ORDINANCE NO. 2012-5

VERMILLION COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE AMENDING THE COUNTY OF VERMILLION, INDIANA PERSONNEL POLICIES HANDBOOK

WHEREAS the County of Vermillion, Indiana is an Equal Opportunity Employer, and

WHEREAS it is the intent of Vermillion County, Indiana to comply with applicable federal and State of Indiana employment laws and regulations, and

WHEREAS the County of Vermillion, Indiana provides Vermillion County employees with information about established terms and conditions of employment and employee benefits, and

WHEREAS the County Board of Commissioners adopted the County Personnel policies on 6-2-2009, and

WHEREAS it is necessary to amend personnel policies from time-to time.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF VERMILLION, INDIANA BOARD OF COMMISSIONERS THAT:

The attached County of Vermillion, Indiana Nepotism; Elective Officer and County Employment Restricted; and Contracting with the County policies are hereby adopted and shall be in full force and effect on and after adoption; and shall replace and supersede existing oral or written vacation policies and procedures.

EFFECTIVE DATE

This Ordinance shall be in full force and effect after its adoption by the Board of County Commissioners.

ADOPTED this 6th day of June 2012.

BOARD OF COMMISSIONERS
VERMILLION COUNTY, INDIANA

Mike Craig

Harry Crossley

Tim Wilson

ATTEST:

Phyllis Orman, Auditor

NEPOTISM POLICY

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this County in the future.

This nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the County if the County receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.

CONTRACTING WITH THE COUNTY

Effective July 1, 2012 Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must:

- Be in writing
- Describe the contract or purchase
- Describe the relationship of the official to the business
- Be affirmed under penalty of perjury
- Be submitted to the legislative body prior to final action
- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are excepted.

An elected official that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.