

**\*\*\*KRB-YRBDC POLICY 01-2022 \*\*\***

Title: **Personnel Policy**  
Date Adopted: June 23, 2022  
Date Amended: N/A

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**POLICY**

In order to carry out its primary mission, the Kankakee River Basin and Yellow River Basin Commission (“the Commission”) requires a qualified workforce committed to excellence. This policy and following procedures are one tool of the Commission to recruit, retain, and support an outstanding team of executive and workers.

The Commission further adopts a non-discrimination policy. As such, it strictly adheres to, among other laws, the Civil Rights Act of 1964, the Americans with Disabilities Act, the Uniformed Services Employment and Re-Employment Act, Indiana civil rights laws, local ordinances within its jurisdiction, and all relevant federal, state, and local regulations pertaining to non-discrimination. The Anti-Discrimination/Harassment policy contained in State of Indiana Employee Handbook as adopted by the Indiana State Personnel Department in 2018 [ATTACHMENT] shall serve as the official policy of the Commission.

**DEFINITIONS**

“Employee”: A worker under the direct control of the Commission for which the Commission is subject to payroll tax withholding and reporting.

“Salaried employee”: An employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis and qualifies for exemption from the Fair Labor Standards Act.

“Hourly employee”: An employee subject to the Fair Labor Standards Act who receives an hourly rate of pay for services rendered and is eligible for overtime pay under federal law.

“Key employee”: The Executive Director or any of the ten-percent (10%) most highly compensated employees.

“Contract worker”: An individual hired for a specific project or a certain timeframe for a set fee.

## PROCEDURES

- I. **Salaries and Wages.** Direct compensation is set by the Commission. In coordination with its Executive Director, the Commission's Executive Committee shall annually review each employee's salary and wages and make recommendations to the Commission regarding their levels.
- II. **Medical Insurance.** The Commission currently does not retain enough employees to qualify for a group health insurance plan. However, beginning on the first of the month immediately following the employee's first day of employment, the Commission shall pay for eighty-percent (80%) of premiums for individual medical insurance plans covering the employee and any employee dependents. While the Commission will pay the entire premium at the beginning of each month, twenty-percent (20%) of the amount will withheld from the employee's regular pay to reimburse the Commission for the employee share.
- III. **Dental Insurance.** The Commission does not currently provide group or individual dental insurance plans, although it may opt to do so.
- IV. **Employee Retirement.** The Commission is a participant in the Public Employee Retirement Fund's (PERF) My Choice program. The Commission shall contribute a minimum of three-percent (3%) of each employee's base earnings toward the employee's fund. Employees are entitled to voluntarily contribute their own earnings toward the fund.
- V. **Life Insurance.** The Commission does not currently provide life insurance.
- VI. **Workers Compensation Insurance.** As consistent with Indiana law, the Commission shall provide workers compensation coverage for its employees.
- VII. **Short and Long-Term Disability.** For key employees with more than one (1) year of service, the Commission shall maintain a Long-Term Disability policy for that employee. The policy shall take effect after a ninety (90) day evacuation period and provide a benefit equal to sixty-percent (60%) of the employee's base earnings. This amount will be subtracted from any other salary due to the key employee.

At the earliest possibility, the Commission will be notified in writing that a disability exists. The Commission may request medical documentation or confirmation of the disability. Before considering other options, it will first be considered if the key employee can continue to fulfill essential job duties through modified duties or a modified work schedule.

Once a disability exists, the key employee shall receive the regular rate of pay for a period of thirty (30) days. At the end of the thirty-day period and prior to the end of the evacuation period, the key employee shall receive eighty-percent (80%) of his or her base pay prior to the activation of long-term disability benefits.

The key employee may restore all or some of lost pay through modified work duties and work schedule consistent with the employee's medical condition. Modified duties and schedules shall be approved by the Commission and monitored by the Executive Committee.

Following the end of the evacuation period, the key employee will be eligible to receive benefits from the Long-Term Disability Policy. If permitted by the Long-Term Disability Policy, the key employee may earn all or portions of the difference between the disability payments and the key employee's regular base pay through modified duties or schedules approved and monitored by the Commission.

For key employees receiving long-term disability benefits with or without modified duties or schedules, the Commission shall continue paying its share of employee medical insurance premiums for a period of twelve (12) months from the date of disability determination or whenever the employee decides not to return to work, whichever is sooner. Continuance of medical insurance shall be contingent upon the key employee remitting to the Commission the employee's twenty-percent (20%) share of medical insurance premiums, either through payroll withholding or direct payment.

After consulting with the employee, if the Commission determines that the employee is unable to fulfill essential job functions after one (1) year from the date of disability, the Commission may end the employer/employee relationship.

During the period of disability, the key employee will make all reasonable efforts to work a modified schedule or perform duties modified to his or her medical condition. The key employee also will make all reasonable efforts to return to schedule and duties as they existed prior to the period of disability.

VIII. **Mileage.** Employees will be reimbursed at the State of Indiana's current mileage rate for all work-related driving. To remain eligible for reimbursement, the employee must maintain an active Indiana driver's license. The employee shall provide a log of all work-related travel prior to mileage payment.

IX. **Travel Expenses.** In-state, work-related travel expenses other than mileage such as hotel lodging and travel-related meals shall be approved in advance by the Commission chair. All out-of-state travel expenses shall be approved in advance by the Commission. The State of Indiana's travel guidelines for public employees shall serve as a guide.

- X. **Training.** Funding or reimbursement for training costs such as conference registrations, webinar fees, and test fees, are subject to Commission approval.
- XI. **Payroll Withholding.** The Commission shall withhold, remit, and report all required taxes from employees' pay, including federal and state income tax and the employee share of FICA. All employee withholding for taxes or benefits shall be substantiated by standard written authorization from the employee.
- XII. **Employer Payroll Taxes.** The Commission is obligated to remit its share of FICA, unemployment insurance taxes, and any other employer taxes required by law.
- XIII. **Family and Medical Leave Act.** As a public employer, the Commission is subject to the provisions of the Family and Medical Leave Act (FMLA). However, "key employees" as defined under FMLA regulations are exempt from the Act.
- XIV. **Paid Time-Off.**

Because key employees are responsible for both the overall conduct of the organization and action during flood emergencies, the key employee's time-off for vacation, illness, or injury are determined in regular consultation with the Commission's chair and officers. The Commission recognizes that the health and well-being of key employees are essential for the conduct of the Commission's mission. For that reason, the Commission recognizes the importance of providing reasonable time to the key employee for vacation and to attend to medical, family, and personal matters. During such periods, the Commission shall make reasonable efforts to allow the key employee to be free of duty.

For salaried employees and hourly employees hired following the adoption of this policy, the Commission will intend to follow the time-off policy adopted by the Northwest Indiana Regional Planning Commission. However, the policy's provisions will be reconfirmed or adjusted prior to an offer of employment being made to any future employee.

- XV. **Holidays.** The Commission observes all holidays for Indiana state employees except for Primary Election Day and General Election Day. Employees receive their regular rates of pay on days designated as holidays. However, employees are expected to provide services on holidays in the event of a flood emergency, public safety emergency, or other pressing matter related to the Commission's mission.
- XVI. **Other Benefits.** The Commission reserves the right to provide other benefits that it deems necessary for the good of the organization.

- XVII. **Contract Workers.** These policies and procedures do not apply to independent contract workers or workers providing a specific service to the Commission for an established amount. Such workers are employed under the terms and conditions of their respective organizations.
- XVIII. **Contract Employees.** Should the Commission contract with an employee for services under the Commission routine direction, the terms and conditions of employment will be defined in the contract.

## ATTACHMENT

### **ANTI-DISCRIMINATION/HARASSMENT POLICY AS CONTAINED IN INDIANA STATE EMPLOYEE HANDBOOK**

#### **ANTI-DISCRIMINATION/HARASSMENT POLICY**

Each state employee has the right to work in a professional atmosphere which promotes equal opportunities regardless of race, sex, religion, age, nationality, sexual orientation, gender identity or disability. The state does not tolerate, condone or allow any harassment or discrimination whether verbal, physical or environmental. The prevention of harassment policy applies to all work-related activities and conduct whether it involves fellow employees, supervisors, officers or outside clients or contractors who conduct business with the state.

Any person who is aware of or has encountered behavior perceived as harassing or discriminatory is encouraged to report such concerns as soon as possible, regardless who the offender may be. Reports can be made to:

- Supervisors/managers
- Human Resources director
- An agency head
- An agency Affirmative Action coordinator
- Employee Relations Division of State Personnel Dept.
- Indiana Civil Rights Commission
- Federal Equal Employment Opportunity Commission

The state will thoroughly investigate and promptly resolve all such complaints in strict compliance with applicable laws. Any employee violating this policy or retaliating in any way against complainants or witnesses under the policy will be subject to discipline, up to and including dismissal from employment.