-20.2 and IC 36-1-21 are adopted by reference as if set forth in full herein.

(F) Two copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the Office of the Clerk-Treasurer for public inspection as maybe required by IC 36-1-5-4.

(Res. 2012-8, passed 6-18-12)

[Text resumes on page 41]

## Section

37.01	Purpose
37.02	Risk assessment
37.03	Detection (red flags)
37.04	Response
37.05	Personal information security procedures
37.06	Identity Theft Prevention Program review and appeal

§ 37.01 PURPOSE.

This plan is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, provide methods to ensure existing accounts were not opened using false information, and recite measures to respond to such events.  
(Ord. 2009-14, passed 8-3-09)

§ 37.02 RISK ASSESSMENT.

(A) The City Water and Wastewater Utility has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account, and to evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information.

(B) Using this information the Utility was able to identify red flags that were appropriate to prevent identity theft:

- (1) New accounts opened in person;
  - (2) New accounts opened via telephone;
  - (3) New accounts opened via fax;
  - (4) New accounts opened via mail;
  - (5) Account information accessed in person;
  - (6) Account information accessed via telephone (person).
- (Ord. 2009-14, passed 8-3-09)

§ 37.03 DETECTION (RED FLAGS).

The city adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary:

- (A) Identification documents appear to be altered;
- (B) Photo and physical description do not match appearance of applicant;

(C) Other information is inconsistent with information provided by applicant;

(D) Other information provided by applicant is inconsistent with information on file;

(E) Application appears altered or destroyed and reassembled;

(F) Personal information provided by applicant does not match other sources of information (e.g., credit reports, Social Security number not issued or listed as deceased);

(G) Lack of correlation between the Social Security number range and date of birth;

(H) Information provided is associated with known fraudulent activity (e.g., address or telephone number provided is same as that of a fraudulent application);

(I) Information commonly associated with fraudulent activity is provided by applicant (e.g., address that is a mail drop or prison, non-working phone number or associated with answering service/pager);

(J) Social Security number, address, or telephone number is the same as that of another customer at the Utility;

(K) Customer fails to provide all information requested;

(L) Personal information provided is inconsistent with information on file for a customer;

(M) Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet;

(N) Identity theft is reported or discovered.  
(Ord. 2009-14, passed 8-3-09)

§ 37.04 RESPONSE.

(A) Any employee that may suspect fraud or detect a red flag will implement the following response as applicable:

- (1) Ask applicant for additional documentation;
- (2) Notify the Portland Police Department at 260-726-7161 of any attempted or actual identity theft;
- (3) Do not open the account;
- (4) Close the account;
- (5) Do not attempt to collect against the account but notify authorities.

(B) All detections or suspicious red flags shall be reported to the Clerk-Treasurer and/or Mayor.  
(Ord. 2009-14, passed 8-3-09)

§ 37.05 PERSONAL INFORMATION SECURITY PROCEDURES.

The City Water and Wastewater Utility adopts the following security procedures.

(A) Employees will conceal sensitive data from view when they are away from their workstations.

(B) Paper documents, files and electronic media containing secure information will be stored in locked file cabinets and/or in the locked records room.

(C) Access to storage facilities is limited to employees/auditors with a legitimate business need.

(D) Visitors who must enter areas where sensitive files are kept must be escorted by an employee of the Utility.

(E) When sensitive data is received or transmitted, secure connections will be used.

(F) Computer passwords are to be shared only with those employees assigned to utilize specific workstations.  
(Ord. 2009-14, passed 8-3-09)

§ 37.06 IDENTITY THEFT PREVENTION PROGRAM REVIEW AND APPROVAL.

This plan has been reviewed and adopted by the city. Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program. The effectiveness of its policies and procedures will be reviewed annually and updated as needed.  
(Ord. 2009-14, passed 8-3-09)

## Section

38.01	Introduction
38.02	Definitions
38.03	General action steps
38.04	Annual submission of annual financial information and audited financial statements
38.05	Reporting of events
38.06	Manner of submission
38.07	Disclosure training for city employees
38.08	Public statements regarding financial information
38.09	Issuance
38.10	Additional information
Appendix A:	Schedule 1: Disclosure policy
Appendix B:	Schedule 2: Outstanding obligations
Appendix C:	Schedule 3: Log of anticipated tasks
Appendix D:	MRSB procedures for submission of continuing disclosure documents and related information

shall be prepared using generally accepted accounting principles (with such modification thereto or such other standards as may from time to time be prescribed by the State Board of Accounts or applicable state law) as in effect from time to time, and is the work product of what has been audited by the State Board of Accounts.

"CITY COUNCIL." The Portland Common Council.

"CITY ATTORNEY." The Portland City Attorney.

"DISCLOSURE AGENT." An agent (which may include financial advisory or accounting firms) in connection with:

(1) The preparing and dissemination of any information required to be provided by the city pursuant to this disclosure policy and the terms of its disclosure agreements; and/or

(2) Providing advice and actions to aid the city in undertaking actions recited in this disclosure policy.

"EMPLOYEE." Any person who, as part of his or her employment with the city, has regular responsibility for the administration of matters related to obligations, which initially shall be designated as the following persons:

- (1) The Clerk-Treasurer;
- (2) Each Deputy Clerk-Treasurer, if any;
- (3) The Mayor; and
- (4) Each Deputy Mayor, if any.

"EMMA." The electronic municipal market access system of the MSRB. Information regarding submissions to "EMMA" is available at <http://emma.msrb.org/>.

"EVENT." Any of the events listed in Appendix A of this disclosure policy.

"FISCAL OFFICER." The Clerk-Treasurer or Controller, as may from time to time be the Chief Fiscal Officer of the city under applicable law.

"FISCAL YEAR." The fiscal year of the city, being the period commencing on January 1 and ending on the following December 31.

"MAYOR." The Mayor of the city.

"MSRB." The Municipal Securities Rulemaking Board or any other board or entity which succeeds to the functions currently delegated to the Municipal Securities Rulemaking Board by the rule.

"OBLIGATIONS." Any outstanding securities issued by, or whose payment is guaranteed by, the city, which as of the date of this disclosure policy, are set out in the Appendix B.

"SEC." The U.S. Securities and Exchange Commission.  
(Ord. passed 3-16-15)

### § 38.01 INTRODUCTION.

This continuing disclosure policy (the "disclosure policy") is adopted by the Common Council of the City of Portland, Indiana (the "city") to ensure that the city efficiently carries out its continuing disclosure obligations with respect to the securities it issues or guarantees, pursuant to Rule 15c2-12, as amended (the "rule"), promulgated under the Securities Exchange Act of 1934, as amended, and as undertaken by the continuing disclosure agreements ("disclosure agreements") heretofore and hereafter entered into by the city in connection with any such securities. It is hereby directed that this disclosure policy is to be followed by the city and the defined employees. This disclosure policy does not replace the city's continuing disclosure obligations under its disclosure agreements, which are definitive undertaking commitments of the city. (Ord. passed 3-16-15)

### § 38.02 DEFINITIONS.

As used in this disclosure policy, the following terms shall have the following meanings:

"ANNUAL FINANCIAL INFORMATION." The city's unaudited annual financial information including:

(a) Unaudited financial statements of the city if audited financial statements are not available; and

(b) Operating data of the type included as set forth in each applicable disclosure agreement (and as described in any related final official statement related to the city's obligation) which shall consist of the information required by the city's disclosure agreements and is generally described in the attached Appendix B.

"AUDITED FINANCIAL STATEMENTS." The annual report prepared by the fiscal officer which shall include, if prepared, a statement of net assets, a statement of revenues, expenses and changes in net assets and a statement of cash flow. Such annual report

§ 38.03 GENERAL ACTION STEPS.

(A) "Action Step 1." Appendix B will be updated by the fiscal officer upon the occurrence of any of the following:

- (1) At the closing of any issuances of new obligations;
- (2) When any obligations are to be paid from escrowed funds;
- (3) When any obligations are retired on their final maturity date; and
- (4) When any obligations are called to be redeemed prior to their stated maturity dates.

(B) "Action Step 2." The fiscal officer has engaged H.J. Umbaugh and Associates as a disclosure agent, to aid the fiscal officer in undertaking the specific action steps as set out below. Such specific actions steps may be revised by the fiscal officer with the advice of the City Attorney and input of the disclosure agent, which revisions shall be in the form of written updates to the below specific actions steps, provided that a copy thereof is certificated to the Mayor and City Council by the fiscal officer not later than 14 business days such are placed into effect.

(C) "Action Step 3." The fiscal officer shall deliver a copy of this disclosure policy to each disclosure agent and require them to certify that they have read it, understand it and will undertake each task assigned to them in this disclosure policy.

(D) "Action Step 4." By reference to the Indiana State of Board Accounts website (found at <http://www.in.gov/sboa/resources/reports/audit/Default.aspx>), the fiscal officer has determined that over the past ten fiscal years, the soonest the Indiana State of Board Accounts made the city's audited financial statements available to the city was July 8 of the year 2013 in respect of the fiscal year ending December 31, 2012.

(E) "Action Step 5." The fiscal officer shall cause a log of completed tasks undertaken in order to be consistent with this disclosure policy in substantially the form as attached in Appendix C.  
(Ord. passed 3-16-15)

§ 38.04 ANNUAL SUBMISSION OF ANNUAL FINANCIAL INFORMATION AND AUDITED FINANCIAL STATEMENTS.

(A) (1) Not later than 180 days after the end of each fiscal year of the city while any obligations remain outstanding (subject however to compliance with any sooner date, if any, that is noted in Appendix B as being a requirement of any disclosure agreement), the fiscal officer shall submit or cause the city's annual financial information to be submitted to the MSRB through EMMA.

(2) "Action Step 6." The disclosure agent has been tasked by the fiscal officer to inform the fiscal officer on or prior to June 20 of each year as to the date that this annual submission item will be ready for review by the fiscal officer and when the disclosure agent's submission is scheduled to be made to the MSRB through EMMA.

(a) Such submission date shall be no less than one business day prior to the deadline.

(b) The fiscal officer shall calendar each such date and shall contact the disclosure agent if either task does not occur by 2:00 p.m. (local time) on such dates.

(B) Not later than 60 days after receipt by the fiscal officer from the state board of accounts for any fiscal year of the city while any obligations remain outstanding (subject however to compliance with any sooner date, if any, that is noted in Appendix B as being a requirement of any disclosure agreement), the fiscal officer shall submit or cause the city's audited financial statements for each and every fiscal year of the city to be submitted to the MSRB through EMMA.

(1) "Action Step 7." The disclosure agent has been tasked by the fiscal officer:

(a) By the 15th day of each calendar month, commencing in the month of June of each fiscal year, to identify if the city's audited financial statements has been posted to the Indiana State of Board Accounts website (found at <http://www.in.gov/sboa/resources/reports/audit/Default.aspx>), and

(b) To inform the fiscal officer as to the date that this annual submission item will be ready for review by the fiscal officer and when the disclosure agent's submission can be made to the MSRB through EMMA.

(2) "Action Step 8." The fiscal officer will:

(a) By the first day of each calendar month, commencing in the month of July of each fiscal year, review the Indiana State of Board Accounts website (found at <http://www.in.gov/sboa/resources/reports/audit/Default.aspx>) to identify if the city's audited financial statements has been posted and is available; and

(b) Contact the disclosure agent within two business days following when the fiscal officer determines that the city's audited financial statements has been made available from the Indiana State of Board Accounts, whether such is determined by the foregoing bulleted step or by other means including any direct notice from the Indiana State of Board Accounts.

(3) "Action Step 9." So long as the disclosure agent is tasked by the fiscal officer to make such submissions, the fiscal officer will not later than one business day prior to the time specified in immediately prior division (A) and (B), respectively, confirm the annual financial information and the audited financial statements have been submitted to the MSRB (as posted on EMMA) by accessing and reviewing each of the websites referenced in Appendix B.

(C) Not more than five business days after the submission of the annual financial information and the audited financial statements, respectively, to the MSRB, the fiscal officer shall provide to the Mayor and the City Attorney written confirmation that the

annual financial information and the audited financial statements have been submitted and filed properly with the MSRB through EMMA.

(1) "Action Step 10." Should the Mayor and City Attorney not receive written confirmation that the annual financial information for any fiscal year have been submitted and filed properly with the MSRB through EMMA by the date of June 30 of each fiscal year, they will contact the fiscal officer to understand the circumstances and, if necessary, aid in the correction of any failure to follow this disclosure policy.

(2) "Action Step 11." Should the Mayor and City Attorney not receive written confirmation that the audited financial statements for any fiscal year have been submitted and filed properly with the MSRB through EMMA by the date of November 30 of each fiscal year, they will contact the fiscal officer to understand the circumstances and, if necessary, aid in the correction of any failure to follow this disclosure policy.

(D) In the event that the annual financial information or the audited financial statements is not completed in time to submit the annual financial information or the audited financial statements to the MSRB through EMMA within the time specified in immediately prior divisions (A) and (B), respectively, the fiscal officer will file a notice of occurrence of such an additional event in accordance with the policy and procedures set forth below under § 38.05 and in accordance with the rule, and the city's annual financial information and the audited financial statements shall be submitted as soon as it is available.

(E) The annual financial information and the audited financial statements may be provided to the MSRB through EMMA in one document or a set of documents submitted to the MSRB, or may be included by specific reference to documents available to the public on the MSRB's Internet website or filed with the SEC. The fiscal officer shall clearly identify each such other document provided by cross reference.

(F) The city's financial statements contained in the annual financial information and audited financial statements shall be prepared in accordance with generally accepted accounting principles (with such modification thereto or such other standards as may from time to time prescribed by the State Board of Accounts or applicable state law) as in effect from time to time. The city's annual financial information shall be prepared in accordance with that which ordinarily disclosed by municipal governments in the State of Indiana. The audited financial information shall be audited by the State Board of Accounts prior to its submission to the MSRB.

(G) Any or all of the items listed above may be incorporated by reference to other documents, including official statements of debt issues with respect to which the city is an "obligated person" (as defined by the rule), which have been filed with the MSRB through EMMA or the SEC. The fiscal officer shall clearly identify each such other document so incorporated by reference. In the event that the fiscal officer determines to so incorporate by reference any or all of the items listed

above, the fiscal officer shall also file a notice through EMMA indicating that all or part of the city's financial and operating information for that year is contained in documents filed with the SEC or with the MSRB through EMMA.  
(Ord. passed 3-16-15)

#### § 38.05 REPORTING OF EVENTS.

(A) (1) The fiscal officer shall file, in a timely manner, a notice of the occurrence of any event or events with the MSRB via EMMA with respect to any obligations to which the event or events are applicable, in a timely manner not in excess of ten business days after the occurrence of the events. The fiscal officer shall provide notice of such event to the MSRB through EMMA, as required by the Rule. The events to be disclosed are listed on the attached Appendix A, which the fiscal officer is responsible for updating in a timely manner in the event that there are future changes to the rule.

(2) "Action Step 12." So long as the disclosure agent is tasked by the fiscal officer to make such submissions, the fiscal officer will not later than business day prior to the time specified in division (1), confirm the notice of the event has been submitted to the MSRB (as posted on EMMA) by accessing and reviewing each of the website referenced in Appendix B.

(B) Not less than three business days after providing notice of an event to the MSRB, the fiscal officer shall make a written internal record noting that such notice submission was properly filed with the MSRB through EMMA, as required by the rule.

(C) Whenever any employee obtains actual knowledge of the occurrence of an event, that employee must inform the fiscal officer and the City Attorney in writing as soon as possible.  
(Ord. passed 3-16-15)

#### § 38.06 MANNER OF SUBMISSION.

The documents, reports and notices required to be submitted to the MSRB pursuant to the disclosure policy shall be submitted through EMMA in an electronic format, and shall be accompanied by identifying information, in the manner prescribed by the MSRB or in such other manner as is consistent with the rule. A description of such format and information as presently prescribed by the MSRB is included in Appendix D hereto.  
(Ord. passed 3-16-15)

#### § 38.07 DISCLOSURE TRAINING FOR CITY EMPLOYEES.

(A) The fiscal officer shall send a copy of this disclosure policy to each employee in the month of May during each calendar year.

(B) The fiscal officer is responsible for conducting training of city employees regarding this disclosure policy, which training shall occur within 60 days after the adoption of this disclosure policy and within 60 days after there is any new city employee. Such training shall include a complete review

of this disclosure policy, the rule, and the events listed in Appendix A, and shall include a complete overview of the city's obligations under the federal securities laws. Upon completion of the annual training, all city employees will provide written certification that they have completed the annual disclosure training and that they have reviewed and understand the disclosure policy, the rule and the events listed on the attached Appendix A and that they will comply with the disclosure policy.

(1) "Action Step 13." The disclosure agent, as tasked by the fiscal officer, is to timely schedule and undertake the initial training of the city employees.

(2) "Action Step 14." The fiscal officer will timely schedule the disclosure agent to undertake training upon employing any new city employees.

(C) Not later than 14 business days after the end of each fiscal year of the city, the fiscal officer shall provide annual written certification to the Mayor and to City Council that the foregoing disclosure training requirements were followed.

(D) The fiscal officer is responsible for delivering a copy of this disclosure policy to each successor fiscal officer, Mayor and City Attorney as may from time to time hold such position.

(Ord. passed 3-16-15)

#### § 38.08 PUBLIC STATEMENTS REGARDING FINANCIAL INFORMATION.

Whenever the city makes statements or releases information relating to its finances to the public that is reasonably expected to reach investors and the trading markets (including, without limitation, all notices of any events, statements in the annual financial information, and other financial reports and statements of the city), the city is obligated to ensure that annual financial information such as statements and information are complete, true, and accurate in all material aspects. The fiscal officer shall have primary responsibility for ensuring that such statements and information are accurate and not misleading in any material aspect. The Mayor and the City Attorney shall work together to ensure that all public statements and information released by the city are accurate and non-misleading in all material aspects and that the city complies with all applicable requirements of the rule regarding disclosure of any settlement by the city with the SEC.

(Ord. passed 3-16-15)

#### § 38.09 ISSUANCE.

When the city issues obligations, and a preliminary offering statement and a final offering statement is prepared, such offering statements may contain information relating to the city's finances. The fiscal officer, with the advice of the City Attorney, shall have primary responsibility for ensuring that all such information is accurate and not misleading in any material aspect. The offering statement shall also include a

certification by the Mayor and/or the fiscal officer that the information contained in the offering statement regarding the city, as of the date of each offering statement, does not contain any untrue statement of material fact or omit to state any material fact necessary to make the information contained in the offering statement, in light of the circumstances under which it was provided, not misleading. Upon any issuance of new obligations, Appendix B shall be updated.

(Ord. passed 3-16-15)

#### § 38.10 ADDITIONAL INFORMATION.

Nothing in this disclosure policy shall be deemed to prevent the city from disseminating any other accurate information using the means of dissemination set forth in this disclosure policy, any disclosure agreement or any other means of communication.

(Ord. passed 3-16-15)



The rule requires notification of the occurrence of any of the events listed as (A) through (N) below with respect to any applicable obligation. Notification must be provided in a timely manner, but not more than ten business days after its occurrence (provided that if any disclosure agreement permits a longer period, while this disclosure policy may not mandate such a ten business day requirement it shall be the stated policy of the city to meet such ten business days).

(A) Principal and interest payment delinquencies;

(B) Nonpayment related defaults, if material;

(C) Unscheduled draws on debt service reserves reflecting financial difficulties;

(D) Unscheduled draws on credit enhancements reflecting financial difficulties;

(E) Substitution of credit or liquidity providers, or their failure to perform;

(F) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, or a notice of proposed issue (IRS Form 5701-TEB) or other material notices of determinations with respect to tax status of the obligations, or other events affecting the tax status of the obligations;

(G) Modifications to rights of registered owners of the obligations, if material;

(H) Bond calls (excluding mandatory sinking fund redemptions), if material, and tender offers;

(I) Defeasances;

(J) Release, substitution or sale of property securing repayment of the obligations;

(K) Rating changes;

(L) Bankruptcy, insolvency, receivership, or a similar proceeding by an obligated person;

(M) Consummation of a merger, consolidation, acquisition involving an obligated person, or sale of all or substantially all of the assets of an obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or determination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(N) Appointment of an additional or a successor trustee, or the change in name of a trustee, if material.  
(Ord. passed 3-16-15)



APPENDIX B: SCHEDULE 2: OUTSTANDING OBLIGATIONS

Issue Date	Issue Name (and link to EMMA website)	CUSIP's	Brief Description of Operating Data required by disclosure agreement
6-29-10	Park and Recreational Special Taxing District Bonds of 2010: <a href="http://emma.msrb.org/SecurityView/SecurityDetails.aspx?cusip=AA15054582846CD539D482EE3E8A377F7">http://emma.msrb.org/SecurityView/SecurityDetails.aspx?cusip=AA15054582846CD539D482EE3E8A377F7</a>	See Below	No operating data has been designed to be disclosed
2-8-07	Redevelopment District Tax Increment Revenue Bonds, Series 2007A: <a href="http://emma.msrb.org/SecurityView/SecurityDetailsARD.aspx?cusip=A62BA97A60DAB851A9B8FA917DE3E1067">http://emma.msrb.org/SecurityView/SecurityDetailsARD.aspx?cusip=A62BA97A60DAB851A9B8FA917DE3E1067</a>	See Below	The operating data found under the following official statement headings: <ul style="list-style-type: none"> <li>Appendix A, Appendix D (Annual Revenue from Tax Increment)</li> <li>Appendix C (Top ten taxpayers in the City of Portland)</li> </ul>

<u>Parks and Recreational Special Taxing District Bonds of 2010</u>				
Maturity Date	Principal Amount	Interest Rate	Yield	CUSIP
1-15-12	\$35,000	2.00%	1.20%	736529AA6
1-15-13	\$55,000	2.00%	1.50%	736529AB4
1-15-14	\$60,000	2.00%	2.00%	736529AC2
1-15-15	\$60,000	2.50%	2.35%	736529AD0
1-15-16	\$60,000	2.70%	2.70%	736529AE8
1-15-17	\$70,000	3.00%	3.00%	736529AF5
1-15-18	\$70,000	3.20%	3.20%	736529AG3
1-15-19	\$75,000	3.40%	3.40%	736529AH1
1-15-20	\$80,000	3.60%	3.60%	736529AJ7
1-15-21	\$80,000	3.75%	3.80%	736529AK4
1-15-22	\$90,000	3.75%	3.90%	736529AL2
1-15-27	\$530,000	4.25%	4.25%	736529AM0
1-15-30	\$405,000	4.50%	4.50%	736529AN8

<u>Redevelopment District Tax Increment Revenue Bonds, Series 2007A</u>				
Maturity Date	Principal Amount	Interest Rate	Yield	CUSIP
2-1-17	\$120,000	4.25	4.25	736531AA2
2-1-20	\$135,000	4.50	4.50	736531AB0
2-1-24	\$435,000	4.75	4.75	736531AC8
2-1-28	\$600,000	4.75	4.85	736531AD6

(Ord. passed 3-16-15)



APPENDIX C: SCHEDULE 3: LOG OF ANTICIPATED TAX

Action Type:

- "AFI" - Activity related to annual financial information.
- "AFS" - Activity related to audited financial statements.
- "E" - Activity related to an event occurrence.
- "O" - Another activity that is required by the disclosure policy

<u>Log of Anticipated Tasks</u> (each January 1 add to these anticipated tasks when expected to apply to the upcoming calendar year)			
<u>Date</u>	<u>Action Type</u>	<u>Action Description</u>	<u>Title of employee assigned to take action</u>
		When an action step number is listed below, it can be found in the disclosure policy.	
		After completing any of the below "anticipated task," then record that action in the below "Log of Completed Tasks" found below.	
Jan. 5	O	Send a copy of this disclosure policy to each employee.	Clerk-Treasurer
		Certify to the Mayor and to City Council that the disclosure training requirements (See § 38.07) were followed during the prior calendar year.	
Jan. 5 Apr. 5 Jul. 5 Oct. 5	E & O	Are there any pending or expected Action Step 1 items foreseen for the upcoming quarter? (If yes, see that Action Step 1, § 38.03 is followed).	Clerk-Treasurer
		Review Appendix A events: are any foreseen for the upcoming quarter? (If yes, see that § 38.05 and Action Step 12 located therein are followed).	
		Has any new employee been hired? (If yes see Action Step 14, § 38.07).	
By Jun. 21	AFI	Contact disclosure agent (currently, H.J. Umbaugh and Associates): Ask when annual financial information has been submitted to EMMA? Is the submission linked to each maturity (CUSIP no.)? (See Action Step 6, § 38.04).	Clerk-Treasurer
Jun. 27	AFI	Go to each EMMA website noted in Appendix B: has the city's annual financial information been submitted to EMMA? Is the submission linked to each maturity (CUSIP no.)? (See Action Step 6, § 38.04).	Clerk-Treasurer
		If yes, provide written confirmation to the Mayor and to the City Attorney that the annual financial information has been submitted and filed properly on EMMA.	
Jun. 30	AFI	Should the Mayor or City Attorney not receive written confirmation that the annual financial information for the prior fiscal year has been submitted and filed properly on EMMA, contact the fiscal officer. (See Action Step 10, § 38.04).	Mayor and City Attorney
1st day of each month-- Start of Jul.	AFS	Are the city's audited financial statements available from the Indiana State Board of Accounts?	Clerk-Treasurer
		If yes, communicate with disclosure agent (currently, H.J. Umbaugh and Associates): ask when annual AFS submission item will ready for review by the fiscal officer and when the disclosure agent's submission to EMMA will be made. (See Action Step 8, § 38.04).	
		Go to each EMMA website note in Appendix B: has the city's annual financial information been submitted to EMMA? Is the submission linked to each maturity (CUSIP no.)? (See Action Step 9, § 38.04).	
		If yes, provide written confirmation to the Mayor and to City Attorney that the audited financial statements have been submitted and filed properly on EMMA.	

<p style="text-align: center;"><u>Log of Anticipated Tasks</u> (each January 1 add to these anticipated tasks when expected to apply to the upcoming calendar year)</p>			
<u>Date</u>	<u>Action Type</u>	<u>Action Description</u>	<u>Title of employee assigned to take action</u>
		When an action step number is listed below, it can be found in the disclosure policy.	
		After completing any of the below "anticipated task," then record that action in the below "Log of Completed Tasks" found below.	
Nov. 30	AFI	Should the Mayor or City Attorney not receive written confirmation that the audited financial statements for the prior fiscal year have been submitted and filed properly on EMMA, contact the fiscal officer. (See Action Step 11, § 38.04).	Mayor and City Attorney

<p style="text-align: center;"><u>Log of Completed Tasks</u> (when any action is complete, log it below and retain any written evidence of its completion)</p>			
<u>Date</u>	<u>Action Type</u>	<u>Action Description</u>	<u>Name of employee taking action</u>
	0	A copy of this policy was sent to H.J. Umbaugh and Associates to complete Action Step 3.	
	0	Initial training by H.J. Umbaugh and Associates to complete Action Step 3 is scheduled for _____, 2015.	

(Ord. passed 3-16-15)

APPENDIX D:

MSRB PROCEDURES FOR SUBMISSION OF  
CONTINUING DISCLOSURE DOCUMENTS AND  
RELATED INFORMATION

(A) Securities and Exchange Commission Release No. 34-59061 (the "release") approves an MSRB rule change establishing a continuing disclosure service of the MSRB's electronic municipal market access system ("EMMA"). The rule change establishes, as a component of EMMA, the continuing disclosure service for the receipt of, and for making available to the public, continuing disclosure documents and related information to be submitted by issuers, obligated persons and their agents pursuant to continuing disclosure undertakings entered into consistent with Rule 15c2-12 ("Rule 15c2-12") under the Securities Exchange Act of 1934. The following discussion summarizes procedures for filing continuing disclosure documents and related information with the MSRB as described in the release.

(B) (1) All continuing disclosure documents and related information is to be submitted to the MSRB, free of charge, through an internet-based electronic submitter interface or electronic computer-to-computer data connection, at the election of the submitter. The submitter is to provide, at the time of submission, information necessary to accurately identify:

(a) The category of information being provided;

(b) The period covered by any annual financial information, financial statements or other financial information or operating data;

(c) The issues or specific securities to which such document is related or otherwise material (including CUSIP number, issuer name, state, issue description/securities name, date, maturity date and/or coupon rate);

(d) The name of any obligated person other than the issuer;

(e) The name and date of the document; and

(f) Contact information for the submitter.

(2) Submissions to the MSRB are to be made as portable document format (PDF) files configured to permit documents to be saved, viewed, printed and retransmitted by electronic means. If the submitted file is a reproduction of the original document, the submitted file must maintain the graphical and textual integrity of the original document. In addition, as of January 1, 2010, such PDF files must be word-searchable (that is, allowing the user to search for specific terms used within the document through a search or find function), provided that diagrams, images and other non-textual elements will not be required to be word-searchable.

(C) (1) All submissions to the MSRB's continuing disclosure service are to be made through password protected accounts on EMMA by:

(a) Issuers, which may submit any documents with respect to their municipal securities;

(b) Obligated persons, which may submit any documents with respect to any municipal securities for which they are obligated; and

(c) Agents, designated by issuers and obligated persons to submit documents and information on their behalf.

(2) Such designated agents are required to register to obtain password-protected accounts on EMMA in order to make submissions on behalf of the designating issuers or obligated persons. Any party identified in a continuing disclosure undertaking as a dissemination agent or other party responsible for disseminating continuing disclosure documents on behalf of an issuer or obligated person will be permitted to act as a designated agent for such issuer or obligated person, without a designation being made by the issuer or obligated person as described above, if such party certifies through the EMMA on-line account management utility that it is authorized to disseminate continuing disclosure documents on behalf of the issuer or obligated person under the continuing disclosure undertaking. The issuer or obligated person, through the EMMA on-line account management utility, is able to revoke the authority of such party to act as a designated agent.

(D) The MSRB's internet-based electronic submitter interface (EMMA Dataport) is at [www.emmajnsrb.org](http://www.emmajnsrb.org). (Ord. passed 3-16-15)

