

Dear Employee:

Welcome to the Village of Howard City! We are excited to have you as a part of our talented and diverse team of employees. The Village of Howard City is a unique municipality, requiring input and contribution from every team member. This policy manual contains key policies and expectations of the Village of Howard City as your employer. You will find the information both necessary and informative and are encouraged to use the manual as the vital resource it is intended to be.

The Village of Howard City is committed to outstanding service to our citizens and visitors. Providing an outstanding quality of life to our community is our top priority. As a part of our team, you will discover that your involvement will not only benefit the Village, but will also be a rewarding experience to you on both a professional and personal level. We expect you to own the results of your innovation and productivity and be an active participant in the growth and development of your career and of the Village of Howard City's future.

Welcome aboard, and we look forward to your contribution!

Sincerely,

Randy Heckman, President  
Village of Howard City

# **CHAPTER I**

# **ADMINISTRATION**

# I. ADMINISTRATION

## A. PERSONNEL ADMINISTRATION

### **Section 1: Authority**

#### **(1) General**

With the exception of matters reserved by state law or the Village charter to the Village Council, the general and final authority for personnel administration rests with the Village Manager or Identified Designee (VMID). This Personnel Policy Manual provides statements of policy and establishes procedure relating to personnel administration that are necessary to effectively and efficiently manage Village operations. It is issued by the VMID under the authority of the Village Council.

Village policies will always apply to the extent they are not inconsistent with the Union or other individual contracts; where a contract covers a topic, it prevails.

#### **(2) Scope of Authority**

The VMID possesses the authority to administer Village operations. The VMID's authority includes, but is not limited to:

- (a) Discipline, discharge, or release of employees pursuant to the Village Charter and procedures described in this handbook;
- (b) Direct the work forces;
- (c) Hire, assign, or transfer employees;
- (d) Determine the mission of Village departments;
- (e) Determine the methods, means, and allocation/assignment of personnel needed to carry out the Village mission;
- (f) Introduce new or improved methods or facilities or change such methods or facilities;
- (g) Determine reasonable work schedules and establish the methods and processes by which such work is performed;
- (h) Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- (i) Determine position availability by:
  - i. Authorizing lateral assignments;
  - ii. Freezing, hiring, and promoting;
  - iii. Authorizing delay in position used due to budget, facilities, or other business necessity;  
or
  - iv. Authorizing temporary assignment into a vacancy
- (j) Recommend to Village Council the addition/deletion of positions, reclassification of positions, and/or reassignment of employees to different positions with different classifications and pay as required by business necessity.

#### **(3) Delegated Authority**

The VMID may delegate authority to Supervisors in the following area:

- (a) Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
- (b) Direct the work forces;
- (c) Hire, assign, or transfer employees;
- (d) Recommend the mission of specific departments;
- (e) Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
- (f) Introduce new or improved methods or facilities or change such methods or facilities;
- (g) Recommend work schedules and establish the methods and processes by which such work is performed;
- (h) Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;

- (i) Recommend positions, reclassification of positions, and/or the reassignment of employees to different positions with different classifications and/or pay; and
- (j) Fiscal responsibility of the Village.

**(4) Administration of Policy**

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual create high standards of conduct so that training and performance can be aimed at the highest levels and may, in appropriate cases, be the basis for internal discipline. This manual provides general information about Village policies, procedures, expectations, and benefits. The information in this manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this manual may not cover all situations. The VMID shall make interpretive decisions for those situations that are not specifically covered by this manual and may, in the best interest of Village operations, override any provision in this manual.

The intent of this Personnel Policy Manual is compliance with all applicable Federal and State laws. In the event of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal and/or State law shall supersede the policies contained within this manual.

**Section 2: “At Will” Employment**

All employment relationships are at the will of the Village of Howard City and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the Village of Howard City may discharge an employee at any time for any reason, with or without cause or notice.

This manual is not intended to and does not create an employment contract between the Village and its employees. Your employment is for no specified period of time, and this manual does not limit your right or the Village’s right to terminate your employment at any time for any reason or no reason.

**Section 3: Departmental Operating Rules**

Departmental operating rules and regulations related to employment matters, not in conflict with this manual, may be used and/or established by the Supervisors. To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

**Section 4: Revisions to Manual**

This manual may be amended in whole or in part from time to time at the sole discretion of the Village in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be available to all employees upon adoption.

**Section 5: Personnel Records**

**(1) Establishment and Retention**

Master personnel files on all employees are established and maintained by the Village. These files shall be located at the Village Office under the supervision of the VMID and shall contain all records and actions taken. Files for terminated employees shall be retained as required under all applicable record retention laws. The practice of maintaining copies of these files or portions thereof within the departments is strongly discouraged. These records are subject to disclosure pursuant to any Open Records Act.

**(2) Inspection of Records**

- (a) An employee has the right to review and request copies of his/her personnel file. These requests will be facilitated by the VMID. The employee may be charged a nominal fee per copy.
- (b) All personnel records/files of employees covered under these policies shall be subject to inspection and protection in accordance with State Open Records laws. Information which is obtained in the course of official duty shall not be released by any employee other than by those charged with this responsibility as part of their official duties.

**(3) Changes to Records**

It is the responsibility of the employee to notify the Village of any personal data, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require legal documents as back-up (e.g., marriage certificate, divorce decree, etc.).

**Section 6: Personnel Policy Manual**

**(1) Scope**

The provisions of this manual apply to all employees of the Village of Howard City, both on and off duty, unless otherwise indicated, restricted by authority, or limited by law.

**(2) Not a Contract**

This manual does not constitute a contract of employment or benefits. Nothing in this handbook should be construed as a guarantee of continued benefits from, or employment by, the Village of Howard City. Benefits provided are subject to change or revocation with or without notice. All employees are subject to discharge with or without cause.

**(3) Changes**

The VMID reserves the authority to recommend, modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this manual. Except in the case of emergency, employees will be given appropriate notice of any change.

**(4) Titles/Headings**

The use of titles or headings in this manual shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

**(5) Validity/Severability**

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

**(6) Distribution**

Every Village employee will have access to a copy of this manual and copies of amendments and revisions as they are adopted.

**(7) Compliance**

All provisions of this manual are applicable to regular full-time, part-time, probationary, seasonal, and temporary employees, except where otherwise noted in the manual.

**(8) Official Copy**

An official copy of the Village of Howard City Personnel Policy Manual containing the latest revisions is maintained by the VMID and can be found in the Village Office.

**Section 7: Definitions**

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings, unless a different meaning is required by the context.

**(1) Days**

Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

**(2) Demotion**

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions may be to one or more grade levels lower than the current employee status.

**(3) Supervisor or Director**

The highest administrative employee of a department, whether indicated as Director, Supervisor, or other job title or rank.

**(4) Employee**

(a) **Regular Full-Time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of forty (40) hours per week.

(b) **Regular Part-Time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of less than thirty (30) hours per week.

(c) **Fire Protection:** Those employees designated as volunteer fire protection personnel and assigned to a specific time other than the regular work week.

- (d) **Probationary Employee:** Those newly hired employees who are in their “original probation period” and those employees who have changed positions and are in the “position probation period.”
- (e) **Temporary or Seasonal Employee:** Any employee filling a position for a specified length of time, for either long-term or short-term work assignments.
- (5) **Exempt Employee**  
An employee defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions, but exempt from overtime pay provisions. An exempt employee’s compensation is based on an annual salary basis, and there is no compensation for hours worked in excess of the defined work week.
- (6) **Non-Exempt Employee**  
An employee defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions.
- (7) **On-the-Job Injury**  
An on-the-job injury is an injury arising out of employment or sustained in the course of employment.
- (8) **Overtime Rate**  
Regular full-time employees will receive overtime pay at time and a half (1½) for any approved hours worked in excess of forty (40) hours per week.
- (9) **Promotion**  
A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.
- (10) **Reassignment**  
Reassignment is defined as the movement of an employee not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.
- (11) **Reclassification**  
A reclassification is defined as a position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.
- (12) **Relative**  
For purposes of this manual, relatives are defined as follows:
- Spouse
  - Parent or Step-Parent
  - Parent-in-Law
  - Child or Step-Child
  - Sister or Step-Sister
  - Brother or Step-Brother
  - Sister-in-Law
  - Brother-in-Law
  - Son-in-Law
  - Daughter-in-Law
  - Grandparent or Step-Grandparent
  - Grandparent-in-Law
  - Grandchildren
- (13) **Supervisor**  
The term Supervisor shall apply to any employee assigned to supervisory responsibilities for personnel and operations of a work unit within the Village.
- (14) **Unauthorized Absence**  
Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.
- (15) **Work Week**  
The work week is established as Monday through Sunday.

## **B. ATTENDANCE & WORK HOURS**

### **Section 1: Policy Statement**

In order to maintain a high level of responsiveness to the Village of Howard City citizenry, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

### **Section 2: General Provisions**

#### **(1) General Business Hours**

Unless otherwise approved by the VMID, all Village offices will be kept open continuously from 7:00 am to 4:30 pm. Monday through Thursday and 7:00 am to 11:00 am on Friday. VMID may schedule alternate work schedules to meet their needs and the needs of citizens.

#### **(2) Hours Worked**

Employees must actually work all hours in the work period before receiving overtime pay/compensatory time. The established work periods for Village employees are: 40 hours/7 days.

Annual, sick, holiday, or other types of leave will not count as hours worked for calculating overtime pay or for the purpose of determining eligibility for Family Medical Leave (FMLA).

#### **(3) Attendance Requirements**

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service; and excessive amount of time off the job, regardless of reason. An employee absent from the job without proper authorization for two (2) consecutive workdays may be considered to have resigned his/her position without notice, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

Specific attendance requirements may be established by the VMID as needed to ensure operation effectiveness.

#### **(4) Additional Work**

All employees are required to work in excess of their regularly scheduled hours when necessary, as determined by management. Such additional work assignments may be rotated and allocated among employees qualified to perform the duties. Excess hours may be required or granted for a specific period of time or on a regular basis as operating circumstances warrant. Additional work by non-exempt employees must be approved in advance by the employee's Supervisor. This includes, but is not limited to, work before or after regular work hours, working a Village-sponsored Special Event, etc.

#### **(5) Travel Time**

When a non-exempt employee travels on Village business or attends a training class/conference outside of his/her normal work schedule, it will be at the discretion of his/her supervisor to determine if the employee should leave from his/her home or from the Village. Traveling hours for non-exempt employees may be calculated as work time and could possibly create overtime pay.

Should travel require an employee to fly rather than drive, time spent at airports waiting on flights is considered work time and should be paid according to the Fair Labor Standards Act (FLSA).

Non-exempt employees traveling during their normal work hours will be compensated at their normal work schedule; employees traveling on their scheduled day off will be compensated as any other workday.

#### **(6) Time Increments**

Hourly computations for the purpose of compensation and the use of Paid Time Off (PTO) will be computed in quarter hour increments for non-exempt employees.

**(7) Meal Breaks**

Meal breaks should be ½ hour in length. Additional time may be authorized by the VMID. It is also understood that times may occasionally vary to accommodate medical or personal appointments. Other rest periods/breaks of short duration during the day should not be disruptive to operations, should not exceed fifteen (15) minutes in length, and should be taken at or near where working. In compliance with the Fair Labor Standards Act, meal time during a shift is not considered compensable time, unless the employee is required to respond to calls or to perform other work during the meal time.

**Section 3: Alternative Work Schedules**

**(1) General Provisions**

Subject to operational requirements, full-time employees may work an alternative work schedule that requires the employee to work outside the normal work hours of 7:00 am to 4:30 pm Monday through Thursday or 7:00 am to 11:00 am Friday.

Flex-Time: When approved, flextime is flexible hours that allow workers to alter workday start and finish times.

**(2) Approval Process**

Any change in an employee's work schedule must be based on operational need and must be approved by the VMID prior to implementation. In addition, the VMID must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or Village policy.

**(3) Restrictions**

- (a) The Village may cancel or suspend an employee's alternative work schedule at any time, for any or no reason.
- (b) Daily and weekly work schedules can be modified at the Village's discretion to meet changing operational needs.
- (c) Approval of an alternative work schedule does not prohibit employees from working more than their regularly scheduled work hours.
- (d) Employees can be required to depart from their alternative work schedule as necessary, to work additional hours, to attend training or for other business purposes as determined by the Village.
- (e) No alternative schedule will be approved that has the potential to unduly increase the Village's overtime pay liability or that result in an inconvenience to, or disruption of, the Village's business.

**C. EMPLOYEE STATUS CHANGES**

**Section 1: Policy Statement**

Employees may undergo any number of changes in status and/or compensation. The purpose of this policy is to identify and describe the more common of these changes.

**Section 2: General Provisions**

**(1) Requirement**

All new hires, promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds at the discretion of the VMID and Village Council.

**(2) Compensation**

Status changes described in this manual may affect compensation, based on position classification and availability of funds.

**(3) Paperwork**

A Personnel Change Form must be completed to document all status changes.



### **Section 3: Probation Period Requirements**

#### **(1) Policy Statement**

It is the purpose of the probationary period to provide a time by which both employee and employer can decide whether to continue employment. Probationary employees and Supervisors should utilize the time to examine all aspects of the job and related performance.

#### **(2) Original Probation Period**

Newly hired employees are subject to a six (6) month probationary period in the position to which they are hired (the "Original Probation Period"). New hires who fail to complete the probationary period at an acceptable level shall be terminated from employment.

#### **(3) Position Probation Period**

Employees who are promoted, demoted, or transferred to a different position are subject to a six (6) month probationary period in the new position (the "Position Probation Period"). If the employee fails to successfully complete a "position probation period" following promotion, he/she shall be reinstated in his/her former position at his/her former rate of pay if the position is vacant. If the position is not vacant, the employee may be assigned to any vacant position for which he/she is qualified at a rate of pay within the salary range of the vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated. If the employee fails to successfully complete a "position probation period" following demotion or transfer, he/she may be assigned to any vacant position for which he/she is qualified at a rate of pay with the salary range of the vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated.

#### **(4) Extension of Probation**

The probationary period may be extended one time for a period not to exceed ninety (90) days by the VMID. If the probationary period is to be extended, the employee will be notified in writing.

#### **(5) Probation Period Restrictions**

Employees in a probationary status are not eligible for reassignment, promotions, or voluntary transfer unless specifically approved by the VMID.

#### **(6) Grievance Appeal Rights**

New employees in their original probationary status do not have grievance or appeal rights in connection with disciplinary action or termination of employment.

### **Section 4: Regular Status**

An employee who satisfactorily completes the probationary period is moved to regular status at the recommendation of the VMID.

### **Section 5: Promotions and Demotions**

#### **(1) Eligibility for Promotions**

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance.

#### **(2) Reasons for Demotion**

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, disciplinary action, job elimination, or reasonable accommodation. A recommendation for demotion must be in writing and must contain the reasons why it is necessary to recommend demotion rather than alternative personnel actions. Only the VMDI may authorize a demotion. The VMDI shall consult with Village Council about the demotion and notify the employee in writing.

### **Section 6: Reassignment**

#### **(1) Management Reassignment**

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities at the discretion of the VMID.

#### **(2) Temporary Reassignment to Modified/Light Duty**

Any employee may be temporarily reassigned to modified, lighter, or safer duties when the employee is unable to perform his/her current duties based on a medical certification by a physician or when continued performance of current duties may aggravate a present medical condition/problem as

diagnosed by a physician. The Village may require an employee to be examined by an appropriate health professional of the Village's choice if the employee provided insufficient information from his/her treating physician (or other health care professional) to substantiate that he/she is unable to perform current duties. Every reasonable effort will be made to reassign the employee to other duties within the same department. During the reassignment period, the employee will be required by the Village to provide periodic reports regarding the employee's ability to perform duties.

If a reassigned employee is unable to resume, with reasonable accommodations, his/her original duties within three (3) months of reassignment, the Village may, with approval of the Village Manager, assign the employee to a vacant position in another classification for which the employee is qualified and able to perform (with or without accommodations), and at a salary comparable to that of other employees in the same classification. If no vacancy exists in another classification for which the employee is qualified (with or without accommodations), the employee may be terminated from employment.

**(3) Temporary Reassignment to Higher Classification**

Employees may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

- (a) An existing position is vacant or the incumbent is, or will be, absent from work for at least thirty (30) days;
- (b) Operational effectiveness precludes dispersing the duties of the position among other equally classified employees;
- (c) The employee meeting the minimum qualifications of and is capable of performing the assigned duties of the higher level position; and
- (d) The VMID approves the temporary acting status in writing prior to the reassignment.

**(4) Employee-Sought Reassignment**

Employees may voluntarily seek transfers to equal or lower classified available positions for which they are qualified. Such transfers may not be granted if the VMID determines that it is not in the best interest of Village operations.

**Section 7: Reclassification of a Position**

**(1) General Overview**

Reclassification of a position may occur at the request of a Supervisor and upon approval of the VMID when the job duties actually performed and/or the minimum qualifications of the position have significantly changed since the job description was written. Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given written notice of the reclassification by the Village and will not be subject to a "position probation period".

**(2) Approval**

All requests for reclassifications should be submitted to the VMID, who will review and submit to the Village for evaluation. A recommendation to reclassify a position must be approved by the VMID and the Village Council.

**D. NEPOTISM AND NON-FRATERNIZATION**

**Section 1: Nepotism**

**(1) Policy Statement**

It is the Village's policy that relatives, as defined earlier in the definition section, will not be employed in regular full-time or part-time positions where:

- (a) One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other;
- (b) One relative would be responsible for auditing the work of the other;
- (c) Other circumstances exist which would place the relatives in an actual or reasonably foreseeable conflict between the Village's interest and their own.

**(2) Options**

- (a) Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
- (b) Involuntary reassignment of the more senior employee to an available position of equivalent status/grade based on qualifying skills of the employee.
- (c) Resignation or dismissal from Village service.

**Section 2: Non-Fraternization**

**(1) Policy Statement**

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the Village prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a manager desire to date or become involved with a direct report employee, the manager should first resign from his/her position with the Village.

Should two employees within the same department, but not in a direct reporting relationship, desire to become involved in a romantic relationship, they should disclose the relationship to the VMID who shall then make a decision regarding the effect of the relationship on work product and work flow within the department. If, in the judgment of the VMID, the relationship between two employees within the department creates a negative effect on departmental operations, then the more senior employee will be asked to transfer or resign his/her position with the Village.

**E. HIRING AND SELECTION**

**Section 1: Policy Statement**

The Village is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the Village to provide equal employment opportunity for all employment to all applicants and employees.

VMID authorization is required to initiate any action for an open position including any recruitment efforts, advertising, or interviewing. The extension of any offers of employment to any prospective candidate will be made by the VMID.

**Section 2: General Provisions**

**(1) Equal Employment Opportunity**

The Village of Howard City provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, genetic information, or status as covered veterans in accordance with applicable Federal, State, and local laws. This policy applies to all terms and conditions of employment including, but not limited to, recruitment, placement, promotion, disciplinary action, and termination reduction in force, transfers, and leaves of absence, compensation, working conditions, training, and benefits.

**(2) The Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is the Village of Howard City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The Village of Howard City will provide reasonable accommodations to both employees and members of the public, if so requested.

**(3) Selection Criteria**

Selection for employment with the Village of Howard City is generally based on job-related qualifications and is contingent on satisfactory results of such exams or tests as either required by law or administered due to job-related duties.

**(4) Minimum Age**

Eighteen (18) is the minimum age of employment for the Village with the following exceptions:

Selected seasonal or temporary positions where persons are at least age sixteen (16) and are allowed by law to work in jobs that are non-hazardous.

No minimum age for community service workers who are ordered by the court to provide community service. Age appropriate community service activities will be directed.

**Section 3: Application Process**

**(1) Acceptance of Applications**

As a general policy, no applications/resumes will be accepted unless the Village has posted vacancies.

**(2) Forms and Submission**

All external candidates for a position must complete a new employment application or submit a resume or letter of interest and file it with the Village for each vacancy of interest. Internal candidates must submit a Job Application to the Village to indicate interest in a vacancy. Additional information outside the initial new employment application or job application form may be required from candidates.

**(3) Examinations**

As determined by the VMID, the selection process may include, but not necessarily be limited to, one or more of the following: oral interview, evaluation of experience and training, written/computerized/performance skills test, physical ability skills test, driver history, criminal history, truth verification testing, psychological testing, drug test, and reference and background checks. Any written or performance skills test must be valid as to its ability to test for job performance and must not be discriminatory. Candidates for those positions designated as physically demanding and/or safety-sensitive may be required to undergo post-offer physical examinations at the Village's expense prior to employment.

**(4) Falsified or Omitted Material**

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer, or promotion. Disciplinary action may be taken against a current employee for an omission or falsification, up to, and including, termination, regardless of when the omission or falsification is discovered.

**Section 4: Selection**

**(1) Job-Related Criteria**

Selection for employment with the Village of Howard City is based on job-related criteria that may include, but is not limited to:

- (a) Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications, and experience required for the position.
- (b) Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
- (c) Satisfactory results on criminal history, driving record, and employment and education reference checks.

**(2) Nepotism**

All provisions of the nepotism policy in this manual will be adhered to during the selection process. For further information, please refer to the Nepotism Policy.

### **Section 5: Re-Employment**

To be considered for re-employment, a former employee must have demonstrated acceptable prior service with the Village and must meet the current minimum qualifications for the position for which he/she is applying. Re-hired employees are subject to the conditions of employment and benefits of a newly-hired employee. Upon approval of the VMID, employees re-hired within a ninety (90) day time frame may have their benefit waiting periods waived, and their original hire date reinstated. Re-hired employees are subject to the Defined Benefits Pension Plan document requirements for waiting periods and eligibility for participation.

### **Section 6: Emergency and Provisional Employment**

The VMID may approve emergency and provisional employment for not more than six (6) months without advertising the vacancy when the position must be filled immediately.

### **Section 7: Contract Employment**

#### **(1) General Overview**

Personnel from temporary employment agencies or contract employees outside an agency may be utilized from time to time by the Village to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel. For performance purposes, contract personnel assigned a Village project will be supervised by their agency and/or the VMID. Contract employees are not eligible to receive Village benefits. Contract employees outside an agency must supply their own equipment, manage their own schedule, and be responsible for their own payroll tax payment and filing.

#### **(2) Requests for Contract Employment**

Requests for contract personnel must be placed through the VMID and are subject to availability of funds. Temporary assignment must be approved by the VMID prior to the engagement of the contract service.

### **Section 8: Other Employment**

#### **(1) General Overview**

The Village recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, a Village job is the primary employment responsibility for a full-time employee. Working extended hours while at a secondary job may adversely affect the health, endurance, and productivity of employees. The Village does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the Village. Outside employment also presents the opportunity for conflicts of interest.

#### **(2) Outside Employment**

Outside employment is subject to written approval by the VMID. A Village employee may not engage in any business, trade, occupation, or profession that:

- (a) Brings the Village into disrepute;
- (b) Reflects discredit upon the employee as an employee of the Village;
- (c) Interferes with the performance of the employee's Village duties;
- (d) Presents a conflict of interest;
- (e) Results in misuse of Village property or funds;
- (f) Results in use of the Village position for unethical and/or illegal personal gain;
- (g) Violates department policy or procedure; or
- (h) Decreased the health or endurance of employees or adversely affects their productivity.

#### **(3) Prohibitions**

- (a) Supervisors are prohibited in engaging in any form of outside employment without the specific approval of the VMID.
- (b) No employee shall engage in any employment or business where the work of the secondary employer has been in the last twelve (12) months or is currently the subject of an investigation by the Village.

- (c) If an employee is on leave for personal medical reasons (sick leave, Workers' Compensation, FMLA, short-term or long-term disability, etc.), he/she is not able to engage in outside employment without the specific approval of the VMID.
- (d) No employees shall engage in outside employment while on duty.
- (4) Approval**
  - (a) An employee must obtain permission in writing from the VMID or his/her designee before accepting any other employment or engaging in any other business.
  - (b) Permission granted is subject to revocation in the event of a subsequent unknown or occurring conflict with this policy.

## **F. PERFORMANCE MANAGEMENT AND EVALUATION**

### **Section 1: Policy Statement**

The job performance of all employees will be reviewed periodically to determine if the performance of the employee meets expectations, if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified. A periodic formal performance evaluation is intended to ensure that all employees:

- (1) Are aware of what duties and responsibilities are expected;
- (2) Understand the level of performance expected;
- (3) Receive timely feedback about their performance;
- (4) Have opportunities for education, training, and development;
- (5) Are evaluated in a fair and consistent manner; and
- (6) Have performance goals established.

### **Section 2: General Provisions**

#### **(1) Timing**

The performance of employees will be formally reviewed and documented:

- (a) At the end of six (6) months during a new employee probationary and new Firefighters.
- (b) At the conclusion of any probationary period.
- (c) At least annually for all full-time and part-time employees on the anniversary of hire date or promotion.

#### **(2) Performance Discussion**

Informal reviews by the Supervisor throughout the year are encouraged. The purpose is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

### **Section 3: Evaluation Process**

#### **(1) The Evaluator**

- (a) No employee should have any doubt as to whom he/she is accountable for his/her work performance at any given time. If the employee has worked in a different position/ department or for a different Supervisor during the formal evaluation year, the evaluator will consult with the previous supervisor(s) to gain input/information for the evaluation. All aspects of an employee's work performance for the entire year should be included in the formal evaluation.
- (b) All Village Directors and Supervisors report to the Village Manager and will be evaluated by the Village Manager.
- (c) The Village President and Village Council members will collectively evaluate the Village Manager.

#### **(2) Performance Evaluation Tool**

- (a) The Supervisor will document the employee's evaluation on the designated Performance Evaluation tool. Whenever possible, the Supervisor should include specific examples to support performance ratings. Prior to presenting the performance evaluation to the employee, the Supervisor should sign the form, and VMID should review and approve the evaluation as well. Once approved and the evaluation has been returned to the Supervisor, he/she may present the evaluation to the employee.

- (b) The performance evaluation should contain an overall rating given to an employee's performance.
- (c) An employee may be placed on a Performance Improvement Plan (PIP) for a specified period of time, generally ninety (90) days, for an overall rating falling below "satisfactory" or for any individual item ratings falling below "satisfactory". The purpose of the PIP is to ensure that performance deficiencies are understood and that management is coaching the employee to improve. If the employee fails to complete the PIP satisfactorily, the employee may be terminated.
- (d) All performance evaluation forms and any related documentation shall be included in the official personnel file.

**(3) Evaluation Discussion**

If possible, the supervisor should give advance notice to the employee prior to his/her performance evaluation discussion. The evaluation discussion should take place in a quiet, uninterrupted environment.

- (a) Together, the Supervisor and employee will discuss the employee's performance during the review period and will plan for the next review period. The contents of the review should:
  - i. Identify the principal duties of the job and measured results of those duties during the review period;
  - ii. Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
  - iii. Identify and address areas of employee developmental needs;
  - iv. Develop an action plan for training to improve skills or to learn new skills;
  - v. Set goals and objectives for the upcoming year; and
  - vi. Offer advice on career advancement, specialization, and training.
- (c) The evaluation discussion with the employee may result in agreed-upon plans (i.e., training needs, goals, etc.) that should be recorded on the performance evaluation.
- (d) The employee should be given the opportunity to make oral or written comments on his/her performance evaluation.
- (e) The employee should be asked to sign his/her performance evaluation. The employee's signature does not indicate agreement with the evaluation, but represents an acknowledgement of receipt of the evaluation. Should an employee refuse to sign the performance evaluation, the Supervisor should write "refused to sign" on the evaluation with the appropriate date.
- (f) The employee should be given a copy of his/her performance evaluation.

**(4) Appeal of Performance Review**

If an employee disagrees with the Supervisor's assessment of his/her performance, the employee may write a letter of explanation stating his/her concerns with the evaluation. Any submission from an employee on his/her performance evaluation will be included along with the performance evaluation in his/her personnel file after the review by the VMID.

**G. TERMINATION OF EMPLOYEE STATUS**

**Section 1: Policy Statement**

Employees leave the Village of Howard City workforce under various conditions that include retirement, resignation, involuntary terminations, reductions in force, etc. Regardless of the reason, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's final pay and disciplinary action appeals. Employees should make themselves aware of these procedures.

**Section 2: Separation of Employment**

**(1) Resignation**

An employee is encouraged to submit a written notice of resignation to his/her supervisor at least two (2) weeks prior to the effective date of the resignation. When resigning employment with the Village, the employee must actually work a full two-week notice in order to be considered leaving in "good standing" unless exceptional circumstances exist. The resignation notice should indicate the reason

for resigning and the last working day or shift with the Village of Howard City. An employee may be requested to leave immediately. Employees will not be allowed to use Personal Time Off (PTO) during the notice period unless it was scheduled prior to giving notice. If the employee is requested by the Village not to work through the notice period, the employee will be paid “wages in lieu of notice” through the effective date of his/her resignation (maximum of two weeks), and will be considered leaving “in good standing”. Employees who voluntarily resign from the Village will not be paid their unused PTO days and/or floating holidays.

**(2) Retirement**

An employee must give written notice of intent to retire to his/her Supervisor as soon as possible, but no less than thirty (30) calendar days prior to the intended retirement date. This notice is required in order to facilitate a smooth transition of job responsibilities and timely processing of retirement benefits. The retirement notice should indicate the last working day or shift with the Village of Howard City. Prior to the retirement date, the employee is encouraged to work with the Village to discuss the retirement process and any required paperwork. No holiday pay shall be paid out upon retirement.

**(3) Pending Disciplinary Action**

An employee whose resignation or retirement notice is tendered and accepted after the initiation of a disciplinary action forfeits his/her right to appeal the disciplinary action.

**(4) Failure to Report for Two (2) Working Days**

An employee who is absent from work for a period of two (2) working days without notifying his/her supervisor of the reasons for his/her absence, and without receiving permission to remain away from work, shall be considered as having quit without notice and not in good standing, provided, however, that the failure to contact his/her supervisor was not caused by unavoidable emergency circumstances. Such an employee is not normally eligible for re-employment. The official termination date will be on the day following the seconded consecutive day with no notification. Employees who “quit without notice” will not be paid for unused accrued PTO days and/or floating holidays.

**(5) Involuntary Termination**

Employees who are involuntarily terminated from the Village will be notified of the reasons for the dismissal and the date of the dismissal. All involuntary terminations must be approved by the VMID prior to the termination. Only unused accrued PTO leave balances will be paid out.

**(6) Loss of Job Requirement(s)**

Any employee who is unable to do his/her job adequately because of loss of, or inability to obtain, a necessary license or other requirement may be terminated if another position for which he/she is qualified is unavailable. The effective date will be the last day worked. Upon termination,

**(7) Death of Employee**

An employee who dies while in the Village service shall be separated as of the date of death. Any salary due the employee and unused accrued PTO leave balances will be paid to the estate of the deceased or as otherwise required by law.

**(8) Exit Interview**

After receiving written notice of voluntary resignation or retirement, the VMID will forward the original written notice of resignation or retirement to Village Council and will schedule an exit interview with the employee.

**(9) Separation Notice and Notification of Benefits**

All employees who leave employment with the Village either voluntarily or involuntarily will receive a Separation Notice. Employees will also receive information related to discontinuation of benefits and final pay, etc.

**(10) Village Property**

All Village property (including rented uniforms) assigned to the employee is considered an advance of wages and must be returned in proper working condition before receiving the final paycheck. The value of unreturned items will be deducted from the final payout to the extent allowed by law.



### **Section 3: Reduction in Work Force**

#### **(1) Statement of Policy**

A reduction-in-force may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, a material change in the duties or organizational unit of the Department, or for any other reason. No reduction-in-force shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Section. The reduction does not reflect discredit upon the service of the employee.

#### **(2) Procedures**

A reduction-in-force can be recommended by the Village Council or the VMID. Any reduction must be approved by the VMID and the Village Council prior to becoming effective.

Prior to the reduction-in-force, the affected Supervisor and VMID may consider work records, performance history, assigned duties, job skills, and length of service in determining which employees shall be eliminated in the affected job class. If it is found that two or more persons in the Department in which the reduction-in-force is to be made have equal job skills and performance history, the reduction may be based upon seniority. No regular full-time or part-time employee shall be eliminated while another person is employed on a temporary basis in a position within the same job class if the employee is willing to accept the temporary assignment. In evaluating employees, for purposes of a reduction, care should be taken to accurately evaluate all employees. An employee shall not be terminated based on race, color, creed, religion, sex, national origin, age, disability, genetic information, or any other category protected by Federal and/or State law. Prior to a reduction-in-force, the names and job titles of the employees scheduled for termination shall be submitted to the VMID and the Village Council for approval. Regular employees shall be notified in writing at least fourteen (14) days prior to the effective date of termination due to reduction-in-force.

#### **(3) Lateral Transfers or Demotions to Preserve Employment**

Prior to a reduction-in-force and in an effort to avoid termination of employment, the VMID may direct a lateral transfer or demotion as necessary to place an employee into a position for which he/she is qualified rather than terminate his/her employment if a vacancy exists.

## **H. USE OF VILLAGE PROPERTY AND EQUIPMENT**

### **Section 1: Policy Statement**

The Village of Howard City is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of Village business. The appropriate use of facilities, vehicles, equipment, and other items of Village property is expected from employees. Additionally, this policy governs the use of the Village's computer and electronic communications systems, which includes telephones, cellular phones, voice mail, fax machines, Internet, electronic mail (e-mail), wireless internet connections, and other computer usage.

### **Section 2: General Provisions**

#### **(1) Use of Equipment**

All facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including without limitation, the telephone, computer, and electronic communications system, are the property of the Village of Howard City and may only be used for approved purposes (collectively the "Property").

#### **(2) Privacy**

No employee shall have an expectation of privacy in, or on, any Village Property. This includes the use of the CCTV on Village property, computer and electronic communications system, including, but not limited to, the e-mail and voice mail messages he/she creates, stores, sends, and receives, and the Internet sites he/she visits.

**(3) Inspection of Property**

Employees may be assigned and/or authorized the use of Village-owned vehicles, lockers, desks, cabinets, computers, etc., for the convenience of the Village and its employees. Management reserves the right to search Village property assigned to employees and documents in employee desks, lockers, file cabinets, etc. The Village has the right to monitor any and all aspects of its computer and electronic communications system, including, but not limited to, monitoring sites visited by users on the Internet, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users. Such monitoring may be conducted without prior notice. Use of the Village's property automatically constitutes consent to such monitoring, including, but not limited to, GPS tracking on vehicles and workplace surveillance.

**(4) Proper Authorization**

An employee shall not, regardless of value, take Village Property without authorization. The use of Village Property for personal gain or for other than officially approved duty-related use, is forbidden.

**(5) Discipline**

Using Village Property for personal gain or other than officially approved duty-related use can result in a mandatory repayment through payroll deduction up to, and including, termination of the employee.

**Section 3: Electronic Communications Systems**

**(1) General Provisions**

"Electronic Communications Systems" is defined as Internet, electronic mail, telephone, voice mail, facsimiles, pagers, cellular phones, 800 MHz radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Village-provided Electronic Communications Systems. All data, including e-mail messages composed, sent, and received on Village Electronic Communications Systems, are the property of the Village of Howard City.

**(2) Professionalism**

At all times, users have the responsibility to use Electronic Communications Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communications Systems may be reviewed by others, and the quality of communications is a direct reflection upon the Village.

**(3) Appropriate Use**

Personal use of the Electronic Communications Systems is a privilege that may be revoked at any time. Occasional, limited, and appropriate personal use of the Electronic Communications Systems is permitted if the use does not:

- (a) Interfere with the user's work performance and productivity and is not excessive per management's discretion;
- (b) Interfere with any other user's work performance and productivity and is not excessive per management's discretion;
- (c) Compromise the integrity of the Electronic Communications Systems; or
- (d) Violate any other provision of this policy or any other policy, guideline, or standard of the Village of Howard City and any local, State or Federal laws.

**(4) Inappropriate Use**

Under no circumstances should The Electronic Communications Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or, in the Village's sole opinion, otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their Supervisor. Exceptions are limited to police investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. A general rule of thumb is: Do not send anything by e-mail that you would not want printed in the newspaper. Other prohibited uses of the Electronic Communications Systems, include, but are not limited to:

- (a) Utilizing “social networking” sites (i.e., Facebook) for non-work related purposes;
- (b) Sending chain letters;
- (c) Sending copies of documents, messages, software, or other materials in violation of copyright laws;
- (d) Compromising the integrity of the Village and its business in any way; and
- (e) The advertisement of personal business or conducting personal business activities.

**(5) Misuse of Software**

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to the VMID. Files obtained from sources outside the Village include files downloaded from the Internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the Village’s computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-Village sources without first scanning the material with Village-approved virus checking software. If a user suspects that a virus has been introduced into the Village’s network, he/she should notify the VMID immediately. Without prior written authorization from the VMID, users may not do any of the following:

- (a) Copy software for use on their home computers or to other computers;
- (b) Provide copies of software to any independent contractors of the Village or to any third person;
- (c) Install software on any of the Village’s workstations or servers;
- (d) Download any software from the Internet or other on-line service to any of the Village’s workstations or servers without approval;
- (e) Modify, revise, transform, recast, or adapt any software; and
- (f) Reverse-engineer, dis-assemble, or decompile any software.

**(6) Passwords**

Authorized users will be given a log-in name that allows access to the network the user will have a personalized password, which should be obscure in nature and not divulged to others. Any user with knowledge of any password that is not his/her own shall report it to his/her Supervisor immediately. No employee shall attempt any unauthorized access to the system. Employees will also be knowledgeable of door codes (passwords) for numerous Village doors. Employees will not give out these codes (passwords) to unauthorized users.

**(7) Public Records and Disclosure**

An electronic message (e-mail) sent or received by the Village’s Electronic Communications System in the conduct of public business with Village-provided resources is subject to the Open Records Law and is considered a public record. E-mails stored and accessible are still public records and must be produced upon request. E-mail communications are also subject to Records Retention laws.

The Village Clerk will coordinate with the VMID for the gathering of the public record Electronic Communications System documents in response to an Open Records Request following all applicable State laws.

**I. SAFETY AND ACCIDENT REPORTING**

**Section 1: Policy Statement**

The Village of Howard City is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting, where possible, the underlying causes of accidents and unsafe conditions.

**Section 2: General Provisions**

**(1) Management Responsibility**

VMID has the final authority and accountability for the Village’s safety. However, direct responsibility for the safety of any operation or function rests with the immediate Supervisor.

**(2) Employee Responsibility**

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

- (a) Report all accidents to their Supervisor immediately;
- (b) Report any unsafe work conditions, equipment, or practices to their Supervisor as soon as possible;
- (c) Attend scheduled safety meetings and activities; and
- (d) In the event of an injury resulting in lost work time, continued contact with the Supervisor is required for the purpose of keeping records on the expected return to work status.

**(3) Equipment Repair**

An employee has a responsibility to report the need for repairs of any Village-owned or leased property issued to the employee. NO employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any Village-owned or leased Property without the permission of the VMID.

**Section 3: Safety Compliance**

The following areas of concern will be included in the Safety Compliance:

- (1) Identification, appraisal, and correction of accident loss and hazard-producing conditions and practices.
- (2) Development of safety, accident, and loss prevention methods, procedures, and programs.
- (3) Communication of safety and accident and loss prevention information to all employees.
- (4) Development, implementation, and presentation of safety materials to all employees.
- (5) Coordination of accidents and losses with the Village's self-insurance program, commercial insurance, and Workers' Compensation.

**Section 4: Personal Protective Equipment**

The Village will provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted; and employees are expected to comply with such direction.

**Section 5: Vehicle Use and Operation**

**(1) Vehicle Operator Qualifications**

It is the Village's policy to provide a Village vehicle to be used by an employee when an employee is asked to perform duties that require him/her to go from one location to another, attend training, run errands for the Village, or any duties that would require transportation. In order to operate a Village-owned vehicle in the course of business, an employee must:

- (a) Be at least 18 years of age;
- (b) Have a valid Michigan Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows the employee to legally operate a Village vehicle on Michigan roads;
- (c) Have an acceptable Motor Vehicle Record (MVR);
- (d) An employee whose primary duty is to drive a Village vehicle that does not have an acceptable driving history must be relieved of such duties and assigned to a non-driving position or non-driving duties until his/her 24-month record reflects an acceptable driving history. If a non-driving position is not available, the employee may be terminated.
- (e) Be otherwise qualified under Federal and State regulations to drive the Village vehicle; and
- (f) Be trained and authorized to operate the vehicle.
- (g) Volunteer firefighters may be included if they meet all criteria as stated in this policy.

**(2) License Review and Motor Vehicle Record Checks**

- (a) The Village will check motor vehicle records of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the Village to check motor vehicle records at any time prior to or during their employment.

- (b) Each year the Departments will require every designated employee that drives a Village vehicle to furnish proof of a valid driver's license. Copies of driver's licenses should be considered confidential and maintained in a secure file with limited access. Drivers not having a valid license must be reported to MVID and may be subject to termination.
- (c) To ensure the maintenance and validity of driver's licenses, driving records of employees who operate Village vehicles will be examined by the VMID on a bi-annual basis. An employee having an unacceptable MVR, as described above, may be subject to termination. All MVR's will be considered identical and maintained in a secure file with limited access. NOTE: Driving records of employees who operate Village vehicles within the Fire Department will be examined on an annual basis by the Fire Chief and reported to the VMID.

**(3) Notification Procedures**

Employees who operate vehicles in the course and scope of their employment must notify their Supervisor:

- (a) When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on Village business.
- (b) When they receive a citation for any violation while operating a Village vehicle. The employee will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to, and including, termination. Failure to report a citation received may also be grounds for disciplinary action up to, and including, termination.

**(4) Operation of Vehicles**

- (a) Employees shall operate any vehicle used for Village business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the Village and State pertaining to such operation.
- (b) Village vehicles are to be used only as required for the performance of job duties. Under no circumstances should Village vehicles be used for personal business or pleasure unless stated in the "Take Home Vehicle Policy".  
Employees may not use Village vehicles to transport family members or other unauthorized persons without the permission of the VMID or as stated in the "Take Home Vehicles Policy". Employees may, however, offer temporary assistance to a motorist with a disabled vehicle who is in need of emergency assistance.
- (c) Village vehicles may be used to transport an employee to the doctor or hospital when a Workers' Compensation injury occurs. For all Workers' Compensation follow-up office visits, the employee must use his/her personal vehicle.
- (d) Employees who operate vehicles shall inspect the vehicle daily prior to driving in accordance with the Fleet Manager's inspection protocols. This is particularly critical when vehicles are operated by multiple drivers. Failure to perform daily inspections may result in disciplinary action up to, and including, termination. Any defective equipment shall be reported immediately to the driver's Supervisor, and the driver will complete and submit an Equipment Service Request Form to his/her Supervisor. The Supervisor will ensure that the completed request form is forwarded to management so that repairs can be made.
- (e) Drivers are responsible for fueling vehicles assigned to them.
- (f) Drivers are responsible for the daily inside cleaning of vehicles; removal of drink cans, food wrappers, paper, and excessive soil; and for ensuring that vehicles are washed and waxed on a regular basis.
- (g) Tobacco use in Village-owned or leased vehicles is prohibited.
- (h) Vehicles left unattended will be secured with engine off and the key removed from the ignition and retained by the driver.
- (i) Drivers shall adhere to all Village safety procedures for vehicle operation and also to any additional departmental procedures for vehicle operation. When available, a spotter must be used when backing any vehicle with limited visibility. A walk-around inspection must be made prior to backing if no spotter is available.

**(5) Duty Restrictions**

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver

qualifications outlined in this Chapter, precludes that employee from operating any Village-owned or leased vehicle for Village business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this manual.

**(6) Personal Vehicle Usage**

The Village encourages employees not to use their own personal vehicles while on Village business. Should an employee, however, be authorized to drive his/her own personal vehicle, he/she will assume all liability for all property damage to his/her personal vehicle or to others that occurs in the normal course of use and shall waive any claims that may arise against the Village as a result of any such property damage. Since the Village does not accept liability of an employee's vehicle, it is always in the best interest of the employee to use a Village vehicle if at all possible.

**Section 6: Seat Belt Use Policy**

**(1) Statement of Policy**

Seat belts shall be used by all persons (driver and passengers) in a Village vehicle when the vehicle is operating, in any personal vehicle when said personal vehicle is being used for Village of Howard City business, and on all Village construction equipment when equipped with a seat belt and rollover protection.

**(2) Scope**

This policy applies to all employees driving Village vehicles, all occupants riding in Village vehicles, and all employees using construction equipment that is equipped with seat belts and rollover protection.

**(3) Responsibilities**

- (a) Public Services – Public Services shall be responsible for ensuring that safety belt systems are maintained in operating condition for all Village vehicles and existing construction equipment that is equipped with seat belts and rollover protection. Also, any new Village vehicle or construction equipment purchased should be required to have seat belt systems as part of their standard equipment whether purchased new or used.
- (b) Village Manager or Individual Designee (VMID) – The VMID shall emphasize the Village's seat belt policy in employee orientation and shall periodically remind employees of this policy in employee communications. Employees shall be required to sign a pledge to wear seat belts as a condition of employment.
- (c) Each Department Supervisor – It is the responsibility of each Department Supervisor that this policy is communicated to each employee and that each employee complies with this policy. Supervisors are responsible for initiating disciplinary action up to, and including, recommending termination for employees who violate this policy.

**(4) Enforcement**

- (a) It shall be the duty of each employee to abide by the aforementioned policy, and it shall be the responsibility of each Supervisor to properly and equitably enforce this policy.
- (b) Employees who violate any section of this policy, whole or in part, are subject to disciplinary action up to, and including, termination.

**Section 7: Repair and Replacement**

Public Works is responsible for preventive maintenance and repairs on all Village vehicles to ensure that they are maintained in a safe and cost-effective manner. Other Village employees shall not attempt to make mechanical repairs on vehicles. Maintenance costs will be closely monitored to determine when a vehicle should be declared surplus. If it is determined by the VMID that it would be cost effective to transfer the vehicle to a department which would require less demanding service from the vehicle, the vehicle may be transferred with the approval of the Village Council. If records indicate that it would not be cost effective not to retain the vehicle in the Village fleet, the vehicle will be declared surplus by the Village Council and auctioned at surplus sale regardless of mileage.

Any vehicle damaged in an accident will be inspected by the Public Works and VMID, and a determination will be made as to the feasibility of repairs being made by Village staff. If the vehicle cannot be repaired “in house”, estimates will be obtained from at least two repair shops when the repairs are estimated to be more than \$2,500.00. The vendor giving the lowest estimate will generally be selected to make repairs unless special circumstances exist which would necessitate the selection of a more costly vendor. If it is determined that repairing a damaged vehicle is not cost effective, the vehicle will be declared surplus and auctioned at the next Village surplus sale or surpluses, but retained by the Village to be used for parts. Note: On occasion, due to existing time and requirements, heavy equipment (e.g., snow plows, loaders, etc.) may need to be brought directly to a vendor for repairs without going through the bid process. In such cases, the VMID will have to approve such a repair.

## **Section 8: Accident Involvement**

### **(1) Report Required**

All of the following, collectively referred to throughout this Section as an “Accident”, shall be reported to the immediate Supervisor by the employee involved in the event and by any Village employee who witnesses the event:

- (a) All injuries to an employee or other person occurring during the course of business;
- (b) All accidents involving Village-owned or issued vehicles or equipment, whether or not occurring during the course of business;
- (c) All accidents involving personal vehicles or equipment used during the course of business; and
- (d) All property damage occurring during the course of business.

### **(2) Employee Responsibilities**

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

- (a) Render aid to other parties if possible and necessary;
- (b) Report the Accident and any injuries immediately to local law enforcement in the event of a vehicular accident. The Montcalm County Sheriff’s Department must be called in to make a report on any accident involving a Village vehicle. If the Montcalm County Sheriff’s Department is unavailable, the Michigan State Patrol must be contacted, and the official report filed by that agency. A copy of the report will be forwarded to the Village when received from the agency.
- (c) Immediately notify his/her supervisor or designee as soon as possible;
- (d) Obtain name, address, phone number, and name of insurance company of other party;
- (e) Record the name, address, and phone number of any witnesses and note the specifics of the accident circumstances, if possible;
- (f) Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
- (g) Remain at the scene until excused by law enforcement personnel;
- (h) Not discuss or reveal information or provide statements to non-Village personnel subsequent to the accident. This does not prohibit cooperation with law enforcement investigations outside the Village’s jurisdiction;
- (i) Arrange towing of damaged Village vehicle, if necessary; and
- (j) Submit to all requested post-accident testing as directed by the Supervisor or other Village Management representative.

### **(3) Administrative Accident Investigation**

- (a) The Supervisor or other designated employee will conduct an administrative investigation into the circumstances of the accident and will complete an Accident/Incident Report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such accidents. After a review by the Supervisor, the Accident/Incident Report will be submitted as soon as possible to the Village.
- (b) The Village will investigate the accident and review the police report, if applicable, and the Accident/Incident Report containing all pertinent information, including suspected cause, employee actions, and recommended corrective action. The Accident/Incident Report will be forwarded to the VMID for his/her review.

**(4) Examinations and/or Tests**

An employee who is involved in a reportable accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this manual.

**Section 9: Workplace Violence Policy**

**(1) Statement of Policy**

The Village is concerned about the well-being and personal safety of its employees and anyone doing business with the Village. The Village consequently strictly prohibits workplace violence, whether expressed or implied, toward individuals in the Village. Acts of violence and/or threats of violence, in the Village workplace are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps, in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, except where authorization has been provided by management, non-Village issued firearms, weapons, ammunition, or explosives in Village buildings are strictly prohibited. Village property includes facilities and Village-owned vehicles.

**(2) Scope**

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the Village; including, but not limited to, the Village personnel, contract and temporary workers, and anyone else on Village property.

**(3) Definition of Workplace Violence**

- (a) Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends, or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that cause a reasonable fear or intimidation response that occurs on Village premises, no matter what the relationship is between the Village and the perpetrator or victim of the behavior, or off Village premises, where the perpetrator is someone who is acting as an employee or representative of the Village at the time, where the victim is an employee who is exposed to the conduct because of work for the Village, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.
- (b) Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on Village premises, this policy applies. Where such tactics include any of the above-described behaviors off Village premises, this policy applies where the abuser is someone who is acting as an employee or representative of the Village at the time, where the victim is an employee who is exposed to the conduct because of work for the Village, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

**(4) Reporting Complaints**

If you observe the possession of unauthorized non-Village issued weapons in Village buildings, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your Supervisor or the VMID immediately. Supervisors must report all potential violations to the VMID and he/she will handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, Supervisor, member of the public, or the Village in general are encouraged to seek assistance from the VMID.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a



violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Any Village employee who finds a weapon or any type must contact the Sheriff's Department immediately.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this policy and may subject any employees involved to discipline up to, and including, termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to, and including, termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

**(5) What to Expect from the Village**

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

**(6) Village Expectations of Targeted Employees**

Stay Away Orders: The Village reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the VMID and their Supervisor if:

- (a) An order of protection extends to the workplace; or
- (b) They reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:
  - i. The existence of any such order and provide a copy of the order;
  - ii. Any violations or attempted violations of the order;
  - iii. Any changes to the order that affect the workplace; and
  - iv. The order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors, and others) must immediately notify the VMID and provide a copy of the order.

Upon being notified of an order of protection, management will contact the reporting party to gather information about the individual and assess the situation. The Village will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

**(7) Search Policy**

If the Village reasonably suspects that an employee either has or may have violated this policy or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the Village may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the Village may conduct searches of any Village property including, for instance, work stations and areas, including desks, lockers, credenzas, file cabinets, computers and computer-stored information, voicemail, e-mail, business records, Village vehicles, and any other property or equipment owned by the Village, at any time, without notice to, or permission from, affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be subject to discipline up to, and including, termination.

Searches will be conducted by a Supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

## **J. TAKE HOME VEHICLES**

### **Section 1: Policy Statement**

It is the Village's policy that all Village vehicles be operated in a careful, safe, and prudent manner consistent with all policies, regulations, and procedures of the Village and with all local and State laws, Village vehicles will be maintained in a safe and cost-effective manner and will be used only for intended purposes. Further, to promote good public relations, employees are expected to display courteous and considerate driving habits when operating a Village vehicle.

### **Section 2: General Provisions**

#### **(1) Eligibility**

Employees whose job requirements meet the following criteria may be authorized by the VMID to drive a Village vehicle home:

- (a) Drivers of Village vehicles must possess a valid State of Michigan Motor Vehicle License required for the type of vehicle being operated or a valid Driver's License from the state in which the employee resides which allows the employee to legally operate a Village vehicle on Michigan roads.
- (b) The employee must have completed his/her new hire probationary period.
- (c) Take home privileges are authorized by the VMID. The following positions have been authorized upon approval of the VMID to take home a Village vehicle:
  - Village Manager
  - Fire Chief
  - Assistant Fire Chief/Operations
  - Staff that are leaving for/or coming from a management-approved function
- (d) The VMID reserves the right to remove take-home vehicle privileges from employees for severe disciplinary reasons, poor cleanliness, poor maintenance, at-fault accidents, traffic complaints, or excessive wear or abuse.

#### **(2) Vehicle Assignment**

- (a) At their discretion, take home vehicles will be assigned by the VMID. Vehicle assignments are based on availability.
- (b) All vehicle assignments are subject to recall at any time.

#### **(3) Business Use**

- (a) Except as specified in this manual, Village vehicles are furnished for official Village business and may not be used for personal reasons without express written consent by the VMID.
- (b) While operating a take-home vehicle, employees are prohibited from patronizing bars, package stores, or any establishment that would result in public criticism. Violation of this section shall result in discontinued privileges from the program.
- (c) No passengers, except those expressly allowed in this policy, may be transported in take-home vehicles unless they are connected to Village business or unless authorized by the VMID.
- (d) Village vehicles may be used to transport an employee to the doctor or hospital when a Workers' Compensation injury occurs. For all Workers' Compensation follow-up office visits, the employee must use his/her personal vehicle.

#### **(4) Driver's Responsibilities**

- (a) Drivers must be thoroughly familiar with State and local laws governing motor vehicle operations and must adhere to those laws.

- (b) Drivers must, at all times, adhere to Village and Department policies and procedures which regulate the operation, maintenance, and cleanliness of Village vehicles.
- (c) Drivers shall inspect the vehicle daily prior to driving in accordance with the Fleet Manager's inspection protocols.
- (d) Drivers are responsible for fueling vehicles assigned to them.
- (e) Tobacco use in Village-owned or leased vehicles is prohibited.

## **K. TOBACCO-FREE ENVIRONMENT AT VILLAGE FACILITIES**

### **Section 1: Policy Statement**

Consistent with the public health concerns addressed by the adoption of the Michigan Smoke-Free Air Laws that took effect on May 1, 2010, all Village-enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the use of smokeless tobacco that gives rise to increased facilitated costs and resulting public health concerns, all Village enclosed buildings and vehicles are hereby declared to be to be tobacco-free areas.

### **Section 2: General Provisions**

The following rules relative to smoking and the use of other tobacco products have been established:

#### **(1) Prohibited Use**

- (a) Smoking and the use of other tobacco products are prohibited in all Village buildings and Village vehicles;
- (b) Smoking and the use of other tobacco products by Village employees are prohibited at the front entrance of Village buildings;
- (c) Smoking and the use of other tobacco products are prohibited in the seating area, stage, restrooms, covered area, or around the fringes of the Village's parks;
- (d) Smoking and the use of other tobacco products are prohibited in or around bleachers or restrooms at all Village ball fields or other sports areas.

#### **(2) Responsibility**

- (a) Employees are responsible for complying with this policy. Village staff should ensure that users of Village facilities are aware of this policy and that they adhere to it.
- (b) Violators at Village facilities should be reported to any Village staff member that is present. The staff member will advise the violator to refrain from using the tobacco product or to leave the facility. If no Village staff member is present, violators may be reported to Village management or to the Police.

# **CHAPTER II**

# **COMPENSATION & BENEFITS**

## II. COMPENSATION AND BENEFITS

### A. COMPENSATION

#### Policy Statement

The Village of Howard City compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees based on what their job is worth, ensure they appropriately move through the salary range for their classification, and recognize performance through merit pay, where applicable. The pay plan is designed to comply with Federal and State law, including the Fair Labor Standards Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Village Council.

#### Section 1: Pay System

##### (1) Pay Period

All Village employees will be paid on a weekly basis. The work week will start with the beginning of a shift on Monday and end at the conclusion of any shift which began on Sunday. The actual pay date will be Wednesdays following the end of a pay period. When a pay date falls on an official Village holiday, employees will be paid on the date either preceding the holiday or a day later of the normal pay period.

##### (2) Time Increments

All regular hours earned by non-exempt employees will be in increments of the nearest quarter hour.

##### (3) Combination of Pay

When receiving any type of accrued leave (Personal Time Off or PTO), short-term disability benefits, Workers' Compensation benefits, etc., for absences from work, the combination of the pay received cannot exceed the employee's normal pay.

##### (4) Employee Time Records and Payroll Deadline

All non-exempt employees are required to record their work time. Employees must accurately record actual hours worked. All time records must be signed by the employee and approved by the VMID.

The employee time records are forwarded by the departments to the Treasurer no later than noon on Monday of payroll week. Special submission deadlines may be established by the Treasurer during holiday weeks or previously set submissions for those that are scheduled to be away from work during a pay period.

##### (5) Direct Deposit

Participation in the direct deposit program is mandatory for all Village employees. All pay-related items, such as reimbursements, may flow through the regular account payable cycle.

#### Section 2: Types of Pay Other Than Base Rate

##### (1) Overtime Pay

Overtime work is work performed by a non-exempt employee which exceeds the regular work week as defined in the Fair Labor Standards Act (FLSA).

- (a) When Overtime is Earned – All overtime pay must be pre-authorized by the Supervisor and is earned by non-exempt employees according to the following schedule:

<u>Type of Employee</u>	<u>When Overtime is Earned</u>
All Non-Exempt Employees	Over 40 hours worked in a 1-week Period

Compensation for overtime hours shall be at time-and-a-half for hours worked in excess of the regular schedule. Overtime will be earned in 30-minute increments. PTO leave will not be considered as hours worked for overtime computation purposes.

- (b) Exempt Employees – Exempt employees are not eligible for overtime pay.

**(2) On-Call Status**

Some operational divisions in the Village may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable department Supervisor and upon approval of the VMID.

**(3) Mandatory Meeting Pay**

If a non-exempt employee is required to attend a mandatory meeting held during the employee's regularly scheduled day off, the employee will be paid a minimum of two (2) hours pay. This applies to part-time and full-time employees.

**(4) Acting Status Pay**

Employees who are temporarily re-assigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a minimum of a 10% compensation increase for the duration of the temporary assignment. The appropriate increase shall be recommended by the VMID.

**B. COMPENSATION PLAN**

**Section 1: Pay Plan**

The Village will maintain a Classification and Pay Plan, including a complete inventory of all positions in the Village's services, accurate job descriptions, specific salary grades with minimum and maximum pay ranges, and EEO categories. The plan will standardize titles, by categorization of every job by class on the basis of similarities in duties and responsibilities, each of which are indicative of a definite range of duties and responsibilities and have the same meaning throughout assigned departments. The Classification and Pay Plan will be designed to provide comparable pay for comparable work and to provide a pay range for each grade of positions, which will enable the Village to recruit and retain qualified employees, as well as compete in the job market with other private and public employers. All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Village Council.

As part of the Village's Pay Plan, pay ranges are established based on comparable market rates. Each range will consist of a minimum and maximum, except for the Village Manager position whose range will be considered open.

The pay rates for temporary, seasonal, and regular part-time positions are established by the VMID outside of the Classification and Pay Plan.

**Section 2: Administration**

The primary responsibility for day-to-day administration of the Classification and Pay Plan rests with the VMID, as follows:

- (1)** The VMID and Village Treasurer are charged with the maintenance of the Classification and Pay Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.
- (2)** A formal Classification and Pay Study may be conducted as needed. Based on these studies and recommendations, the VMID shall recommend to the Village Council such increases, reductions, or amendments of the Classification and Pay Plan as is deemed necessary to maintain the fairness and adequacy of the plan.
- (3) Use of the Classification and Pay Plan**  
The Classification and Pay Plan is to be used:
  - (a) As a guide in recreating and evaluating candidates for employment;
  - (b) In determining lines of promotion and in developing employee training programs;
  - (c) In determining salary to be paid for various types of work; all employees covered by the Classification and Pay Plan shall be paid at a salary or hourly rate established for their respective positions;
  - (d) In providing uniform job terminology understandable to all Village officials and employees and by the public;

- (e) To ensure that the official job title represented on the Classification and Pay Plan shall be used in all organizational charts and other personnel, accounting, budget, appropriation, and financial records;
  - (f) It should be general practice for newly-hired employees to be hired at the minimum pay rate of the applicable grade for the position. The Village of Howard City recognizes that in some instances it may be necessary to hire employees above the minimum pay rate of the applicable grade for the position. If there has been a demonstrated inability to recruit at the minimum salary or if an applicant possesses exceptional qualifications, the VMID may recommend a higher salary/hourly rate. The VMID may approve the employment of applicants(s) at a higher rate than the minimum, but should be mindful of internal equity when extending offers above the minimum.
- (4) **Maintenance of Pay Ranges**  
 The VMID may make or cause to be made such comparative studies as he/she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the VMID may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

**Section 3: Changes in Salary**

(1) **Performance Reviews**

The job performance of all employees will be reviewed periodically to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

(2) **Standard Salary Adjustments**

Subject to annual budget appropriation, standard salary adjustments may be established annually on March 1<sup>st</sup>. On occasion salary adjustments may be needed for temporary assignments in higher levels. In such case, the pay grade of the temporary assignment shall be paid at a minimum of five (5) percent increase.

(3) **Salary Increases for Performance**

The VMID reserves the right to make additional pay adjustments as necessary for business operations or to address any internal equity issues. Merit increases shall be effective on the employee's annual evaluation date or upon approval of the VMID shall be effective on the date approved.

(4) **Salary Changes Due to Promotions**

The pay for employees receiving a promotion will be the greater of either the minimum of the pay grade of the promoted position or a five (5) percent increase. The VMID may allow a greater increase in order to address any internal equity issue.

(5) **Salary Changes Due to Demotion**

The pay changes for employees receiving a demotion will be as follows:

- (a) **Demotions Based on Performance** – The pay for employees receiving a demotion based on performance will be decreased by a minimum of five (5) percent. The VMID may allow a greater or lesser decrease in order to address any internal equity issue.
- (b) **Voluntary Demotions (not performance based)** – The salary of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Department Supervisor, but will not exceed the maximum of the lower pay grade.
- (c) **Involuntary Demotions (not performance based)** – The salary of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay if the employee's salary falls within the lower salary grade and is comparable to employees within the same salary grade.

(6) **After Salary Increases**

- (a) The VMID reserves the right to make additional pay adjustments as necessary for business operations or to address any internal equity issues provided that funds are available.
- (b) Special increases and cash bonuses must be approved by the Village Council and shall be effective on the date approved by Village Council.

**(7) Employees at Maximum of Pay Range**

Should an employee’s pay rate reach the maximum of his/her assigned range, and a pay increase is offered to employees as part of the annual fiscal year budget (merit, market, or across-the-board), affected employees will remain at their maximum pay range.

**(8) Salary Overpayments**

All overpayments will be repaid to the Village regardless of where the error was made or who made it.

**C. EMPLOYEE BENEFITS – LEAVE TYPES**

**Section 1: Policy Statement**

The Village of Howard City believes that employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. Village management recognizes that employees have diverse needs for time off from work. Because of this, the Village has established leave practices to address the balance, as well as to protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

**Section 2: Paid Time Off (PTO)**

PTO is provided for all eligible employees in accordance with established paid time off schedule for each employee. Paid time off will be at the employee’s straight time regular rate exclusive of all premiums at the time PTO is taken. An individual employee contract can supersede this policy.

**Section 3: Overview of Requirements and Restrictions**

**(1) General Provisions**

Except as provided otherwise in this chapter, the following apply to all Paid Time Off (PTO):

- (a) Approval of PTO is subject to operational requirements of the department, and any request for paid leave may be denied or rescheduled due to staffing needs;
- (b) PTO cannot be advanced;
- (c) All requests for PTO must be submitted in writing using the required leave request form with as much notice as possible;
- (d) Employees shall record PTO in quarter hour increments;
- (e) The maximum period of PTO to be taken at one time cannot exceed ten (10) working days unless the employee is granted prior permission by their Supervisor and/or the VMID.
- (f) When a holiday occurs during the period an employee is on authorized PTO, annual leave shall not be charge for the holiday;
- (g) Full-time, non-probationary employees are eligible for one (1) paid (birthday) day per fiscal year.

**(2) PTO Accrual Rate**

	Upon Hire	1 Year	5 Years	10 Years
Weeks	2	4	5	6
Maximum Hours	80	160	200	240
Rate Per Pay Period	1.538 hours	3.077 hours	3.846 hours	4.615 hours

- (a) A new employee who does not begin employment at the beginning of a weekly pay period must work at least ½ of the pay period to accrue PTO for that pay period.
- (b) An employee separating from Village service will not receive PTO for his/her last weekly pay period unless he/she works ½ of his/her last pay period.
- (c) See individual contract for Village Manager.

**(3) Use and Scheduling of Annual Leave**



- (a) Whenever possible, employees will be allowed to take annual leave at times most convenient to them. However, in order to ensure continued smooth operation and to maintain a high level of quality in the delivery of service to the citizens of Howard City, the Village reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the annual leave choices of two (2) or more employees who cannot be spared at the time, the department management will determine who will take leave;
- (b) If an employee is called in to work during his/her authorized annual leave, he/she may choose to take an additional day of annual leave or he/she may be paid for annual leave for that day worked plus his/her regular day's pay. An employee shall not be required to interrupt his/her authorized annual leave (vacation) to perform work for the Village.
- (c) Each year, eligible employees will be allowed to carry over up to 64 hours of accrued PTO. Any hours in excess of the applicable carry-over will be forfeited. In rare circumstances and upon authorization of the VMID, employees may take a payout of up to forty (40) hours each year.

**Section 4: Unpaid Leave Status**

A leave of absence without pay will not be approved under normal circumstances. All requests for leave without pay must be in writing and must be approved by the VMID. At the discretion of the VMID, he/she may grant unpaid personal leave to any Village employee, with terms of such leave to be set forth in writing. PTO and holiday hours will not be accrued during leave without pay status. Please note that while an employee is on leave of absence without pay, there is no job protection by the Village, except as required by law. Employees may continue, at their sole expense, their insurance coverages while on leave of absence without pay. In order to continue coverage, the employee must contact the Village to arrange for payment of premiums.

An employee in an unpaid leave status will not accrue PTO or holiday hours. This will not, however, constitute a break in service for accrual rate purposes.

**Section 5: Other Leave Types**

**(1) Bereavement Leave**

- (a) Full-time employees may be granted up to twenty-seven (27) hours of bereavement leave with pay upon the death of a member of the employee's immediate family. Immediate family is defined as: spouse, mother, father, step-mother, step-father, sister, brother, step-sister, step-brother, children, grandchildren, brother-in-law, sister-in-law, daughter-in-law, and son-in-law. Hours do not have to be taken simultaneously.
- (b) Full-time employees may be granted up to nine (9) hours of bereavement for other relatives defined as: grandparents, aunts, uncles, cousins, nieces, and nephews.
- (c) Employees must request bereavement leave by contacting their Supervisor.
- (d) Bereavement leave may be extended under unusual circumstances with the approval of the VMID.
- (e) Unless approved for additional bereavement time, when attending a funeral of an individual other than immediate family member as defined in the definition section, the employee must use his/her accrued PTO to cover his/her absence from work.
- (f) Employees attending a funeral of a Village employee may be granted up to a maximum of two (2) hours of paid time to attend the funeral during their normal scheduled work hours; accrued PTO must be used to cover absences exceeding two (2) hours.
- (g) Employees serving as officials or delegates representing the Village of Howard City at funerals for Firefighters that have died while in the line of duty shall be paid up to a maximum of two (2) hours to attend the funeral during their normal scheduled work hours; those attending on their off day will not be paid for this time.
- (h) There is no accumulation of bereavement leave and no payment upon separation from Village employment.

**(2) Civil Leave**

- (a) An employee shall be given time off with pay for jury duty.
- (b) An employee must report his/her need for civil leave in advance to his/her Supervisor. An employee is required to present a statement from the court indicating jury service.
- (c) Employees are required to turn over to the Village any fees received for performance of these functions.
- (d) An employee must return to work if excused from jury duty, etc., during working hours unless excused by his/her Supervisor.
- (e) All employees subpoenaed or ordered to attend court to appear as a witness to or testify in some official capacity on behalf of the Village are considered to be working.

**(3) Military Leave**

- (a) Employees are entitled to military leave in accordance with State and Federal laws.
- (b) An employee who is inducted into the Armed Forces of the United States shall be entitled to a leave of absence without pay for the period of service required by the induction. The amount of time of this original induction shall be included in computing longevity benefits and length of employment, if applicable, and if the employee meets the employment reinstatement requirements. Upon his/her honorable separation, and if physically fit to perform the duties of the position which was held upon entering military service, the employee shall be reinstated to his/her former position or one comparable to it, providing formal application for reinstatement has been made by the employee within ninety (90) days after the date of military service discharge, and provided the Village still has such a position available.
- (c) Employees who are active members of the National Guard or other military reserve force may be granted leave for training purposes for periods up to two (2) calendar weeks in any calendar year. The Village will reimburse the difference between the military pay received, including all allowances, and the amount of regular wages, excluding overtime the employee would have earned while working for the Village during said period provided:
  - i. That the employee requests, in writing, military leave and reimbursement for the same;
  - ii. That the request is endorsed by the Supervisor and approved by the VMID;
  - iii. That acceptable evidence confirming the amount of military pay received for the period requested is personated to the Village.

**(4) Family and Medical Leave**

Pursuant to the Federal Family and Medical Leave Act, (“FMLA”), 29 U.S.C. §2601, et seq., an employee may be eligible for a Family and Medical Leave of Absence for up to twelve (12) weeks of unpaid leave in any twelve-month period for one or more of the following:

- The birth of a child and care of a newborn child (“bonding time”);
- Placement of a child for adoption or foster care and to bond with child;
- The serious medical condition of a parent, spouse, or child; or
- The employee’s own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a “12-month period” means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave.

If the provisions in this manual conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

**Section 6: Eligibility**

To be eligible for leave, an employee must have been working for the Village of Howard City for at least twelve (12) months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave upon the conditions and limitations of FMLA.

**Section 7: Concurrent Utilization of Paid Leave and/or Compensatory Time**

An employee requesting leave pursuant to the FMLA is required to utilize short-term disability benefits (if applicable), all accrued leave, and/or compensatory time available as part of the 12-week leave period. If the available paid leave for the employee is less than twelve (12) working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of short-term disability benefits, leave, and/or compensatory time, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the date on which the serious health condition commenced. If the employee is absent on unpaid FMLA leave, he/she will not continue to accrue holiday hours or PTO leave during this unpaid FMLA leave.

**(1) Concurrent Workers' Compensation and FMLA Leave**

An employee qualifying for Workers' Compensation Leave must run any FMLA leave concurrently with that of all concurrent and/or intermittent Workers' Compensation Leave if the leave qualifies under FMLA. The employee must elect to use either Workers' Compensation benefits or paid leave (if available) during the FMLA period.

**(2) Intermittent Leave or Reduced Schedule Leave**

Leave for "bonding time" as defined by FMLA may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken.

If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Village reserves the right to transfer the employee temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

**(3) Spouses Employed by Same Employer**

In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the Village, the aggregate number of work weeks of leave to which both shall be entitled may be limited to twelve (12) work weeks during any twelve (12) month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

**(4) Foreseeable Leave**

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment or supervision, the employee shall provide management with written application for the requested leave and certification no less than thirty (30) days before the date the leave is to begin.

In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the Village subject to the approval of the health care provider and shall provide the Village with at least thirty (30) days' notice before the date the leave is to begin. If the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

**(5) Certification of Serious Health Conditions**

An eligible employee who requests leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health-care provider to the Village.

Certification shall be on the U.S. Department of Labor Certification Form and shall state:

- (a) The date on which the serious health condition commenced;
- (b) The probable duration of the treatment or condition;
- (c) The appropriate medical facts within the health-care provider's knowledge; and

- (d) The estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the Village has reasonable doubt as to the validity of the certification, the VMID may require the employee to obtain the opinion of a second health-care provider at the expense of the Village. If the second opinion differs from the original certification, the VMID may require the employee to obtain the opinion of a third health-care provider designated or approved jointly by the VMID and the employee at the expense of the Village. The opinion of the third health-care provider shall be considered to be final and shall be binding on both the Village and the employee. The VMID may also require that the employee obtain subsequent re-certification on a reasonable basis.

**(6) Accruals and Benefits during FMLA Leave**

During any period of unpaid leave, an employee is not entitled to the accrual of any seniority or employment benefits, except as defined under the Family Medical and Leave Act. The Village shall maintain coverage under any health plan for any employee who is taking family or medical leave. However, if the employee fails to return to work after the period of leave expires, the Village may recover the premium, which was paid by the Village, for coverage during the leave period.

**(7) Return to Duty from FMLA Leave**

As a condition for return to duty, the employee shall be required to provide certification from the employee's health-care provider that the employee is able to resume work. NOTE: If there are additional department requirements (e.g., fitness-for-duty evaluation by Village-appointed physician), the employee must comply with these requirements as well before resuming work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal grade and pay, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the leave.

An exception to the employment restoration provisions of the policy may be made if the employee on leave is an exempt employee and is among the highest paid ten percent (10%) of the Village's employees, and restoring employment of the employee would result in substantial and grievous economic injury to the Village.

**(8) Leave for Disaster Relief Aid**

- (a) When volunteering his/her services for a declared State or National disaster, the employee may use accrued PTO time or leave without pay for up to a maximum of three (3) weeks per fiscal year.
- (b) Military leave would not be granted unless the employee is called for "ordered military duty" as explained in the "Military Leave Policy".
- (c) Neither PTO leave nor holidays are accrued during any period of unpaid leave.

**(9) Administrative Leave**

The VMID may place an employee on Administrative Leave when:

- (a) An employee is being investigated by the Village for possible misconduct; he/she may be placed on paid administrative leave.
- (b) An employee is being investigated by a law enforcement agency for possible violation of a criminal law; he/she may be placed on unpaid administrative leave if the leave is an extended one.
- (c) A regular full-time, regular part-time, probationary or temporary/seasonal employee who is a resident of the Village of Howard City and who chooses to run for elected municipal office (President or Village Council); when an employee qualifies as a candidate for a Howard City municipal election, he/she shall be placed on unpaid administrative leave for the duration of the election and any necessary subsequent run-off. Employees who are not elected shall be reinstated to their positions. Employees who are successfully elected to office will become elected officials, and their employment with the Village will terminate.

- (d) An employee may be placed on Administrative Leave in any instance where it is considered to be in the best interest of the Village and/or the employee. Written notification must be provided by the VMID who placed the employee on Administrative Leave to the Payroll Department with instructions that the leave shall be with or without pay.
- (e) The purpose of Administrative Leave is to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the Village and the employee. Designation of the leave as “Administrative Leave” is to prevent any possible stigma against an employee during a period of Administrative Leave.
- (f) The decision to place an employee on Administrative Leave is entirely discretionary. An extended Administrative Leave may be granted without pay at management’s discretion. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the management.

**Section 7: Holidays**

The Village observes the following holidays and such other days as may be designated by Village Council:

- New Year’s Eve
- New Year’s Day
- ½ Day: Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day\*
- Christmas Eve
- Christmas Day

\*The Village may choose to be closed the day after Thanksgiving provided employees use PTO time for time missed.

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for Village employees. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for Village employees.

- (a) Part-time, temporary, and seasonal employees are not eligible for holiday pay.
- (b) In order to receive pay for an observed holiday, regular full-time, non-exempt employees must work the scheduled work day immediately before and after the observed holiday or must not be absent without an excused leave approved in advance. If an employee’s absence is due to illness, the employee must present a doctor’s note covering the absence in order to be paid for the holiday.

**D. GROUP BENEFIT PLAN**

**Section 1: Policy Statement**

It is the policy of the Village of Howard City to provide its employees with various insurance, retirement, and approved training/educational benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical, mental-health, and well-being of the employee and his/her dependents. The plan is designed to enhance the attractiveness of working for the Village of Howard City and to aid the Village’s competitiveness in recruitment and retention efforts.

**Section 2: General Provisions**

**(1) Administration**

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the Village. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the Village.

**(2) Eligibility**

Eligibility for health insurance, death benefits, retirement benefits, and training benefits shall include regular, full-time employees.

- (a) Employee contributions deducted via payroll will begin the month prior to the employee's eligibility.
- (b) Benefit eligibility will expire at the end of the last day of the month that the employee worked for the Village.
- (c) The Village of Howard City reserves the sole right and discretion to enter into or exit medical insurance, life insurance, dental and vision benefit programs on behalf of the Village and its employees.

**(3) Qualified Status Changes**

Due to the pre-tax nature of many of our benefit plans (including spending accounts), IRS regulations determine when an employee can and cannot make changes to his/her benefit elections after he/she has enrolled (referred to as qualified status changes). Benefit elections that an employee makes remain in effect for the entire plan year, unless the employee has a qualified status change. During the Open Enrollment period, the employee has the opportunity to change his/her benefit elections for the following plan year.

All paperwork related to changing an employee's benefits due to a qualified status change must be completed within thirty-one (31) days of the date the status change occurred, and the employee must provide documentation proving the qualifying event (for example, a marriage certificate). The changes become effective on the date of the qualified change. The following are examples of qualified status changes:

- (a) Loss or gain of coverage through the employee's spouse
- (b) Birth or adoption of a child
- (c) Loss of eligibility of a covered dependent
- (d) Marriage, divorce or legal separation, or annulment
- (e) Death of a covered spouse or child
- (f) Change in employment status

**(4) Benefits Continuation**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Village of Howard City's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility, if applicable.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the Village of Howard City's group rates, plus an administrative fee of two percent (2%).

Certain deadlines and application requirements will apply. Please consult the Village if you wish to apply for COBRA benefits.

**Section 3: Benefits Offered**

The Village of Howard City intends to provide a comprehensive benefit package to aid in the recruitment and retention of employees. Benefits will include, but are not limited to: medical insurance, dental insurance, vision coverage, life and AD&D insurance, retirement, long-term and short-term disability, and approved training.

The Village of Howard City reserves the sole right and discretion to enter into, exit, or change benefit providers on behalf of the Village and its employees.

## **E. WORKERS' COMPENSATION**

### **Section 1: Policy Statement**

It is the intent of the Village of Howard City to comply with the provisions of the Workers' Compensation Laws of the State of Michigan. All Village of Howard City employees and elected officials who are injured on the job are protected by the Michigan Workers' Compensation Act. The provisions of this Act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of, and in the course of, an employee's employment with the Village of Howard City.

### **Section 2: Responsibility**

Workers' Compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the Village, all Supervisors, and the employee.

#### **(1) The Village**

The Village is responsible for the management of the Village's Workers' Compensation program in accordance with the provisions of the Michigan Workers' Compensation Act and other Federal, State, or local regulations.

#### **(2) Supervisors**

The Village of Howard City Supervisors are responsible for ensuring that their employees report all on-the-job injuries to them immediately or as soon as possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and submitted to the VMID within a twenty-four (24) hour time period. Serious injuries should be reported immediately by phone to the VMID.

#### **(3) Employees**

All Village of Howard City employees are required to report all on-the-job injuries to their Supervisor immediately when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the Workers' Compensation program directives and activities, and any fraudulent activity will be grounds for termination.

### **Section 3: Procedures**

- (1)** An employee injured on the job must report the injury to his/her Supervisor immediately on the forms prepared and provided by the Village, even if no medical treatment is necessary. A record of the injury should be made in case medical treatment is needed in the future.
- (2)** The employee's Supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the Injury/Illness Report form.
- (3)** An employee injured by an accident arising out of, or in the course of, employment shall not be charged for any absence from duty due to the injury on the day of the injury. The employee will be paid for any time missed from work on the day of the injury.
- (4)** There is a seven (7) calendar day waiting period before Workers' Compensation income benefits are due. The employee is eligible to receive medical benefits during the seven (7) day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using his/her available PTO balance. However, if the disability lasts for over the prescribed workers' compensation days, Workers' Compensation benefits will be compensated at the current Workers' Compensation percentage rate of weekly salary. The percentage of weekly rate will be paid retroactive for the first seven (7) days. The first seven (7) days of disability are not reimbursable unless the employee is disabled more than the prescribed Workers' Compensation consecutive days. If the employee is reimbursed from the State for the initial seven (7) day period, he/she will be responsible for returning that money to the Village. The leave time will be restored.
- (5)** Beginning with the eighth day following the injury, the employee will be compensated with the statutory Workers' Compensation rate percentage of weekly salary up to the maximum prevailing rate required by the Workers' Compensation Law. Once Workers' Compensation begins to make payments to the employee, the employee may use PTO leave to offset the difference between the statutory Workers' Compensation rate and the employee's regular rate of pay.

- (6) Workers' Compensation income benefits may not be payable if the employee is injured while engaged in willful misconduct or if the injury is due to the use of alcohol or drugs or the misuse of controlled substances.
- (7) An employee out of work on Workers' Compensation who does not return to work when released to do so by a qualified physician may be terminated.
- (8) If the employee is unable to return to his/her regular position, the Village may provide a modified/light duty assignment that is approved by the Workers' Compensation physician to the employee for a period of up to three (3) months. The Village has no obligation to create a light duty assignment if work is not available. The light-duty job does not have to be at the employee's regular rate of pay, does not have to be full-time, and does not have to be the same type of job as the employee's regular job.
- (9) If the employee is unable to return to his/her regular position at the end of twelve (12) weeks of leave or is unable to resume, with reasonable accommodations, his/her regular position after three (3) months, the employee may request in writing additional leave time or an extension of a reasonable accommodation such as light duty from the VMID. The VMID's decision will be final. Once all leave has been exhausted and the employee is still unable to resume, with reasonable accommodations, his/her regular position, the VMID may assign the employee to a vacant position in another classification for which the employee is qualified and able to perform (with or without accommodations), and at a salary comparable to that of other employees in the same classification. If no vacancy exists in another classification for which the employee is qualified (with or without reasonable accommodations), the employee may be terminated from employment.
- (10) Workers' Compensation leave must run concurrent with Family and Medical Leave (FMLA).

**Section 4: Coverage Not Provided**

Community service workers are not covered by the Village's Workers' Compensation insurance.

Community service workers must sign a waiver agreeing to use provided safety equipment and to assume all personal liability associated with the work being performed.



# **CHAPTER III**

# **EMPLOYEE RELATIONS**

### **III. EMPLOYEE RELATIONS**

#### **A. EMPLOYEE ORIENTATION/TRAINING**

##### **Section 1: Policy Statement**

The Village of Howard City, as an employer, is committed to ensuring that all employees receive adequate job training. It is the Village's belief that employees must be properly trained and supervised to achieve their maximum potential and to perform their duties in a manner which is beneficial to the Village.

##### **Section 2: General Provisions**

###### **(1) Employee Orientation**

Upon initial employment, an employee shall complete an orientation process. The Village shall have a role in ensuring that the employee is familiarized with the Village and departmental rules, policies, benefits, and procedures.

- (a) The Village shall be responsible for the initial New Hire Orientation, including initial employment paperwork, benefits information and enrollment, review of employee's job description, policy acknowledgements, and Personnel Policy Manual, etc.
- (b) The employee's Supervisor shall be responsible for introduction to other departmental employees; tour of departmental facilities; explanation of divisional/departmental SOP's, rules, and procedures; explanation of performance expectations; and other pertinent information. This orientation should be recorded on the "New Hire Orientation Checklist" which should be submitted to the Village to be included in the employee's personnel file within seven (7) days of employment.

###### **(2) Training**

- (a) Initial Training – Each department shall establish a training program for newly-hired employees and shall set standards of proficiency which are required for each job function. Each new employee shall complete a period of on-the-job training, the length of which will be dependent upon knowledge and skill level at time of employment.

Before any new employee is allowed to operate any Village vehicle or equipment, the employee must be evaluated on operating the vehicle or equipment. Additionally, the employee must be given a copy of the "Village Safety and Accident Reporting Policy". Safety should be emphasized throughout the training process, and the Village's commitment to providing a safe working environment should be understood by all employees. The initial training period is the most opportune time to assist the new employee in establishing safe work habits.

- (b) Continuing Training – The Village strives to provide continuing internal and external training opportunities to Village staff. When seminars and workshops pertinent to an employee's job duties are available, the Village will attempt to schedule employees to attend. The employee's Supervisor will make the determination on the suitability of all workshops and seminars and will make recommendations to the VMID who will give final approval before the employee attends.

#### **B. STANDARDS OF CONDUCT**

##### **Section 1: Policy Statement**

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

- (1) Promote impartial, objective, and effective performance of their duties;
- (2) Avoid activities that are adverse to the Village's interest or that adversely affect the Village's reputation;
- (3) Ensure safe and efficient operations; and
- (4) Encourage a high degree of confidence in and support for Village operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited. Other standards of conduct are established throughout this manual, and other standards may be established as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated. Failure to abide by these standards of employee conduct may result in disciplinary action up to, and including, termination.

## **Section 2: General Provisions**

### **(1) Conformance to Law**

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, Michigan, or any other state or political subdivision thereof. Conduct described as a violation of such laws may be cause for disciplinary action, regardless of whether charges are filed or prosecuted or whether the employee is adjudicated guilty or not guilty.

### **(2) Violation of Rules**

An employee shall not commit any act contrary to good order and discipline or any act constituting a violation of any of the provisions of the rules and regulations of the Village and its departments.

### **(3) Ethics**

(a) No elected official, appointed officer, or employee of the Village or any agency or political entity to which this manual applies shall knowingly:

- i. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his/her judgment or action in the performance of official duties;
- ii. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his/her judgment or action in the performance of official duties;
- iii. Disclose confidential information concerning the property, government, or affairs of the Village or governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself/herself or others;
- iv. Accept any valuable gift (exceeding \$100), whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his/her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he/she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- v. Represent other private interests in any action or proceeding against this Village or any portion of its government; or
- vi. Vote or otherwise participate in the negotiation, or in the making of any contract, on behalf of the Village with any business or entity in which he/she has a financial interest.

(b) Any appointed officer or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any Department of the Village shall disclose such private interest to the VMID. The Village President or any Councilmember who has a private financial interest, directly or indirectly, in any contract or matter pending before the Village Council shall disclose such private interest, and such disclosure shall be entered on the records of the Village Council, and he/she shall disqualify himself/herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this manual applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the Village or any agency or entity to which this manual applies shall use property owned by such governmental entity for personal benefit,

- convenience, or profit, except in accordance with policies promulgated by the Village Council or the governing body of such agency or entity.
- (d) Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the Village Council.
  - (e) Except as authorized by law, or approval by the Village Council, no member of the Council shall hold any other elective office or other Village employment during the term for which elected.

### **Section 3: Attention/Dereliction**

#### **(1) Attention**

An employee shall remain awake, alert, observant and occupied with Village business when on the job. Employees are expected to perform their job duties:

- (a) Timely, promptly, and without undue delay;
- (b) Without unnecessary supervision;
- (c) Ensuring they are engaged productively at all times or as directed;
- (d) Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties; and
- (e) Avoiding tardiness, absenteeism, and unexcused absences.

#### **(2) Insubordination**

An employee shall adhere and execute any and all lawful orders of a Supervisor, including those relayed from a Supervisor through another employee. A lawful order is any order in keeping with the performance of any duty, issued either verbally or in writing by the VMID or any other Supervisor, direct or indirect. The willful disobedience of any order lawfully issued by a Supervisor or any insolent, uncooperative, or abusive language or conduct toward a Supervisor shall be insubordinate and may be grounds for disciplinary action up to, and including, termination.

### **Section 4: Competence, Judgment, and Supervision**

#### **(1) Competence**

An employee shall maintain sufficient qualifications and competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objective of the Village. Failure to do work at an acceptable level of competence as determined by the applicable Supervisor may be grounds for disciplinary action up to, and including, termination.

#### **(2) Judgment**

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

#### **(3) Supervision**

A Supervisor shall, in accordance with Department management expectations:

- (a) Demonstrate qualities of leadership necessary for the position;
- (b) Maintain a positive attitude in support of Department decisions and goals;
- (c) Exercise appropriate supervision of subordinates and responsibilities;
- (d) Effectively plan, develop, and coordinate supervision and training of subordinates;
- (e) Observe and appropriately counsel subordinates;
- (f) Take appropriate action when a subordinate fails to perform; and
- (g) Properly account for all funds and property under his/her control.

### **Section 5: Fitness for Duty**

An employee must be physically and mentally fit to perform essential job functions.

#### **(1) Evaluation for Fitness**

When it is reasonably suspected that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to submit to an evaluation of fitness for duty by a physician of the Village's choosing and expense. All such testing must be approved by VMID.

**(2) Periodic Evaluation**

An employee may be required to take periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

**(3) Disclosure Required**

An employee who is notified or otherwise becomes aware of a physical or mental impairment that affects or reasonably threatens to affect his/her ability to perform essential job functions shall report the condition immediately to their supervisor.

**(4) Status During Evaluation**

Pending completion of the fitness-for-duty evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

**Section 6: Absences and Reporting**

**(1) Unauthorized Absence**

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment without authorization.

**(2) Reporting for Work**

An employee shall report to work on time and be physically and mentally fit at the time and place specified by the Supervisor and remain physically and mentally fit throughout the work day.

**(3) Reporting Absence**

An employee who cannot report to work due to illness or emergency shall notify the immediate Supervisor within the time limits established. Failure to do so may result in an unauthorized, unexcused absence.

**(4) Fictitious Reporting**

Employees reporting absences or reasons for absences shall be truthful and without attempt to deceive any Supervisor or official of the Village.

**Section 7: Response**

**(1) Responding to Calls for Service**

No employee shall fail to respond timely to official calls for service, dispatched calls, notices of assignment, subpoenas, or any other method of direction to perform.

**(2) Requests for Assistance**

When the public requests assistance or advice or makes complaints or reports, the employee shall gather all information in an official and courteous manner and shall judiciously act upon the situation consistent with prescribed procedures.

**Section 8: Personal Appearance**

**(1) Expectation**

All employees must maintain a neat and well-groomed appearance.

**(2) Dress Guidelines**

The following guidelines apply:

**(a) Ownership of Uniforms**

If supplied, employees separating from Village service must return all uniforms supplied by the Village within 48 hours of separation and before issuance of a final paycheck. The cost of uniforms not returned to the Village will be deducted from the employee's final paycheck to the extent allowed by law.

**(b) Accountability**

The employee shall be responsible for reimbursing the Village for replacement uniforms lost or damaged due to negligence by the employee.

**(c) Uniform Rules and Regulations**

The following rules and regulations apply to all uniformed Village personnel:

- i. If uniforms are provided by rental contract, the employee shall report the need for repairs as soon as they are apparent and shall report any failure by the rental company to provide the needed repairs.
  - ii. Uniform wear is limited to en route to and from work, while on the job, or at official departmental/Village functions. While it may be necessary for the employee to make brief stops en route to or from work, lunch hours, etc., employees may not wear uniforms in any establishment that would bring discredit to the Village or its operations.
  - iii. Shirts shall be buttoned at all times.
  - iv. Shirt tails shall be tucked in at all times.
  - v. Belts shall be worn at all times.
  - vi. Insignias shall be in good condition and properly placed on uniforms.
  - vii. Violation of Village or Departmental uniform rules and regulations shall result in appropriate disciplinary action.
  - viii. Caps shall be optional. However, if a cap is worn, only the Village-issued cap or a cap with no logo shall be worn with the uniform.
  - ix. Any item of personal clothing visible while worn with the Village uniform shall be approved by the VMID prior to wearing. There shall be no logos, lettering, etc., visibly showing on the personal clothing.
  - x. All articles provided for the safety of the employee will conform to O.S.H.A. standards and shall be properly used by the employee (i.e., hard hats, safety goggles, safety vests, lightweight coveralls, noise dampeners, and other necessary safety equipment).
- (d) Boot Purchase and Payroll Deductions
- i. Employees required to wear uniforms shall receive an annual allowance up to \$100 that may be used to purchase boots. Part-time employees may receive the annual boot allowance up to \$50 at the discretion of the VMID when safety is a concern. The employee will be responsible for costs above the \$100 allowance.
- (e) Attire
- i. Office Personnel are permitted to dress in a business casual manner as long as the attire is professional and in good taste. Male employees are expected to wear slacks and collared shirts/sweaters/turtlenecks. Female employees are expected to wear dresses or skirts/slacks/business-looking capris with appropriate blouses/sweaters/shirts.
- Friday's (unless specified differently) is casual day. Suitable blue jeans and tennis shoes in good condition are allowed on "Casual Fridays". However, no shorts, clothing with inappropriate messages, jogging suits/sweatpants, or clothing which exposes the midriff or back are allowed. When in doubt about the appropriateness of particular attire, the attire should not be worn.
- ii. Management reserves the right to determine appropriateness of attire. Any problems with what is considered inappropriate attire will be discussed with the employee. The employee will be asked to go home and change and will not be compensated for time away from work to change inappropriate attire. If the problem continues, disciplinary action up to, and including, termination will be taken.

## **Section 9: Professional Conduct**

### **(1) Courtesy**

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercising patience and discretion in all situations. Employees should refrain from using coarse, violent, profane, or insolent language.

**(2) Conduct Unbecoming or Prejudicial to Good Order**

An employee's conduct at all times, both on and off the job, shall reflect favorably on the employee and the Village. Unbecoming conduct includes acts that tend to bring the Village into disrepute, discredit the employee, or tend to impair or interfere with the operation of the Village or employee.

**(3) Unprofessional Conduct**

Inappropriate conduct includes, but is not limited to:

- (a) Uncooperative attitude, including, but not limited to, disrespect to a Supervisor, co-worker, or the public;
- (b) Conflict of interest;
- (c) Reporting to work or working under the influence of drugs and alcohol; any involvement in the manufacture, distribution, possession, or use of illegal, non-prescription drugs or illegally obtained prescription drugs;
- (d) Use of abusive or obscene language;
- (e) Violation of telephone/computer usage/or political activity policy;
- (f) Theft, abuse, or misuse of Village property or vehicles, violations of traffic laws while driving a Village vehicle, failure to report damage or destruction of Village property to a Supervisor, loaning property or equipment of the Villages without permission or proper authority;
- (g) Falsifying absences/records/making false claims;
- (h) Fighting or any other form of workplace violence;
- (i) Sabotage;
- (j) Deliberate damage to Village property;
- (k) Acceptance of a bribe;
- (l) Mishandling cash or other Village property;
- (m) Discriminatory attitude or prejudice concerning another person, to include gossip;
- (n) Conviction of, or admission of, a felony or a crime of moral turpitude, and/or arrests that bring discredit to the Village or otherwise threaten to interfere with the Village operations;
- (o) Acts during duty hours which are incompatible with public service;
- (p) Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage;
- (q) When duly and properly called as a witness before any Village Council Board, Appeals Board, State or Federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the Village;
- (r) Failure to report an occupational injury or accident during the shift on which it occurred;
- (s) Absence due to incarceration;
- (t) Use of any form of physical abuse toward the public, Supervisors, or other employees, or making threats to the public, Supervisors, or other employees;
- (u) Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
- (v) Guilty of disgraceful conduct;
- (w) Careless or negligent with the monies or other property of the Village;
- (x) Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the Village image or reputation;
- (y) Use of, or threatening to use, or attempting to use personal or political influence to secure employment benefits, including, but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
- (z) Violating the established procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
- (aa) Failure to acquire or maintain a valid license, registration, or certification when such license, registration, or certification is required and specified in the job description of the position occupied by the employee;
- (bb) Wasted time, inefficiency, and/or loitering during working hours;
- (cc) Sleeping while on duty;
- (dd) Failure to perform work at an acceptable level of competence as determined by the Supervisor or VMID;

- (ee) Violation of Village ordinances, administrative regulations, or departmental rules;
- (ff) Falsification of information on an application/job bid form or during a pre-hire interview or examination which had not been detected previously;
- (gg) Use of Village equipment or facilities for unauthorized personal use or benefit;
- (hh) Use of Village employees to perform work or duties for the personal benefit or gain of another Village employee;
- (ii) Use of any tobacco product in any Village building or vehicle;
- (jj) Violation of safety and health rules and established safety standards, including unsafe acts;
- (kk) Refusal to submit to a drug/alcohol test as required by Village policy; and/or
- (ll) Abuse of leave policies.

**(4) Immoral Conduct**

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee's ability to perform as a Village employee or cause the Village to be brought into disrepute.

**Section 10: Other Standards**

**(1) Identification**

An employee must furnish his/her name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of Village business.

**(2) Examinations and/or Tests**

Upon order of management, for matters related to duty performance and investigations, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program authorized by law, and shall sign any related authorization forms.

**(3) Horseplay/Rough Play**

No employee shall engage in horseplay or rough play while on the job or in any Village facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under Workers' Compensation.

**(4) Fighting**

An employee shall not engage in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

**(5) Fraudulent Employment**

No employee shall procure or maintain employment in the Village by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment, or physical condition.

**(6) Acceptance of Gifts and Gratuities**

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he/she has official relationships on business of the Village government. These limitations are not intended to prohibit the acceptance of articles of negligible value (not to exceed \$100) that are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that employees involved in contracting and purchasing guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

**C. DISCIPLINE**

**Section 1: Policy Statement**

The Village of Howard City believes that each employee desires to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices.

The primary purpose of disciplinary action is to correct or prevent the recurrence of employee performance or conduct that is detrimental to quality job performance or to the interest of the citizenry,



the employee, the Village, or other employees. The Village's discipline policies emphasize the employee's responsibility for the consequences of his/her own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

When an employee's conduct does not meet standards or results in deficiencies in job performance or violations of law, Village regulations, or rules, it is the policy of the Village to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the Village workforce through application of disciplinary actions. Disciplinary action should be carried out privately and confidentially.

## **Section 2: General Provisions**

### **(1) Level of Discipline**

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the Supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

### **(2) Format and Location of Disciplinary Actions**

All disciplinary action should be documented in writing. The Supervisor shall ensure that the writing of the disciplinary action is filled out completely and accurately and that needed signatures are obtained. An employee's signature does not indicate agreement with the disciplinary action, but represents an acknowledgement of receipt of the form. Should an employee refuse to sign the form, the Supervisor should write "refused to sign" on the form with the appropriate date. The employee should be given a copy of the disciplinary action form. The original disciplinary action form should be maintained in the employee's personnel file.

All appeals by employees must be in writing and received within five (5) calendar days of the incident or when the employee became aware of the incident. All responses to, and decisions on, appeals must be in writing and to the employee within five (5) calendar days after receipt.

### **(3) Progressive Discipline**

While it is expected that disciplinary action be exercised progressively, the circumstances of any particular situation, as well as the nature of the deficiency and the violation in any particular situation, may preclude the exercise of a less severe discipline option. Typical disciplinary actions may include oral or written reprimand, suspensions (with or without pay), performance improvement plan (PIP), demotions, and termination. Employee actions/behavior of a serious nature may be cause for immediate termination while bypassing any or all other levels of disciplinary action. Reference Progressive Discipline Chart on the following page.

### **(4) Suspension of Exempt Employees**

Except in the case of a major safety violation, any suspension of an exempt employee must be made in full-week increments only. Major safety violation suspensions may be made in full-day increments.

### **(5) Disciplinary Options**

Only VMID or Village President is authorized to demote or terminate employees. The Supervisor may suspend employees or place an employee on a performance improvement plan (PIP) in coordination with VMID.

### **(6) Impact of Disciplinary Action**

An employee's record is not "cleared" of disciplinary action at the beginning of a calendar or fiscal year. Generally, an employee's record will be cleared after one year of satisfactory performance and/or behavior, but the disciplinary action form will remain in the personnel file.

### **(7) Probationary Employees**

New employees in a probationary status do not have appeal rights to disciplinary action or termination of employment.

ACTION	USE	RESPONSE/APPEAL
Oral Counseling	A private discussion between Supervisor and employee. Documented and kept in personnel file.	No Appeal
Oral Reprimand	An oral warning/instruction from a Supervisor to the employee. Documented and kept in personnel file.	No Appeal
Written Reprimand	A written warning/admonishment from a Supervisor to the employee.  Documented, signed by employee and Supervisor, and kept in personnel file.	Employee has five (5) calendar days to appeal to the Supervisor through the chain of command to the next level Supervisor. Appeal does not go beyond the next level of Supervisor issuing the reprimand.
Suspension	Relieve from duty for a specified amount of time.  Requires coordination with approval of VMID.  Documented, signed by employee and Supervisor, and kept in personnel file.	Employee has five (5) calendar days to appeal the decision. Final decision rests with the VMID.
Performance Improvement Plan (PIP)	Probationary period for a specific amount of time, generally ninety (90) days, to ensure that performance deficiencies are understood and that management is coaching the employee to improve.  Requires coordination with VMID.  Documented, signed by employee and Supervisor, and kept in personnel file.	No Appeal
Termination	Involuntary separation of employee from Village employment.  Requires coordination with VMID.  All documents kept in personnel file.	Employee has five (5) calendar days to appeal to VMID. The final decision rests with the VMID.

## **D. GRIEVANCES**

### **Section 1: Policy Statement**

The Village of Howard City is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The Village strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate Supervisor.

### **Section 2: General Provisions**

#### **(1) Scope**

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this manual. Grounds for submission of a grievance include:

- (a) Unfair application, interpretation, or violation of Village regulations; or
- (b) Acts of retaliation as a result of utilization of the grievance process.

#### **(2) Statement of Grievance**

At each step in the process, the written grievance must include the following:

- (a) A statement of the grievance and the facts upon which it is based;
- (b) A description of the specific wrongful act and harm done to the grieving employee; and
- (c) A statement of the remedy or adjustment sought.

#### **(3) Probationary Employees**

New employees in a probationary status do not have grievance rights.

### **Section 3: Grievance Steps**

#### **(1) Step One – Supervisor**

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the VMID within five (5) calendar days of the incident or when the employee became aware of the incident. The VMID will attempt to resolve the matter and submit a written response to the employee within five (5) calendar days after receipt.

#### **(2) Step Two – VMID**

If the Supervisor is unable to resolve the grievance or the response is unacceptable to the employee, the employee must within five (5) calendar days of receiving the response file the written grievance to the VMID. Within ten (10) calendar days of receipt of the grievance, the VMID shall review the grievance and the recommendation and shall make a final decision within ten (10) calendar days of receipt. The Village Clerk will make a copy of the VMID's decision to the employee. The VMID's decision is final.

### **Section 4: Areas Not Grievable**

The following areas are NOT grievable:

- (1) Issues which are pending or which have been concluded by other administrative or judicial procedures;
- (2) Management's rights to assign work and/or establish work processes;
- (3) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or departments;

- (4) The content or rating of a performance evaluation;
- (5) The selection of an individual by the VMID to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- (6) Any matter which is not within the jurisdiction or control of the Village;
- (7) Internal security practices established by the VMID and/or Village Council; and
- (8) Decisions, practices, resolutions, or policies made or passed by the Village Council or the Village Manager.

## **E. WORKPLACE DISCRIMINATION AND HARASSMENT**

### **Section 1: Policy Statement**

It is the policy of the Village of Howard City that harassment and discrimination of any kind will not be tolerated, and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward to discuss any situation that they deem inappropriate. The Village of Howard City expressly prohibits any form of unlawful discrimination and employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, or veteran status. Improper interference with the ability of the Village of Howard City employees to perform their expected job duties is absolutely not tolerated.

### **Section 2: Discriminatory Harassment**

The EEOC's definition of harassment is:

“Unlawful harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, genetic information, sexual preference or disability, or that of his/her relatives, friends, or employees, and that

- (1) Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (3) Otherwise adversely affects an individual's employment opportunities.”

All employees, Supervisors, and Elected Officials are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term “discriminatory harassment” may include, but is not limited to, any of the following:

- (1) Offensive remarks, comments, jokes or slurs pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, genetic information, veteran status, citizenship, sexual orientation, or other protected group status;
- (2) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail that are reasonably offensive for that reasonably exploit an individual's race, color, national origin, religion, sex, gender, disability, age, genetic information, veteran status, citizenship, sexual orientation, or other protected group status;
- (3) Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, genetic information, veteran status, citizenship, sexual orientation, or other protected group status; or
- (4) Conduct that has the purpose or effect of unreasonably interfering with an individuals' work performance and/or conduct that creates an intimidating, hostile, or offensive working environment.

### **Section 3: Sexual Harassment**

#### **(1) Definition**

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- (b) Submission to or rejection of such conduct by an individual is used as the basis for an employment decision; and
  - (c) Such conduct has the purpose or effect of interfering with an individual's work performance or creating a hostile or intimidating environment.
- (2) **Quid Pro Quo**  
Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.
- (3) **Hostile Environment**  
Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.
- (4) **Prohibited Behavior**  
Behavior prohibited by this policy can include, but is not limited to, unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

#### **Section 4: Complaint Procedure and Investigation**

If an employee feels that he/she has been subjected to discrimination or harassment, regardless of whether it is by a fellow worker, a Supervisor, or a member of the general public, the employee may direct the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to his/her Supervisor and/or the VMID. If the Supervisor is involved in the behavior, the report should be made to the Village President. Any Supervisor who receives a complaint related to discrimination or harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the VMID. At any point, the employee who feels he/she has been subject to discrimination or harassment may go outside the chain of command of his/her department and go to the VMID.

All reports of discrimination or harassing or offensive behavior will be investigated promptly, fairly, and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant, or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends, or management. The Village will keep the information it gathers as confidential as possible, consistent with State and Federal laws and the needs of the investigation.

#### **Section 5: Corrective Action**

If management concludes that a complaint of discrimination or harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the discriminatory or offensive behavior, counseling or training, verbal or written warning, suspension with or without pay, or termination. In the event that discrimination, harassment, or offensive behavior reoccurs, it should immediately be reported to the VMID. Any employee found to be acting in a discriminatory or harassing manner will be subject to disciplinary action up to, and including, termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

#### **Section 6: Retaliation**

Retaliation for notifying the Village about harassment and discrimination is strictly prohibited. Anyone attempting to retaliate or to interfere with the investigation of a complaint of discrimination or harassment will be disciplined up to, and including, termination. All employees are encouraged to report inappropriate behavior and, when applicable, to participate as a witness in an investigation concerning a report of discrimination or harassment without fear of retaliation. Retaliation in any form, towards any

employee who reports discrimination or harassment or who participates in an investigation of discrimination or harassment is strictly prohibited.

## **F. SUBSTANCE ABUSE AND DRUG AND ALCOHOL TESTING**

### **Section 1: Policy Statement**

The Village has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the Village does not, and will not, tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacture, or presence in the body of illegal drugs or alcoholic beverages on Village work time, while on Village or customer property during lunch or breaks when an employee is scheduled to return to work, while in Village vehicles, and/or while using, occupying, performing, or engaging in any activity on Village property and facilities. The Village Council may make a waiver to this policy for celebrations, holidays, etc., for a finite period of time. The Village further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a policy investigation, the VMID or Village President may waiver to this policy for a finite period of time.

### **Section 2: Application**

This policy applies to all Village employees (whether full-time, part-time, seasonal, or temporary), volunteers, interns, and any other individuals performing services on the Village's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as Village employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on Village premises or in Village vehicles and will not be permitted to conduct business if found to be in violation of this policy.

### **Section 3: Definitions**

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy (the "Policy"), the following definitions apply:

#### **(1) Alcohol or Alcoholic Beverages**

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

#### **(2) Village Premises**

Includes all property, facilities, land, platforms, building, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the Village of Howard City, or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than Village offices, including all other locations of Village-sponsored recreational, social, or educational events, and any place where the Village of Howard City employee is located while traveling to or from such location in the course and scope of his/her duties on behalf of the Village, including an employee's own vehicle when the vehicle is parked on Village property. This definition shall not be interpreted to imply that the Village assumes or accepts responsibility for any wrongful, tortious, negligent, or criminal acts of any person whom it employs when such person is not acting pursuant to a Village management's instruction in furtherance of the Village business, nor shall it constitute a waiver of any immunity which the Village of Howard City or its officials or employees might have under Federal, State or local laws or ordinances.

#### **(3) Controlled Substances**

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, processing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Michigan Public Act 368, as annotated.

#### **(4) Impaired**

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs,

controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

**(5) Legally Obtained Drugs**

This includes prescription drugs and over-the-counter medications.

**(6) Over-the-Counter Medication**

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

**(7) Prescription Drug**

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

**(8) Reasonable Suspicion**

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular Village employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

**(9) Safety-Sensitive Positions**

Positions of employment with the Village where a lapse of judgement or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, or others. Safety-sensitive positions include, but are not limited to, those which, as a part of the essential job functions, (1) require or involve possession of a firearm; (2) require or involve providing emergency medical, rescue, or fire suppression services; (3) primarily require to involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery, or heavy equipment; (4) require the holding of a commercial driver's license (CDL); and (5) require or involve performing duties which directly affect public health or safety.

**Section 4: Prohibitions**

The Village prohibits all Village employees from engaging in the following conduct or behavior while performing Village business, while on Village property or Village premises, while in use of Village property, or while operating or riding in a Village vehicle:

- (1)** The use or consumption of illegal drugs, controlled substances, and/or alcohol;
- (2)** The possession of illegal drugs, controlled substances, and/or alcohol;
- (3)** The abuse of prescription medications and over-the-counter medications;
- (4)** Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
- (5)** The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
- (6)** The use of Village property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

**Section 5: Use of Legally Obtained Drugs**

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing Village business, while on Village premises, while in operation of a Village vehicle, or while in operation of any other equipment or vehicle in performance of Village business is prohibited and shall constitute grounds for disciplinary action up to, and in including, termination. The following policies shall apply to the use of legally obtained drugs:

- (1)** Village employees must not be on the job, **on call**, on Village premises, operating a Village vehicle, or operating any other equipment or vehicle while in performance of Village business while impaired due to any drug, legal or illegal, that renders the Village employee unfit for duty. An employee is

- “unfit for duty” if the employee’s use of legally obtained drugs jeopardizes his/her ability to work safely and efficiently.
- (2) A Village employee who is using legally obtained drugs must notify his/her immediate Supervisor of any and all known or experienced symptoms and probably adverse side effects that may impact the employee’s performance, alertness, or create an unsafe situation. An employee’s failure to notify the Village constitutes grounds for disciplinary action up to, and including, termination. A Village employee is not expected to notify the Village of legally obtained drugs that are unlikely to impact the employee’s performance, alertness, or create an unsafe situation.
  - (3) Village employees using legally obtained drugs while on the job shall do so in strict accordance with physical and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her duties. Should an employee move to another position requiring different duties while using legally obtained drugs on the job, it is the employee’s responsibility to notify the prescribing physician of the new position and duties and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her new duties.
  - (4) Any prescription medication brought onto Village or customer property or taken aboard Village vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.
  - (5) No Village employee may take another person’s medication.

#### **Section 6: When Drug Testing is Required**

##### **(1) Job Applicants**

All applicants for full-time, part-time, seasonal, and temporary positions of employment with the Village can be tested for drugs after a conditional offer of employment has been extended. If a test is ordered, no such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained.

##### **(2) Reasonable Suspicion**

All Village employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any Village employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results. Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence and shall seek confirmation of the observations from the VMID before transporting the employee for testing. Management may confer with another employee with training generally consistent with the DOT’s Reasonable Suspicion training before the employee is transported for testing. A reasonable suspicion test may be required based upon, but not limited to, the following:

- (a) The personal observation of the Village employee’s job performance, appearance, behavior, speech, or odor by the Supervisor creating a reasonable suspicion that the Village employee has used drugs or alcohol in violation of this policy;
- (b) Personal observation of the Village employee by another individual who has fully disclosed the observation to the Village;
- (c) Observation of the Village employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the Village;
- (d) Information from a law enforcement agency received by the Village;
- (e) Specific and objective facts indicating that a Village employee’s drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance.
  - i. The appearance, behavior, speech, or odor of the Village employee immediately prior to or after the accident;
  - ii. The Village employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;



- iii. The Village employee acted contrary to a safety rule, established safety practice, or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
  - iv. The Village employee was arrested or received a traffic citation;
  - v. The Village employee or any person received medical attention as a result as a result of the accident; or
  - vi. The Village employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents, whether or not they involved actual or potential injury;
- (f) Specific and objective facts indicating that a Village employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of motorized equipment, heavy machinery, or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:
- i. The appearance, behavior, speech, or odor of the Village employee immediately prior to or after the accident;
  - ii. The Village employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual, or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
  - iii. The Village employee acted contrary to a safety rule, established safety practices, or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
  - iv. The Village employee or any other person received medical attention as a result of the accident; or
  - v. The Village employee has been involved, as a contributing factor, in a pattern of on-duty accidents, whether or not they involved actual or potential injury.

**(3) Required Testing After Certain Accidents**

- (a) Drug and alcohol testing must be performed within policy guidelines when any Village employee, while in the performance of Village business, is the apparent cause of an accident/injury that results in required immediate medical treatment of himself/herself or medical treatment of another injured person.
- (b) Drug and alcohol testing must be performed within policy guidelines when any Village employee holding a safety-sensitive position, while in operation of a Village vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of Village business, is the apparent cause of an accident that results in (1) a fatality; (2) a citation issued to the Village employee; (3) an injured person requiring immediate medical treatment; (4) damage to Village property; or (5) damage to any other property.
- (c) Alcohol and drug test(s) required after any of the above accidents shall be completed within six (6) hours or less of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved Village employee must report immediately for testing or be subject to disciplinary action up to, and including, termination.

**(4) Random Testing**

All Village employees required to have a CDL for their position will be subject to random drug testing, as follows:

- (a) Tests will be ordered on a random, unannounced basis from the pool of identified Village employees holding CDL positions.
- (b) A Village employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a Village employee holding a CDL position who is randomly selected for testing may be randomly selected again during the same year.
- (c) The Village is notified when an employee has been selected through the random process. The Village will contact the collection agent to set up a time for collection. The Supervisor or the Village will not inform the employee that he/she has been chosen for the test until the collection agent arrives for the designated appointment time as set up by the Village.

- (d) Village employees are allowed to continue working pending the results of the test. If the testing agent notifies the Village that the Village employee has produced a non-negative sample, the employee will be placed on administrative leave without pay pending the confirmation of the results.
- (e) All information received by the Village of Howard City as a result of any testing procedure is considered confidential, but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the Village's defense in any such action or proceedings.

### **Section 7: Procedures for Testing**

- (1) Alcohol screening will be conducted using an approved and certified evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the Village reserves the right to test for the presence of drugs or alcohol by a blood test analysis.
- (2) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of non-negative tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- (3) All non-negative test results for drugs will be interpreted by a physician-approved Medical Review Officer (MRO) before the results are reported to the Village.
- (4) Upon notification by the MRO of a confirmed positive result for drugs, the Village employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense. If the test conducted by the laboratory is negative for the presence of drugs, a third test may be made at the Village's sole expense. The results of the third test will be terminative. If the results from the third test are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (5) Any Village employee ordered to be tested based upon reasonable suspicion shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the Village employee). Under no circumstances will the Village employee be allowed to drive himself/herself home. The Village employee shall be placed on administrative leave with pay pending the results of the test and any confirmation tests, if applicable.
- (6) If a non-negative test is explained or negated by the MRO and/or subsequent confirmation testing, the Village employee shall be reinstated.

### **Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches**

All Village-issued, Village-owned, or Village-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased or provided by the Village is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any Village-issued, Village-owned, or Village-leased equipment, property, and facilities. If a search uncovers evidence of Village employee wrongdoing, illegal activity, or Village employee violations of Village rules or policies, the evidence may be used to support disciplinary action up to, and including, termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The Village also reserves the right to conduct searches on Village property of Village employees and/or their personal property when, in the Village's view, there is a reasonable suspicion that a Village employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the Village's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

**(1) Consent for Testing**

Prior to date of hire, all Village employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the Village and/or the MRO. Signed consent forms shall be kept on file by the VMID and are enforceable for the duration of employment.

**(2) Refusals to Undergo Testing**

The Village has a Zero Tolerance Policy regarding test refusals. As such, any Village employee so refusing to immediately proceed as directed will be subject to disciplinary action, which action may include termination from employment.

Other actions that constitute a test refusal occur when a Village employee:

- (a) Fails to appear for any test within a reasonable time, as determined by the Village, after being directed to do so by the Village;
- (b) Fails to remain at the testing site until the testing process is complete;
- (c) Fails to provide a urine, breath, saliva, or blood specimen for any drug or alcohol test required;
- (d) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen;
- (e) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (f) Fails or declines to take a second test the Village or collector has directed the Village employee to take;
- (g) Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process;
- (h) Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, tampers with any element of the testing process, behaves in a confrontational or obstructive way that disrupts the collection process, refuses to be escorted to the designated collection site when so directed, or is physically absent resulting in the inability to conduct testing).
- (i) Village employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits by the Department of Labor.
- (j) Village employees who refuse to submit to a test or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for Workers' Compensation benefits.

**(3) Confidentiality**

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and will be subject to severe disciplinary action, up to, and including, termination. The confidentiality of such information shall not apply to any use by, or communication to, the Village's attorneys, or where the information is relevant to the Village's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any Federal, State, or local law, statute, ordinance, or regulation.

**(4) Discipline for Violations of Policy**

- (a) Immediate Removal from Duty – A Village employee who tests non-negative for drugs or alcohol shall immediately be relieved from duty, placed on administrative leave with pay, and sent home pending disciplinary action. If the non-negative test is explained or negated by the MRO and/or subsequent confirmation testing, the Village employee shall be reinstated.
- (b) Disciplinary Action – A Village employee who violates any provision of this policy is subject to discipline up to, and including, termination. If terminated, the Village employee will not be eligible for rehire.
- (c) Immediate Termination – The following reasons shall result in immediate termination of a Village employee:

- i. Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on Village property, while operating Village equipment or vehicles, or while operating any other equipment or vehicles on Village business.
- ii. Operating Village motorized equipment while unfit for duty due to the use of drugs and/or alcohol.
- iii. Conviction for violation of any drug law.
- iv. Refusing to consent to or to take a drug or alcohol test pursuant to this policy.
- v. Failure to appear at the designated collection site to take a drug or alcohol test when so directed.
- vi. A confirmed positive test for drugs or alcohol.

## **G. SOCIAL MEDIA POLICY**

### **Section 1: Purpose and Intent**

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media in particular; however, because such activity can adversely affect the efficiency and effectiveness of the Village of Howard City operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the Village of Howard City's interest in preventing unnecessary disruption to, or interference with, its operations and relationship to the public it serves.

### **Section 2: Definitions**

- (1) For purposes of this policy, the term "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to internet-based websites such as MySpace®, Facebook®, Twitter®, LinkedIn®, Google+®, YouTube®, Tumblr®, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such application as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.
- (2) For purposes of this policy, the term "social media activity" is defined as the act of sharing information or otherwise communicating through social media, including but not limited to, the posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

### **Section 3: Scope of Policy**

- (1) This policy applies to all employees of the Village of Howard City without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.
- (2) This policy applies to all employees of the Village of Howard City without regard to job title, position, or rank.

### **Section 4: Prohibitions on Social Media Activity**

- (1) All employees of the Village of Howard City should remain mindful that, as public servants, they are generally held to higher standards than the general public with regards to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.
- (2) Each employee of the Village who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the Village, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups, or otherwise engaging in conduct unbecoming an employee of the Village, bringing discredit to the Village, or interfering with or detrimental to the mission or function of the Village.

- (3) Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for programs.
- (4) While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations, and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.
- (5) No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the Village of Howard City, any other current or former employee of the Village, or any applicant for employment with the Village.

**Section 5: Limitations and Restrictions on Social Media Activity**

- (1) Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the Village of Howard City through social media and, except as otherwise authorized in advance by the VMID, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the Village of Howard City. Similarly, in the absence of prior approval, employee's social media activity should not reveal or depict the Village's adopted logos, seals, symbols, or uniforms, patches, badges, or similar items identified with the Village.
- (2) Except as otherwise authorized in advance by the VMID, if an employee's status as an employee of the Village is disclosed, revealed, or otherwise made apparent in connection with his/her social media activity, his/her social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the Village of Howard City; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the Village if their status as Village employees is disclosed or revealed in connection therewith.
- (3) Except as otherwise authorized in advance by the VMID, no employee may utilize Village computers or equipment for purposes of engaging in social media activity.
- (4) Except as otherwise authorized in advance by the VMID, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recording, photographs/images, etc., from Village computers or equipment.
- (5) To preserve the continuity of the Village of Howard City's message, to ensure accuracy, and to avoid unnecessary confusion in the community, except as otherwise authorized in advance by the VMID, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of Village programs, projects, activities, or events.
- (6) Exceptions to the above-stated limitations and restrictions may be authorized by the VMID; provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc., via social media activity will be fully consistent with the letter and spirit of this and all other policies of the Village, any internal SOP's or rules adopted by his/her Department, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.
- (7) The Village of Howard City reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc., (even if previously approved) if such posted material constitutes a violation of this policy or other Village policies.

**Section 6: Application to Other Policies**

All personnel policies of the Village of Howard City relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity.

Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the VMID.

**Section 7: Duty to Report**

All employees have an ongoing duty to report any violations of this policy by any other employee. The Village considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.

**Section 8: No Expectation of Privacy in Social Media Activity\**

- (1) Village employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with the Village's current "Use of Village's Property and Equipment" policy, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the Village, any of its departments, or its employees.
- (2) The Village reserves the right to inspect or monitor any social media activity engaged in by its employees using Village-owned computers or other electronic equipment or devices. In addition, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the Village that, that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other Village policy.

**Section 9: Corrective and/or Disciplinary Action and Other Potential Consequences**

- (1) Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and/or disciplinary action up to, and including, termination of employment, may be taken in accordance with the Village's disciplinary policies.
- (2) If an employee is sued in part due to his/her social media activity under circumstances where the Village would ordinarily provide a defense and/or indemnify the employee, the Village reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of the Village.

**Section 10: Interpretation and Application**

- (1) Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or Federal or State rights to engage in any statutorily-protected activity.
- (2) Any employee unsure about the application of this policy to any particular social media activity should seek guidance from his/her Supervisor before engaging in such activity.
- (3) This policy is intended for internal use of the Village only and should not be construed as establishing a higher duty or standard of care for the purposes of any third party civil claims against the Village or its employees. A violation of this policy by an employee provides only a basis for corrective and/or disciplinary action against such employee by the Village.

**H. SAFETY PHYSICALS**

**Section 1: Policy Statement**

All employees, including volunteer Firefighters, may be required to take a physical examination prior to employment/appointment and thereafter as required by the law or departmental SOP's to determine fitness for duty.

## **Section 2: General Provisions**

### **(1) Timing**

All employees required to hold CDL's will be subjected to physical exams in accordance with 49 CFR 391.41 – 391.49 and other applicable variances. All other employees, including volunteer Firefighters will consent to "Fit for Duty" Safety Physicals as management deems necessary.

### **(2) Physical Examination**

- (a) Medical exams will be consistent with Federal and State laws governing medical exams.
- (b) If the employee/volunteer receives a "Not Fit for Duty" from the physician, the employee/volunteer will be advised by that physician of the corrective measures that are needed for a return to "Fit for Duty" status. If medical treatment is needed to correct the situation, the employee/volunteer should contact his/her personal physician for treatment. Every effort will be made to enable the employee/volunteer to continue working while medical problems are being treated/corrected unless the medical condition poses a threat to the employee/volunteer or could adversely affect the public due to the potential of the employee/volunteer not being able to perform his/her duties properly.
- (c) All personnel will strictly adhere to the Federal Health Insurance and Portability Accountability Act (HIPAA) rules and regulations.





**Village of Howard City Personnel Policy Manual Employee Acknowledgment Form**

This Personnel Policy Manual describes the policies and procedures of the Village of Howard City. The Village of Howard City, Michigan, and I understand that I should consult Village Management regarding any questions not answered in the Personnel Policy Manual. I acknowledge that I am an employee at-will and have entered into my employment with the Village of Howard City voluntarily and further acknowledge that there is no specified length of employment. Any employment agreement that would alter my status as an employee at-will must be specified and executed in writing by the Village Manager or his/her designee and myself, and approved by the Village Council. No other agreements will be enforceable or change my status as an employee at-will.

This Personnel Policy Manual replaces and supersedes any earlier personnel practice, policy, or guideline. However, since the policies and procedures described within this manual are subject to change from time to time, I acknowledge that revisions may occur. I understand that such changes may supersede, modify, or revoke existing policies. The Village Manager or Designee or the Village President has the power to change the policy and may do so at any time without notice.

Furthermore, I acknowledge that the Personnel Policy Manual is neither a contract of employment nor a legal document. I have received a copy of the Village of Howard City Personnel Policy Manual, and I understand that it is my responsibility to read and comply with the policies contained in the manual and any revisions made to it.

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

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

