

# **CITY OF MASON, MICHIGAN**

## **PERSONNEL POLICY MANUAL**



**October 1, 2007**

**Revised January 1, 2012**

**Revised January 1, 2013**

**This manual is a statement of general management policy and is not a grant of specific rights to any employee. The language, policies, and procedures in this manual are not intended—and should not be construed—to create an expressed or implied contract between the City and any one or all of its employees. The City has the right to terminate employment at its will and in its sole discretion, except that the employment relationship between the City and the members of the bargaining unit represented by the Union shall be governed by the Collective Bargaining Agreement.**

**I hereby acknowledge receipt of a copy of the City of Mason Personnel Policy Manual, dated January 1, 2013. I further acknowledge that I have been instructed to read the manual and bring any questions to my supervisor.**

**Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ .**

\_\_\_\_\_  
**Written signature**

\_\_\_\_\_  
**Please Print Name**

\_\_\_\_\_  
**Witness**

## TABLE OF CONTENTS

Chapter 1	<b>PURPOSES AND LEGAL AUTHORITY</b>
	Section 1.1 – Purposes
	Section 1.2 – Adoption
	Section 1.3 – Amendment
	Section 1.4 – Coverage
	Section 1.5 – At-Will Employees
	Section 1.6 – Policies Not a Contract
	Section 1.7 – Saving Clause, Conflict
	Section 1.8 – Understanding
	Section 1.9 – Situations Not Covered
	Section 1.10 – Responsibility
	Section 1.11 – Department Heads
	Section 1.12 – Operational Procedures
	Section 1.13 – Personnel Records
	Section 1.14 – Medical Records
	Section 1.15 – Forms
	Section 1.16 – Employee Acknowledgement and Review
Chapter 2	<b>GLOSSARY OF TERMS</b>
Chapter 3	<b>PRE-EMPLOYMENT PRACTICES</b>
	Section 3.1 – Equal Employment Opportunity
	Section 3.2 – Pre-Employment and Recruitment
	Section 3.3 – Publicizing of Vacancies
	Section 3.4 – Anti-Nepotism
	Section 3.5 – Fraudulent or Improper Acts
Chapter 4	<b>GENERAL RULES OF EMPLOYMENT</b>
	Section 4.1 – Residency Requirement
	Section 4.2 – Attendance
	Section 4.3 – Hours of Work
	Section 4.4 – Appearance and Conduct
	Section 4.5 – Change of Employee Status
	Section 4.6 – Medical Examinations
	Section 4.7 – Outside Employment
	Section 4.8 – Conflict of Interest
	Section 4.9 – Use of City Property
	Section 4.10 – Property Searches
	Section 4.11 – Political Activity
	Section 4.12 – Use of Tobacco
	Section 4.13 – Separation from Employment

Chapter 5	<b>WAGES, SALARIES, AND PAYROLL PROCEDURES</b>
	Section 5.1 – Payday Policy
	Section 5.2 – Timekeeping
	Section 5.3 – Overtime Compensation
	Section 5.4 – Payroll Deductions
	Section 5.5 – Payroll Advances
	Section 5.6 – Garnishments
	Section 5.7 – Wage Increase/Pay Raise
	Section 5.8 – Regular Full-Time Employee
	Section 5.9 – Regular Part-Time Employee
	Section 5.10 – Temporary-Seasonal Employee
	Section 5.11 – Exempt Employee
	Section 5.12 – Non-Exempt Employee
	Section 5.13 – Longevity
Chapter 6	<b>EDUCATION AND TRAINING</b>
	Section 6.1 – Employee Training
	Section 6.2 – Conferences/Conventions
	Section 6.3 – Education Assistance
	Section 6.4 – In-Service Training
Chapter 7	<b>PAID LEAVE</b>
	Section 7.1 – General Policy
	Section 7.2 – Paid Sick Leave
	Section 7.3 – Paid Vacation or Annual Leave
	Section 7.4 – Personal Days
	Section 7.5 – Administrative Leave
	Section 7.6 – Paid Funeral Leave
	Section 7.7 – Paid Civic Duty Leave
	Section 7.8 – Paid Holiday Leave
Chapter 8	<b>PERSONNEL RECORDS</b>
	Section 8.1 – Personnel Files
	Section 8.2 – Official Access
	Section 8.3 – Limited Access
	Section 8.4 – Written Reprimands
	Section 8.5 – Employee Access
	Section 8.6 – Medical Records
Chapter 9	<b>INSURANCE BENEFITS</b>
	Section 9.1 – Medical Health Insurance
	Section 9.2 – Payment-in-Lieu of Insurance
	Section 9.3 – Dental
	Section 9.4 – Life Insurance
	Section 9.5 – Workers Compensation
	Section 9.6 – Unemployment
	Section 9.7 – Insurance Coverage for Eligible Retirees

Chapter 10	<b>RETIREMENT BENEFITS</b> Section 10.1 – Pension Plans Section 10-2 – Deferred Compensation Plans
Chapter 11	<b>FAMILY MEDICAL LEAVE</b> Section 11.1 – Family Medical Leave Section 11.2 – Leave Entitlements Section 11.3 – Leave Duration Section 11.4 – Leave Conditions Section 11.5 – Reinstatement After Leave Section 11.6 – Return to Work Examinations Section 11.7 – Periodic Notification During Leave Section 11.8 – Benefit Continuation During Leave Section 11.9 – General Leaves of Absence for Ineligible Employees Section 11.10 – Short-Term Absences Section 11.11 – FMLA Procedure Section 11.12 – Employment While on Leave Section 11.13 – Return to Work Section 11.14 – Requests for FMLA and Non-FMLA Leave Extensions Section 11.15 – Insurance Premiums Section 11.16 – Accruals Section 11.17 – Available Time Use Section 11.18 – Activating FMLA
Chapter 12	<b>MILITARY LEAVE</b> Section 12.1 – Training Section 12.2 – Active Duty Section 12.3 – Return to Work
Chapter 13	<b>DRUG-FREE WORKPLACE</b> Section 13.1 – Policy Section 13.2 – Drug Screening Section 13.3 – Conviction of an Offense Section 13.4 – Employee Assistance
Chapter 14	<b>WORKPLACE HARRASMENT</b> Section 14.1 – Harassment in the Workplace Section 14.2 – Responsibilities
Chapter 15	<b>WORKPLACE SAFETY</b> Section 15.1 – Prohibitions Section 15.2 – Safety Section 15.3 – Accidents and Injuries Section 15.4 – Weapons

Chapter 16	<b>DISCIPLINE</b> Section 16.1 – At-Will Employees Section 16.2 – Temporary, Part-Time, and Probationary Employees Section 16.3 – Discipline Records Section 16.4 – Responsibilities Section 16.5 – Secondary Employment Section 16.6 – Expectations Section 16.7 – Rules of Conduct
Chapter 17	<b>GRIEVANCE PROCEDURES</b> Section 17.1 – Grievance Procedure Section 17.2 – Procedural Steps Section 17.3 – Good Faith
Chapter 18	<b>FRAUD POLICY</b> Section 18.1 – Background Section 18.2 – Scope of Policy Section 18.3 – Policy Section 18.4 – Actions Constituting Fraud Section 18.5 – Other Inappropriate Conduct Section 18.6 – Investigation Responsibilities Section 18.7 – Confidentiality Section 18.8 – Authorization For Investigating Suspected Fraud Section 18.9 – Reporting Procedures Section 18.10 – Termination Section 18.11 – Administration

## **Chapter 1**

### **PURPOSES AND LEGAL AUTHORITY**

**Section 1.1 - Purposes:** In establishing and maintaining these policies, there are several overall purposes to be achieved by both the City of Mason and the employees that they affect. They are as follows:

- To insure—to the maximum extent possible—uniform, fair, and consistent administration of personnel matters in each City department;
- To encourage employees to provide the highest level of service to the City and advance the mutual interests of both the City and its employees;
- To attract to municipal service the best and most competent individuals available for a given position;
- To fairly compensate employees with equal pay for equal work;
- To assist in the personal and career development of employees;
- To assure that promotion and advancement are based on factors related to fitness and merit; and,
- To provide a guide to normal procedures in carrying out administrative actions.

**Section 1.2 - Effective Date:** These Personnel Policies are effective October 1, 2007, with a revision on January 1, 2012. All applicable State and Federal laws shall also apply.

**Section 1.3 - Amendment:** The personnel policies herein may be amended by the City Administrator.

**Section 1.4 - Coverage:** The personnel policies herein shall apply to all offices, positions, and employment in the service of the City of Mason except: elected officials, members of citizen boards, commissions and committees, temporary or seasonal employees, election inspectors, City Engineer, or employees with labor union representation and contract. Distinctions may be made between exempt, non-exempt, full-time, part-time, and on-call/volunteer positions.

Those employees covered by labor agreements shall be governed by the provisions of those labor agreements. In the absence of specific provisions, or in areas where the labor agreement is silent, this policy shall apply. In the case of a conflict between this policy and a labor agreement, the labor agreement shall prevail over this policy.

**Section 1.5 - At-Will Employees:** None of the language within this Personnel Policy shall be deemed to vest any employee with just cause rights that prevent an employee's dismissal without cause. It is the policy of the City of Mason that all employees are at-will employees. Subject to the terms of applicable labor agreements, the City retains the right to discharge any employee without cause.

Section 1.6 - Policies Not a Contract: This manual is a statement of general management policy and is not a grant of specific rights to any employee. The language, policies, and procedures in this manual are not intended—and should not be construed—to create an expressed or implied contract between the City and any one or all of its employees. The City has the right to terminate employment at its will and in its sole discretion. This City right cannot be waived or lost based upon actions or statements by any Department Head or any other City employee.

Section 1.7 - Saving Clause, Conflict: It is the intent of the City Council that these policies comply with applicable criteria and requirements of State and Federal law and regulations. In the event there is a conflict between these policies and such applicable law or regulations, the criteria and requirements of State and Federal law shall prevail. In the event a section or provision of these policies is declared invalid, it shall be invalid only to the extent to make the policies legal, and the remainder of these policies shall not be affected.

Section 1.8 - Understanding: All employees are required and expected to understand the provisions of this manual, including the rights and responsibilities of the employee, in order to insure improved cooperation, fewer misunderstandings, higher morale, and more consistent treatment for all employees and the various categories of employees.

Section 1.9 - Situations Not Covered: While it is not possible to cover each and every situation which may arise, it is the intent of these policies to provide guidance for those situations not specifically covered herein.

Section 1.10 - Responsibility: The City Administrator shall make the final interpretation of the City of Mason Personnel Policy Manual. The City Administrator may designate a personnel officer or other position to administer or assist in administering these policies.

Section 1.11 - Department Heads: Department Heads may establish supplemental policies to govern the conduct and performance of departmental employees, provided such supplemental policies do not conflict with City personnel policies and are approved by the City Administrator. Department rules, when approved and distributed, shall become effective as conditions of employment.

Section 1.12 - Operational Procedures: The City Administrator may implement operational policies and procedures for the purpose of coordinating City-wide procedures not applicable to this policy.

Section 1.13 - Personnel Records: The City Administrator shall be responsible for maintaining records of each employee in a personnel file. This file may include pertinent personnel data such as name, address, telephone number, title of position held, job description, the department to which assigned, current salary, and changes in employment status. This file may also include information relative to completion of training schools, professional and technical courses, performance evaluations, work accomplishments, awards, disciplinary letters or notations, and such other information deemed appropriate by the City Administrator. An employee has the right to inspect the contents of his or her personnel file during City Hall business hours and by pre-arranged appointment. Personnel files shall be treated as confidential information and available to only the employee's immediate Supervisor, Department Head, City Administrator,

City Attorney, the Administrator's Executive Assistant, and the Human Resource employees, or as required by law. The only information about present or former employees that will be released to prospective employers is the employees name, beginning and ending dates of employment (if applicable) and job title. If additional information is requested, the City will require receipt of a form, signed by the employee, authorizing release of specific information. Information given will be based on that contained in the personnel file.

Section 1.14 - Medical Records: The medical records of each employee shall be kept by the City Administrator in a separate file from the personnel files and shall be considered to be confidential. Any information contained therein shall be released only with the written consent of the respective employee or in accordance with the requirements of law. Internal use of such information shall be in accordance with the requirements of law.

Section 1.15 - Forms: Personnel forms—including application for employment, medical examination reports, personnel action reports, request for leave, and other forms approved by the City Administrator—shall be used to facilitate personnel administration by the City. All such forms shall comply with State and Federal law.

Section 1.16 - Employee Acknowledgment and Review: Each employee, at the time of receipt of a copy of the policy manual, shall acknowledge receipt of such in writing. A copy of that receipt shall be placed in the respective personnel file for each employee. Employees shall make themselves familiar with the contents of this manual beginning immediately after receipt thereof.

## **Chapter 2**

### **GLOSSARY OF TERMS**

**ALCOHOL:** Any intoxicating liquor or malt beverage, which contains ethyl alcohol, which can be taken as a beverage, and when drunk to excess, will produce some level of intoxication.

**APPEAL:** The written request of an employee for review of disciplinary action submitted to higher authority.

**APPLICANT:** An individual who has completed and submitted an application for employment with the City.

**APPOINTING AUTHORITY:** The City Administrator is authorized by City ordinance and State law to make appointments to positions of employment with the City.

**APPOINTMENT:** The offer to, and acceptance by, a person of a position of employment with the City on a full-time, part-time, or temporary basis.

**BUSINESS HOURS:** Regular hours of operation for administration services is 8:00AM to 5:00 PM weekdays, excluding holidays as identified in this policy.

**CERTIFICATION:** Endorsement as meeting required minimum standards for appointment.

**CITY:** Means the City of Mason, Michigan.

**COMPENSATION:** The standard rate of pay, benefits, and other valuable considerations established for a position and paid to an employee of the City.

**COUNSELING:** Recommending a course of action for improving performance.

**COMPENSATORY LEAVE OR "COMP TIME":** Time off from work in lieu of monetary payment for overtime hours worked.

**DATE OF HIRE:** The date employment with the City began in a regular full-time position.

**DATE OF POSITION:** The date on which an employee was assigned to his position.

**DEMOTION:** Assignment of an employee from one class to another which has a lower maximum rate of pay or a lesser level of employment as defined by the job description. Assignment to a lower class as a result of reclassification of the position is not regarded as a demotion.

**DEPARTMENT:** A major subdivision of City government.

**DEPARTMENT HEAD:** The chief administrator of a department.

**DIRECTOR OF PERSONNEL:** The City Administrator, or an employee designated by the City Administrator to administer personnel matters.

**DISCIPLINARY PROBATION:** A condition where a regular employee is placed on probation for disciplinary reasons.

**DISMISSAL:** The involuntary termination of employment.

**DIVISION:** A functional sub-area of a City department.

**DIVISION HEAD:** The chief supervisor of a division.

**DRUG:** Any substance that impairs an employee's ability to perform a job or duty, or poses a threat to the safety of any employee or to others. This includes controlled substances, which are those substances whose dissemination is controlled by regulation or statute, including—but not limited to— those drugs included in Schedule I and II, as defined by 21 USC 801 et seq, the possession of which is illegal under Chapter 13 of that title. Such controlled substances are frequently referred to in familiar terms. In addition to the full body of the drug family, it includes such commonly-known items as marijuana, cocaine (including crack), opiates (including heroin), phencyclidine (PCP), and amphetamines. It also includes over-the-counter drugs and/or drugs which require a prescription or other written approval from a licensed practitioner, physician, or dentist for their use, if such use could impair the employee's ability to perform a job or duty, or pose a threat to the safety of the employee or others. It also includes any other substance capable of altering an individual's mood, perception, pain level, or judgment.

**EMPLOYEE:** A person employed by the City and compensated through the official payroll. A volunteer may also be considered an employee for certain purposes, not including compensation or benefits.

**EXAMINATION:** The process of testing, evaluating, and measuring the fitness and qualifications of applicants and employees.

**EXEMPT EMPLOYEE:** An employee who, because of his/her positional duties, responsibilities, and level of decision-making authority is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and has schedule flexibility to work the hours necessary to accomplish the goals and deliverables of the position.

**FULL-TIME EMPLOYEE:** An employee who is hired to work a predetermined schedule of 32 hours or more per work week. This term includes certain shift employees who may work varied hours according to department schedules.

**GRIEVANCE:** A complaint or disagreement concerning employment, working conditions, or relationships between an employee and employer or other employees.

**HOLIDAY:** A 24-hour period officially recognized by the City wherein employees may be exempted from scheduled work hours.

**HARRASMENT:** Any physical, verbal, and/or visual conduct that creates an intimidating, offensive, or hostile environment which interferes with work performance, because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected by Federal, State, or local law, ordinance or regulation.

**IMMEDIATE FAMILY:** The husband, wife, son, daughter, mother, father, brother, sister, step-mother, step-father, step-child, father- in-law, mother-in-law, brother-in-law, sister-in-law, grandfather, grandmother, grandchild, or legal dependent of an employee.

**IMPAIRED:** A diminishing or worsening of an employee's mental or physical condition as the result of using alcohol or drugs.

**JOB DESCRIPTION:** A written statement describing the general duties, essential duties, responsibilities, and entrance qualifications of a job title.

**JOB TITLE:** The designation given to a specific job description.

**LAYOFF:** The involuntary, non-disciplinary separation of an employee.

**LEAVE:** An authorized absence from regularly-scheduled work hours.

**LEAVE WITHOUT PAY:** An approved period of unpaid absence from City service for a specified period of time.

**LONGEVITY PAY:** Additional compensation paid to employees according to length of service.

**MERIT PAY INCREASE:** An increase in pay which is granted to an employee who is consistently proficient and exceeds the standards of performance expected of a competent employee.

**NON-EXEMPT EMPLOYEE:** An employee who is included and covered under the provisions of the Fair Labor Standards Act.

**OVERTIME:** Authorized time worked by an employee in excess of the total normal working hours per week, or of the established work period as established in compliance with the Fair Labor Standards Act.

**PAY PLAN:** The official plan for compensation for all full-time, non-contractual City positions.

**POSITION:** A job title assigned or delegated by any proper authority which requires the full or part-time services of an employee.

**PROBATIONARY EMPLOYEE:** An employee in a new position who has not completed any probationary period.

**PROBATIONARY PERIOD:** A trial period of employment during which the employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee has been appointed or promoted, or a period of employment during which a regular employee is subject to a set of conditions due to disciplinary action.

**PROMOTION:** The assignment of an employee from one class to another which has a higher range of pay and responsibility.

**PROPER MEDICAL AUTHORIZATION:** A prescription or other written approval from a licensed practitioner/physician or dentist for the use of a drug in the course of medical treatment. It must include the name of the substance, the period of authorization, and whether the prescribed medication may impair job performance. This requirement also applies to refills of prescribed drugs.

**QUALIFIED HEALTH CARE PROVIDER:** A physician, nurse practitioner, physician's assistant, or any other health care professional deemed qualified by the City Administrator to render a medical judgment regarding an employee's ability to perform the duties and responsibilities of the employee's position.

**REASONABLE ACCOMMODATION:** Any accommodation for an employee that would not impose an undue hardship on the City or require a substantial modification of the essential duties and/or responsibilities of an employee's position.

**REGULAR EMPLOYEE:** An employee who has satisfactorily completed the probationary period of employment.

**REPRIMAND:** A formal written notice to an employee informing the employee of specific substandard work performance or conduct with instructions for improvement.

**RESIGNATION:** Voluntary termination of employment by the employee upon two weeks' prior written notice.

**RETIREMENT:** Those employees who resign from the City and qualify for retirement under the appropriate provisions of the Municipal Employees Retirement System.

**SELECTION PROCEDURE:** Any written or oral test, physical test, physical examination, or other criteria, or any combination thereof, that is used to measure an employee/applicant's qualifications for the essential functions of the position that the employee/applicant seeks promotion or appointment.

**SENIORITY:** The length of time an employee has been employed full-time in any regular position with the City.

**SHIFT WORK:** An employee whose normal work day consists of an 8-hour, or other time period shift, which is part of a 24-hour-per-day operation, 365 days per year.

**SICK USE EVENT:** An uninterrupted period of consecutive sick time use.

**SUBSTANCE ABUSE:** Involvement with a drug or alcohol in violation of these Personnel Rules.

**SUPERVISOR:** An employee who is authorized by a Department Head to direct the work of other employees, evaluate their performances, and recommend such actions as hiring, transferring, promoting, disciplining, and dismissing.

**SUSPENSION:** A disciplinary action to temporarily cease employment of an employee on specified conditions.

**TEMPORARY EMPLOYEE:** An employee who is hired for a position for a limited period of time, not to exceed twelve calendar months, unless an extension is approved by the City Administrator.

**TERMINATION:** Voluntary or involuntary separation of an employee from employment due to retirement, resignation, dismissal, or death.

**TRANSFER:** Reassignment of an employee from one position to another position within the same class, or to another class having the same pay range.

**VACANCY:** An unoccupied position which has been officially budgeted for and is to be filled.

**WORK PLACE:** Any premises owned or leased by the City, including—but not limited to—buildings, property, vehicles, and equipment used for the performance of City work by City employees during City work hours.

**WORK WEEK:** A 7 consecutive 24-hour period within which a 5-day, 40-hour workweek schedule is normally worked. Alternative work schedules may be approved by the City Administrator as best fits the needs of the City. Alternative schedules may be permanent or temporary.

**WORKER'S COMPENSATION:** Benefits received by an employee injured in the performance of official duties as provided by state law.

**WORKDAY:** A consecutive 24-hour period.

**WORKING DAY:** Each day an employee is scheduled to work. A regular work day is defined as an eight hour shift with a one hour lunch break. The City Administrator may approve an alternate work day for any department to best fit the needs of the City.

**YEAR:** Calendar year, January through December.

## **Chapter 3**

### **PRE-EMPLOYMENT PRACTICES**

**Section 3.1 - Equal Employment Opportunity:** The City of Mason's employment practices are based on job qualifications, without regard to race, color, national origin, religion, race, sex, marital status, height, weight, disability, or any other classifications protected by applicable law.

**Section 3.2 - Pre-Employment and recruitment:** The objective of the City's recruitment and selection program is to employ the best applicant for each vacancy. A City of Mason Employment Application Form must be completed by anyone desiring employment with the City. All applicants who have been screened and who are determined to be eligible for a position shall be interviewed by the Department Head. Prior to employment, all pre-employment candidates are required to complete the processing procedure, which may include a background investigation, a physical examination, and a drug screening. No physical examination or drug screening shall be conducted until a conditional offer of employment has been made. No applicant will be hired without the written approval of the City Administrator.

**Section 3.3 - Publicizing of Vacancies:** Whenever a vacancy occurs within City service, such vacancy must be advertised on one or more of the following or equivalent locations: the classified section of the local newspaper a minimum of one Sunday, the City Web Site, and on CareerQuest or another online source a minimum of one week. If posted internally for City employees, the posting will be for a minimum of five working days. However, in cases of vacancies in professional or technical positions which cannot be filled from the local labor market, vacancies will be advertised on a state or national level. If factors regarding employment make it inappropriate to wait five working days to fill a vacancy, a waiver may be granted by the City Administrator.

**Section 3.4 - Anti-Nepotism:** More than one member of the same immediate family, or of the same household, shall not be employed as regular full-time or regular part-time City employees at the same time. This shall not include members of the Mason Volunteer Fire Department. Employees who become members of the same immediate family, or the same household, while employed by the city shall be subject to this Policy. In that event, the employee with the least seniority shall be dismissed by the City.

**Section 3.5 - Fraudulent or Improper Acts:** No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any application for employment, test, certification, or appointment held or made pursuant to City personnel policies, or in any manner commit or attempt to commit any fraud preventing the impartial execution of City personnel policies. No applicant or employee shall either directly or indirectly give, promise, render or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with any employment test, or any actual or proposed appointment or promotion within the City's employment.

## **Chapter 4**

### **GENERAL RULES OF EMPLOYMENT**

**Section 4.1 - Residency Requirement:** Within 12 months of the date of hire, City of Mason employees are required to reside within 20-linear miles of the geographical boundaries of the City. Employees are required—within this 20-mile limit—to establish, occupy, and maintain a dwelling as their primary residence at which they eat their meals, receive their mail, sleep, maintain voter registration, maintain as their drivers license address, maintain as their tax address, and in all other manners maintain as a normal residence.

**Section 4.2 - Attendance:** Employees shall report for work as scheduled. Employees unable to report for work as scheduled shall notify their Supervisors or Department Heads as soon as possible. Department Heads shall cause the City Administrator to be notified of their absences as soon as feasible. Department Heads will establish a sick use notification procedure for their own respective departments.

**Section 4.3 - Hours of Work:** The normal workweek for employees consists of five days, at nine hours per day with a one hour unpaid lunch break. For employees who work an eight and one half hour day, a one half hour unpaid lunch break is included. Each of these schedules result in a 40 hour work week. The City Administrator may establish hours of work which differ from a standard for an entire department, division, or for individual employees to meet special program needs or workloads. Each department shall post the established work schedule for its employees. Once established, employees are expected to follow the defined work schedule unless written permission is obtained from the City Administrator.

Employee meal breaks will be scheduled by their direct supervisors with approval of the City Administrator. For part-time employees working a reduced schedule, appropriate breaks and lunch will be scheduled proportionally to the hours worked.

**Section 4.4 - Appearance and Conduct:** City employees shall manage their appearance and conduct while on duty as follows:

1. Maintain a clean, well-groomed appearance consistent with their position and responsibilities. Clothing that impairs performance or disrupts the transactions of public business is prohibited. Specific guidelines may be established by the Department Head, with approval of the City Administrator.
2. Serve the public in a courteous, impartial manner.
3. Comply with the directives and work instructions of the Supervisor.
4. Avoid selling, peddling, or soliciting goods, services, or money resulting in the

misuse of the employer's time and resources.

Section 4.5 - Change of Employee Status: Employees shall report to the Human Resource Coordinator any change of name, dependents, address, telephone number, or other information related to employment status.

Section 4.6 - Medical Examinations: After an offer of employment has been made to an individual, and at any subsequent time that a question arises as to an employee's ability to perform the assigned job and essential job functions, the City Administrator—at the expense of the City—may order a comprehensive medical examination by a licensed physician of any City employee hired under the authority of the City Administrator. Any employment that is offered by the City Administrator may be conditioned upon the successful completion of a medical examination that indicates that the individual is capable of performing the essential duties prescribed in the job description of the offered position. In the event that the individual is found to be unable to perform the offered job, the offer of employment for that position shall be withdrawn, and the position declared vacant. If during employment, an employee is found to be unable to perform the essential duties of his assigned position, with or without reasonable accommodation, the City Administrator, after considering available, alternative positions, may transfer or terminate the employee.

Section 4.7 - Outside Employment: A full-time employee of the City, with prior written consent of the City Administrator, may take a part-time job or engage in a business or activity for financial gain if there are no conflicts with job assignments or hours required to perform City job responsibilities, and if this job, business, or activity will not bring the City into disrepute. The work efficiency of the employee must not be affected in a negative manner, with respect to the job performance to the City, and there must be no conflict of interests to the City. The employee shall advise the City Administrator, through the Department Head, of the nature of the outside employment, the hours involved, and any other appropriate information. The City Administrator shall not unreasonably withhold consent to a request for outside employment. Whenever extra duty becomes necessary, such extra duty shall take precedence over outside employment. The following activities, which are not all inclusive, are considered to be in conflict or incompatible with City employment:

1. Any employment, activity, or enterprise which involves the use of City facilities, equipment, supplies, property, or influence for private gain.
2. Any activity which involves receipt or acceptance by an employee of any money or other consideration from anyone other than the City for the performance of an act which the employee should be required or expected to render in the regular course of City employment.
3. Any activity which involves a performance of an act beyond the employee's capacity as a City employee which may later be subject to the control, inspection, review, or enforcement by the employee or other employees in the same

department.

4. Any activity which impairs the attendance or work efficiency of the employee.
5. Any activity which would involve a violation of law, or otherwise be deemed by the City Administrator to be incompatible with City employment.

Section 4.8 - Conflict of Interest: No employee shall engage in any activity or enterprise which conflicts with the duties as a City employee or with the duties, functions, and responsibilities of the Department in which employed.

An employee of the City shall not have any financial interest in any contract, service, or other work performed by the City; nor shall personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company; or personally, or as an agent, provide any surety, bail, or bond required by law or subject to the approval of the City Council. Any potential or perceived conflict of interest must be reported, in advance if possible to the City Administrator. No employee shall accept any free or preferred services, benefits, or concessions from any person or company other than items generally distributed by the donor for advertising purposes. Employees shall refuse or return all gifts and notify the Supervisor upon receipt or offer of a gift.

Section 4.9 - Use of City Property: Employees shall be responsible for the proper use and care of City property issued to them or used by them for the performance of their duties. No City equipment, materials, or supplies shall be used for private gain or convenience. Employees shall not be allowed to store personal items in City buildings, except items required for the employees to perform their duties.

Employees issued City vehicles, shall use such vehicles for official business only. All vehicles shall be operated in compliance to state laws and traffic regulations. All operators of City vehicles shall possess a valid, current driver's license with the proper classification for the vehicle being used by the employees in the performance of their work. Only employees subject to a number of emergency calls or after-hour duties may, upon the recommendation of the Department Head and approval of the City Administrator, be authorized to take a vehicle to their homes during off-duty hours.

Section 4.10 - Property Searches: Lockers, tool bins, vehicles, and other property owned by the City must be maintained according to City rules and policies. City property, including desks and computers, provided to employees must be used only for proper work-related purposes in an appropriate manner. The City reserves the right to inspect all City property to ensure compliance with its rules and regulations, and the employee has no expectation of privacy. The City further reserves the right to inspect all property stored on City property, such as tool bags stored around work areas, and lunch boxes stored in the lunch room. While the City will attempt to advise the employee at the time of a search or inspection, the City reserves the right to make any investigation or search without notice to the employee, and in the employee's absence.

Section 4.11 - Political Activity: If an employee becomes a candidate for the office of City Council, the city shall require the employee to request and take a leave of absence without pay, when he/she complies with the candidacy filing requirements, or sixty days before any election relating to that position, whichever date is closer to the election. If the employee wins such an election, he/she must resign from employment with the City. Other political activities are unrestricted, except they shall not be actively engaged in by a public employee during those hours the person is being compensated for the performance of that person's duties as a public employee.

No employee shall use or attempt to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment, or an increase in pay, or other advantage in employment, for the purpose of influencing the vote or political action of any person.

Section 4.12 - Use of Tobacco: Use of tobacco products by employees during work hours, either inside a City-owned facility or automobile, is forbidden. Employees may only use tobacco products during work hours while in a designated smoking area away from public view, and while on an authorized break. The use of, or possession of, tobacco "spit cups" is forbidden.

Section 4.13 - Separation from Employment: An employee who desires to leave City employment is expected to give at least 14 calendar days notice in writing—the original of which will be placed in the employee's personnel file. The employee shall be paid earned annual salary to the date on which employment terminates. Employees terminated by the City, and those who resign with the requested notice, will be paid for accumulated but unused vacation. Resigning employees who do not give notice will not be paid for unused vacation. Upon separation, employees will not be paid for accumulated but unused sick or personal time.

The employer's contribution to insurance plans will be made through the end of the month in which termination occurs. Employees enrolled in the City's insurance plan may be eligible to continue coverage at their own expense under the group plan. Coverage may be extended up to 18 months, at an increased rate, depending on the coverage.

Upon termination from employment from the City, employees are required to return all City-owned property assigned to them. A portion of an employee's final pay may be withheld to cover the cost of replacement of items not returned.

## **Chapter 5**

### **WAGES, SALARIES, AND PAYROLL PROCEDURES**

**Section 5.1 - Payday Policy:** All regular employees, full- and part-time, will be paid bi-weekly for the pay period ending the Saturday prior, and beginning the Sunday two weeks before. Pay will be distributed by either check or electronic transfer, at each employee's choice.

**Section 5.2 - Timekeeping:** Employees who are required to record work hours using a time clock must do so upon arriving for the work day, when leaving for a meal break, when returning from a meal break, and when leaving at the end of the work day. If an employee fails to use the time clock at any point, his/her direct supervisor must initial the time card and note why the required record is missing. The Finance Director will track occurrences of failed use of the time clock for each employee. If more than three instances occur during a calendar year for a single employee or more than two employees in the same department fail to punch during the same period, the Finance Director will notify the City Administrator of the possibility of inappropriate time-keeping practices. The City Administrator or his representative will investigate further.

Periodic audits of employee break periods may be conducted without notice to supervisors or employees. If Personnel Policy Section 16.7 Rules of Conduct subsections 1 (E) and 2 (D) regarding timekeeping policies have been violated, employees and supervisors will be subject to disciplinary action up to and including termination.

**Section 5.3 - Overtime Compensation:** Employees of the City of Mason shall be compensated for authorized overtime work in accordance with applicable laws and labor agreements.

1. A Department head may prescribe, with the approval of the City Administrator, reasonable periods of overtime work to meet operational needs. Such overtime shall be reported and justified as required by the City Administrator.

**Section 5.4 - Payroll Deductions:** Employees must complete necessary forms for all required and voluntary payroll deductions, including, but not limited, to ICMA, AFLAC, or direct deposit of funds.

**Section 5.5 - Payroll Advances:** The City of Mason does not allow payroll advances.

1. Employees who will be absent for a scheduled vacation when a regular payroll distribution occurs may request to receive that paycheck on their final work day prior to the vacation. The request must be made in writing to the Finance Department at least two weeks prior to the date the check will be issued.

Section 5.6 - Garnishments: The City must comply with all writs of garnishments it receives. An employee subject to garnishment of wages will be notified before any deductions are made from the employee's pay. Information about an employee's garnishment of wages will remain confidential.

Section 5.7 - Wage Increase/Pay Raise: After employees have completed one calendar year of full employment, the City Administrator generally evaluates the employee's rate of pay at the end of the budget year, although an increase in compensation is not guaranteed. Factors which are considered for an increase include stability of the budget, level of responsibility, job performance, and cost of living. Salaries are evaluated annually as part of the budget cycle.

The City Administrator may, at any time, at his discretion, change compensation pay ranges and compensation policies, including this pay raise policy. The City Administrator may also negotiate appropriate compensation with exempt employees, depending on position and responsibility, experience, and merit.

Section 5.8 - Regular Full-Time Employee: An employee who works at least 32 hours per week and is qualified for employee fringe benefits.

Section 5.9 - Regular Part-Time Employee: Employees hired to work less than the full work schedule generally applicable to the position(s) to which they are assigned, which shall be less than 32 hours per week.

Section 5.10 - Temporary-Seasonal Employee: Employees hired to work during a specified time of year for the purpose of meeting the increased need of the season.

Section 5.11 - Exempt Employee: An employee who does not qualify for overtime pay as regulated by the Fair Labor Standards Act.

Section 5.12 - Non-Exempt Employee: An employee who qualifies for overtime pay as regulated by the Fair Labor Standards Act.

Section 5.13 - Longevity: All full-time employees, having completed 5 years of continuous, regular, compensated employment prior to December 31, shall be eligible to receive a longevity bonus for service with the City of Mason. A year is defined as January 1 through the following December 31.

1. Each full-time employee who has completed 5 years of service shall receive \$300.00, plus an additional \$50 for each additional year.
2. Payment to employees will be no later than the first pay in December of each year.

3. No payment will be made for partial years of service, except if the time off are for an approved FMLA absence. No payment will be made to an employee who leaves the City prior to December 31, except in the case of retirement, death, or permanent disability, in which instances the total amount shall be pro-rated.
4. Any labor agreement in conflict with this schedule will predominate.

## **Chapter 6**

### **EDUCATION AND TRAINING**

**Section 6.1 - Employee Training:** The City Administrator and Department Heads will establish appropriate training programs for City employees in order that services rendered to the City may be more effective. Such training programs may include formal courses, seminars, training for certification; workshop demonstrations, assignment of reading matter, or other such methods as become available for improving the effectiveness and broadening the knowledge of employees in the performance of their respective duties. Employees are encouraged to develop and further their job skills and personal potential by participation in available training programs. Such training programs shall be conducted during regular working hours, except when work schedules interfere.

When an employee is requested or approved by the City to participate in training, the travel to and from such training shall be at the expense of the City. City vehicles may be used, and are encouraged for this use when available.

City-owned computers can be used by employees as an educational resource.

**Section 6.2 - Conferences/Conventions:** Employees are encouraged to participate in conferences, conventions, and meetings which have a direct relationship to their positions, the City's needs, and budgetary considerations. Approval for attendance at such conferences, conventions, and meetings shall be obtained from the Department Head.

1. The City of Mason does not pay for, and will not be held responsible for, any type of entertainment or alcohol associated with conferences, meetings, or conventions.

**Section 6.3 - Education Assistance:** In addition to paying for training and seminars required by the City, and in accordance with its desire to improve services and the opportunity for career development of its employees, it is the policy of the City to encourage education of its employees. Subject to budget limitations and availability of funds, the City will reimburse employee's costs of tuition for college courses. Such reimbursement is conditioned on the following:

1. Course work contemplated by the employee must be recommended by the Department Head and approved by the City Administrator prior to commencement of the course(s);
2. The course(s) is job related and will improve the employee's skills, performance, and career opportunities; and will provide knowledge and/or skills of value to the City;

3. The employee completes the course(s) with a final grade of C (on a four-point scale), or the equivalent; or with a final grade of B or higher in a Master's or Doctorate Program.
4. The employee agrees to continue employment with the City for one year following completion of the course. Should the employee terminate prior to the one-year period, the employee will repay the City for the reimbursement.
5. Upon notification of completion, and upon submission by the employee of a certificate stating the final grade and indicating successful completion for the course of study, the City Administrator will approve the reimbursement request and shall place a copy of the certificate of completion into the employee's personnel file.

Section 6.4 - In-service Training: Because the City intends to maintain the highest level of service delivery to the community, mandatory in-service training hours for all employees will be scheduled. As most government offices are closed on the Martin Luther King Day, Presidents' Day, and Columbus Day holidays; and these are not paid holidays for City of Mason employees, these days are the most time and cost-efficient days to close City Hall and discontinue non-essential City services for the purpose of in-service training. The City Administrator, at his discretion, will schedule in-service training on these days. All employees will receive advance notification of training schedules and attendance requirements. Leave time is discouraged for these days as all training must be made up if the employee is not in attendance. Employees and supervisors should make every effort to avoid scheduled leave time on these dates.

## Chapter 7

### PAID LEAVE

Section 7.1 - General Policy: It is the policy of the City of Mason to provide an employee benefits program which is equitable for employees. The benefits program is designed to provide employees with security to encourage career service and high productivity. The program consists of a number of benefits, generally in the areas of leaves of absence, insurance, retirement, and others. This chapter includes benefits which involve leave, or time off with or without pay.

Section 7.2 - Paid Sick Leave: Sick leave is a privilege provided by the City to the employee in order to protect earning capabilities in event of illness. It is not to be used as additional leave time, but is a benefit which may be used in cases of actual sickness, disability, or pregnancy.

1. Eligibility: All regular full-time employees shall be eligible for paid sick leave. Employees commence earning paid sick leave the first month on the job and may use sick leave after completion of the first month of service up to the amount accumulated at the time of illness.
2. Use of Sick Leave: Use of accrued sick leave shall be limited to the following purposes:
  - A. Personal illness or incapacity due to causes beyond the employee's control resulting from sickness or non-job-related injury.
  - B. Illness of a member of the employee's immediate family when required that the employee attend to the illness.
  - C. Quarantine of the employee in accordance with community health regulations.
  - D. Pregnancy.
  - E. Non-immediate family funerals with permission of the Department Head.
3. Medical Verification: Employees claiming sick leave shall be required to submit medical verification to the City when a sick event is:
  - A. Three or more consecutive days, which qualifies as an event.
  - B. Three or more sick events (three consecutive days) occur in a rolling year.
4. Abuse of Sick Leave: Use of sick leave for purposes other than those listed in

Section 7.2 (2) may be interpreted as abuse of sick leave. Abuse of sick leave shall be grounds for disciplinary action. Department Heads shall investigate and document incidents of abuse or alleged abuse and initiate appropriate corrective action.

5. Accrual and Accumulation of Sick Leave: Eligible employees accrue and accumulate sick leave at the rate of eight hours (one normal working day) per calendar month. At the end of each year, any unused sick leave becomes accumulative, with accumulation of sick leave being unlimited.
6. Pay for Sick Leave: Payment for sick leave shall be in increments of one hour calculated to the nearest whole hour, and shall be paid at the straight-time hourly rate. Employees shall retain accrued sick leave when transferred or promoted to another position. In order to receive paid sick leave, the employee must, if possible, inform the immediate Supervisor or Department Head of the illness prior to the regular time for reporting for work, or prior to leaving work. In addition, the employee must report daily claimed illness or incapacity to the immediate Supervisor or Department Head.
7. Annual Conversion of Sick Leave: Employees, at their own option, may receive payment for 25% of their earned, but unused, sick leave for that year on December 1<sup>st</sup> of each year. If they convert this portion of their sick leave to cash, that portion shall be deducted from their accumulated sick leave.
8. Donation of Accumulated Sick Leave: Employees with enough accrued sick leave may donate up to 40 hours of their own sick leave annually to a qualified fellow employee. The amount of donated sick leave an employee may receive shall not exceed two (2) weeks per calendar year. Qualified employees are employees who, because of a physician-certified illness, have used their entire balance of leave time, including sick, vacation, personal, and compensatory time.
9. Pay for Sick Leave: Payment shall be made for one-half of an employee's accumulated sick leave—not to exceed payment of 100 days—at retirement (paid directly to the employee), or at death (paid to the employee's heirs), at the employee's prevailing pay rate at the time of retirement or death. If an employee freezes retirement benefits after 10 or more years of service and leaves the employment of the City, that employee shall not be entitled to a payment for accumulated sick leave at retirement.

If an At-Will employee is part of a layoff, a payment shall be made for one-half the employee's accumulated sick leave—not to exceed twenty days—at the employee's rate of pay at the time of layoff.

10. Retirement: For purposes of this section, retirees are those employees who retire from the City who qualify for retirement under the appropriate provisions of the Municipal Employees Retirement System.
11. Holidays: Holidays that occur during sick leave shall not be charged against the employee's sick leave.

Section 7.3 - Paid Vacation or Annual Leave: Vacations are considered necessary for the continual well-being and physical and mental health of employees. The vacation is not intended to be used for employment at another business, and in no case will employees be allowed to work their vacations and draw both vacation pay and regular pay.

1. Eligibility: All regular full-time employees shall be eligible for paid vacation leave.
2. Accrual: Eligible employees accrue vacation leave from date of hire on a month-to-month basis, except that paid vacation leave shall not be taken until completion of one year of employment. Vacation leave accrues as follows:

After completion of 1 year:	10 working days
After completion of 5 years:	15 working days
After completion of 10 years:	20 working days
After completion of 15 years:	23 working days

Vacation leave is applied to the leave bank annually on the employee's anniversary date according to the schedule listed above.

3. Carryover: Annual vacation, not to exceed two (2) times the employee's entitled yearly vacation, may be carried over from one anniversary date to another. Any vacation balance over two (2) times shall be lost unless requested – in writing – from, and approved by the City Administrator.
4. Use: Use of accrued vacation leave shall be utilized in accordance with the following conditions:
  - A. Vacation time cannot be utilized until accrued.
  - B. Vacation leave may be used after one year of continuous paid employment with the City.
  - C. Employee vacation leave schedules must be approved by the Department Head. Department Heads must have vacations approved in advance by the City Administrator.
  - D. Employees are encouraged to use their vacation leave each year.

E. No vacations shall exceed three weeks duration, except with prior approval by the City Administrator.

F. Holidays that occur during vacation leave shall not be charged against the employees' vacation leave.

5. The City Administrator has authority to grant additional annual vacation time to exempt employees based on the employee's position and responsibility, experience, and merit.
6. If employees are laid off, retire, or sever their employment with notice, they shall receive any unused vacation credit, including that accrued in the current anniversary year, as long as it does not exceed one and a half times their entitled yearly vacation plus their accumulated totals for the current anniversary year.
7. Employees terminating employment before completing 12 months of service shall receive no vacation pay. Employees who leave without notice forfeit the right to receive payment of any accrued vacation pay.

Section 7.4 - Personal Days: All regular full-time non-union employees, after one year of service, are provided three non-accumulating personal days annually. These personal days will commence on the employee's anniversary date each year, to be used prior to the employee's next anniversary date the following year, after which time any unused personal leave will be lost. Upon the employee's separation from City employment, any unused personal leave will be lost.

Section 7.5 - Administrative Leave: The City Administrator may grant exempt employees administrative leave—with or without pay.

Section 7.6 - Paid Funeral Leave: From time to time an employee may have a death in the family. It is the intent of the City to provide some relief to the employee and the employee's family during this time of loss.

1. Eligibility: All regular full-time employees are eligible for three days of paid funeral leave, to be utilized for attendance at funerals for an employee's immediate family. Immediate family is defined for purposes of this section as the spouse, child, father, mother, sister, brother, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-child, step-mother, step-father, grandparents, and grandchildren of the employee.
2. Accrual: Funeral leave shall not be accrued.
3. Use: Funeral leave beyond the immediate family may be approved at the discretion of the Department Head and City Administrator.

4. Paid: The first three scheduled work days of funeral leave for a member of the employee's immediate family shall be leave with pay. Sick and/or personal leave time may be utilized for attendance at non-immediate-family funerals with permission by the Department Head. Additional funeral leave may be authorized at the discretion of the City Administrator. If granted, such additional leave shall be charged to accrued sick leave, if available.
5. An employee shall be allowed five working days, not to be deducted from sick leave, for the death of a spouse or child.

Section 7.7 - Paid Civic Duty Leave: There are a number of duties which are civic obligations.

1. Eligibility: All employees shall be eligible, from date of hire, for paid leave to perform civic duties when such performance conflicts with regular work hours.
2. Accrual: Civic duty leave shall not be accrued.
3. Pay for Civic Duty: Payment for civic duty leave shall be limited to the actual hours the employee is absent to perform civic duties, except payment for voting and voter registration shall be limited to one hour. Employees requesting payment for such absences shall be paid the difference between any pay received, i.e. subpoena or jury fees, from performance of civic duties and regular pay due the employee after surrendering the administrative fees to the City.
4. Use: Use of civic duty leave shall be limited to:
  - A. Jury Duty. A Personnel Action Report (PAR) must be filed for leave time for jury duty. Employees must get a receipt from the Clerk of the Court each day defining attendance for a full day or a half day of court. The receipts shall be attached to the PAR. When the employees check arrives, the travel expense will be retained by the employee. The daily per diem will be turned in to the Finance Department.
  - B. Court cases where the employee has been subpoenaed as a witness.
  - C. Voting.
  - D. Voter registration.
  - E. Any other civic duty approved by the City Administrator.

Section 7.8 - Paid Holiday Leave: Holidays with pay are granted to regular full-time employees.

1. Eligibility: All full-time employees shall be eligible for paid holiday leave according to hours worked, not to exceed eight hours per official holiday recognized by the City.
2. Accrual: Holiday leave shall not be accrued. With prior approval, or in cases of unforeseen service requirement, a holiday may be exchanged for another day if it is in the best interest of the City.
3. Use: Use of holiday leave shall be limited to the following official holidays observed by the City.

<u>Holidays</u>	<u>Date Observed</u>
New Year's Day	January 1
Good Friday	Friday prior to Easter
Memorial Day	Last Monday - May
Independence Day	July 4
Labor Day	First Monday - September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday - November
Day after Thanksgiving	The Day after Thanksgiving Day
Day before Christmas	December 24
Christmas Day	December 25
Day before New Year's Day	December 31

As a general rule, holidays which occur on Saturday shall be observed on the preceding Friday, and holidays which occur on Sunday shall be observed on the following Monday. The Council may approve other holidays by resolution. The City will post the annual holiday schedule at the beginning of each calendar year.

## **Chapter 8**

### **PERSONNEL RECORDS**

**Section 8.1 - Personnel Files:** A personnel file is kept by the City for every employee. Other departments or supervisors may retain auxiliary files, but originals of the following shall be forwarded to the Human Resources Coordinator. All material in these files is strictly confidential and secured under the custodianship of the Director of Personnel. All personnel files are subject to the provisions of the Bullard-Plawecki Right-to-Know Act and the Freedom of Information Act. Information in an employee's personnel file may include the following:

1. Original application and accompanying documents.
2. Personnel Action Requests pertaining to the employee's status changes.
3. Performance evaluations and related documents.
4. Letters of commendation or complaint connected with employment.
5. Promotional opportunity application and related materials.
6. Documents submitted by the employee.
7. Certificates of accomplishment for employee training or development.
8. Documentation of disciplinary action.
9. Material submitted as part of the record of an appeal or a decision, or other action, and copies of related proceedings.

**Section 8.2 - Official Access:** The following shall have the right of access to an inspection of a personnel file.

1. The employee who is the subject of the file.
2. An attorney or designee of the employee when the employee has provided written authorization for access to the file.
3. Supervisory employees who are considering the employee for promotion, transfer, reassignment, demotion, dismissal, or other personnel action.

4. Executive Assistant to the City Administrator for administrative file processing, the Human Resource Coordinator and staff. The City Attorney or appropriate agent when connected with any legal action involving the employee and the City.
5. Personnel Director or designee.
6. Persons making a proper legal request under the Freedom of Information Act.

Section 8.3 - Limited Access: Information in an employee's personnel file shall not be made available to anyone except those listed in section 8.2. The only information provided by telephone is verification of an employee's job title, dates of employment, and salary. No other information shall be given by phone unless the employee provides a written release absolving the City, its employees, agents, and officials from any responsibilities.

Section 8.4 - Written Reprimands: Whenever a reprimand is placed into an employee's personnel file, the employee shall be provided a copy of the entry.

Section 8.5 - Employee Access: Employees may review the contents of their personnel files on a regular basis—generally twice a year—after making an appointment with the Human Resources Coordinator.

Section 8.6 - Medical Records: The medical records of each employee shall be kept by the Director of Personnel in a separate file from the personnel files, and shall be considered confidential. Any information contained therein shall be released only with the written consent of the respective employee or in accordance with the requirements of law. Internal use of such information shall be in accordance with the requirements of law.

## **Chapter 9**

### **INSURANCE BENEFITS**

**Section 9.1 - Medical Health Insurance:** The City provides a health and prescription drug plan to all eligible employees. There shall be an annual open enrollment period to allow employees to elect changes in coverage. It is the responsibility of the employee to return forms in a timely manner. Failure to do so will result in a denial of coverage and/or a denial in coverage change.

1. Eligibility: Employees shall become covered upon completion of the required forms and upon their acceptance by the provider as participants. All full-time employees are eligible for coverage as stated below. Coverage begins the first day of the month following the date of hire. Any employee covered by a labor agreement or union contract should refer to that document for the date health insurance coverage begins.
2. Employees hired prior to January 1, 2012 may elect single coverage, two person, or family coverage. Employees are responsible for their portion of the contribution. Employee contributions shall be determined by the City. Employees hired on or after January 1, 2012 are eligible for single coverage only. Employees may elect to cover spouses or dependants at their own expense. Any labor agreements in conflict with this will predominate. Any State or Federal law in conflict with this will predominate.
3. Health insurance co-pays will be deducted directly from payroll. Employees have the option of a pre-tax deduction. This is available upon completion of the required form.
4. Employees are responsible for notifying the Employer of any change in status throughout the year. This is to include, but is not limited to: marriage, divorce, birth or adoption of child, child over the age of 26. Change of address.
5. The City of Mason reserves the right to substitute another insurance carrier or be self-insured.

**Section 9.2 - Payment-in-Lieu of Insurance:** An employee who is eligible for health insurance and/or dental insurance via another source may elect not to be covered by the health insurance provided by the City of Mason. The decision to waive coverage shall be made once per calendar year during the open enrollment period. A Waiver Agreement drafted by the City of Mason shall be executed by the employee. This waiver attests that the employee is covered by health and/or dental insurance from another source. In the event the employee elects to forego medical insurance, the City shall pay an amount equal to 50 percent of the premium cost of the coverage for which the employee is otherwise eligible at the time of election (full family, two persons, or single subscriber).

1. Employees losing medical coverage from another source shall notify the Human Resource Coordinator in time so that the employee and dependents, where

appropriate, can be re-enrolled in the City health care plan beginning the first day of the month following the loss of alternate coverage. Employees carry the sole responsibility for notifying the City of a change. The City is not responsible if the required deadline is missed and the employee cannot procure coverage with the City until the next open enrollment period.

2. This section applies equally as stated for Dental Insurance.
3. Any labor agreement in conflict with this will predominate.

Section 9.3 - Dental: The City provides a dental benefit plan for all eligible employees at no cost to the employee. There shall be an annual open enrollment period to allow employees to elect changes in coverage. It is the responsibility of the employee to return change forms in a timely manner. Failure to do so will result in a denial of coverage and/or a denial in coverage change.

1. Eligibility: Employees shall become covered upon completion of the required forms and upon their acceptance by the provider as participants. All full-time employees are eligible for coverage as stated below. Coverage begins the first day of the month following the date of hire. Any employee covered by a labor agreement or union contract should refer to that document for the date health insurance coverage begins.
2. Employees hired prior to January 1, 2012 may elect single coverage, two person, or family coverage. Employees hired after January 1, 2012 may elect single coverage at no expense. Dependents may be covered at the employee's expense. Any labor agreements in conflict with this will predominate.
3. Employees are responsible for notifying the Employer of any change in status throughout the year. This is to include, but is not limited to: marriage, divorce, birth or adoption of child, child over the age of 26. It is the responsibility of the employee to report changes in a timely manner or coverage may be denied.
4. The City of Mason reserves the right to substitute another insurance carrier or be self-insured.

Section 9.4 - Life Insurance: Employees will be provided with basic term life insurance with double indemnity for accidental death, dismemberment, and loss of vision.

1. Eligibility: All Employees must complete the required forms. Employees at the Department Head level and above are eligible the first date of employment. Non-union employees are eligible the first day of the month following the date of hire.
2. Coverage: The amount of the policy for employees at the Department Head level or above shall be \$100,000. The policy for all other non-union employees will be \$50,000.

3. Non-union employees shall have the option to purchase, at their expense, additional life insurance coverage in amounts, and for the cost, as allowable and determined by the City's carrier. The total cost of such optional coverage shall be paid for by an employee payroll deduction.

Section 9.5 - Workers Compensation: The City provides workers compensation insurance at no cost to the employee. In the event of a work-related injury or condition, workers compensation insurance may provide wage loss benefits. Following accidents at work, or upon learning of medical conditions arising from employment with the City, employees must notify their supervisors so a written injury report can be immediately filed and forwarded to the Human Resource Coordinator and the City's insurance carrier.

Applicable Workers Compensation law will be followed for work-related injuries or illnesses. An Employee suffering a work related injury or illness shall have no reduction in pay or benefits for the first seven (7) calendar days from the date the injury/illness occurred. If the employee has accumulated sick leave available, the City will allow the employee to elect to supplement the difference between the Workers Compensation payments and the employee's regular income.

Prior to the employee's returning to work from disability leave, the City will require the employee to provide a medical clearance from the treating physician. If the City disagrees with the clearance, a second opinion will be obtained from a physician of the City's choice.

Section 9.6 - Unemployment: The Michigan Employment Security Act provides temporary wage replacement for employees who become unemployed without fault but remain eligible for employment. Eligible employees may apply for MESA benefits upon separation from employment with the City.

Section 9.7 – Insurance Coverage for Eligible Retirees: The City will not provide post-employment retiree health care benefits for any employee hired after January 1, 2012. Effective August 5, 1996, individuals who qualify for retirement under the provisions of the Municipal Employees Retirement System may, at their option, be carried on the roll of the City's retirees' group hospitalization plan at the group rate providing they pay the premium for such coverage monthly in advance. For those individuals retiring at age fifty-five (55) or over and having twenty-five (25) years or more of continuous and credited service with the system, the City will pay the cost of the retiree's coverage and the retiree will pay the cost of coverage for his/her dependents with payment made to the City monthly in advance. For those individuals retiring at age fifty-five (55) or over and having twenty (20) years or more of continuous and credited service with the system, the City will pay seventy-five (75) percent of the cost of the retiree's coverage and the retiree will pay the balance of the cost of the single subscriber rate as well as the cost of coverage for his/her dependents with payment made to the City monthly in advance. For those individuals retiring at age fifty-five (55) or over and having fifteen (15) years or more of continuous and credited service with the system, the City will pay fifty (50) percent of the cost of the retiree's coverage and the retiree will pay the balance of the cost of the single subscriber rate as well as the cost of coverage for his/her dependents with payment made to the City monthly in advance. Should required payments not be made at the prescribed times, the City

may cancel coverage for the retiree, if applicable or for his/her dependents.

## **Chapter 10**

### **RETIREMENT BENEFITS**

**Section 10.1 - Pension Plans:** The City of Mason belongs to the Municipal Employees' Retirement System of Michigan (MERS). Employees hired prior to January 1, 2012 are eligible for the B-4 Benefit Program, F-55 (15), 10 year vesting, FAC 3, with a 2.5 % multiplier. Employees are required to contribute a percentage of gross pay to their defined benefit retirement plan. Retirement handbooks are distributed upon employment with the City.

Employees hired after January 1, 2012 will also belong to the Municipal Employees' Retirement System of Michigan (MERS). Employees hired after January 1, 2012 are eligible for the C-1 Defined Benefit Program, F-55 (15), 10 year vesting, FAC 5, with a 1.5% multiplier. Final Average Compensation for paid vacation leave time shall include no more than 240 hours. Employees are required to contribute 4% of gross pay to their defined benefit retirement plan. Retirement handbooks are distributed upon employment with the City.

**Section 10.2 – Deferred Compensation Plans:** Employees may elect to contribute to a Section 457 Deferred Compensation plan. Employee contributions through payroll deduction may be arranged upon hire and during the open enrollment period each year. There is no employer contribution in this program. Employees may contribute up to the Annual Deferral Limit for 457 plans. They may also participate in the “Pre-Retirement Catch-up” limit and the “Age 50 Catch-up” limit. Employee contributions through payroll deduction will be arranged upon hire.

**Section 10.3 – Retiree Health Benefits:** See Section 9.7.

## **Chapter 11**

### **FAMILY MEDICAL LEAVE**

**Section 11.1 - Family Medical Leave:** Employees, who have worked for the City for at least 12 months at the time the leave is requested, and at least 1,250 hours during the prior 12 months, may take up to 12 weeks of unpaid leave for the following reasons:

1. Birth of a child of the employee.
2. Placement of a son or daughter into the employee's family by adoption, foster care, or other legal arrangement.
3. To care for the employee's spouse, son or daughter, or biological parent who has a serious health condition.
4. The presence of a serious health condition which renders the employee unable to perform the essential functions of the employee's position.
5. Qualifying exigencies arising from the employees spouse, child, or parent who is on active duty or call to active duty status as a member of the National Guard or Reserves.
6. Special Military family leave for qualified servicemembers.

**Section 11.2 - Leave Entitlements:** For the purpose of this policy the following definitions apply.

1. Child – a biological, adopted, foster child, stepchild, legal ward, or a child of an employee standing in loco parentis (in place of a parent) who is under 18, or older than 18 if incapable of self-care because of a mental or physical disability.
2. Child of a Covered Servicemember – the servicemember's biological, adopted or foster child, stepchild, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.
3. Parent – biological parent or individual who stood in loco parentis to an employee when the employee was a child.
4. Spouse – a husband or wife as defined or recognized under state law.
5. Serious Health Condition – an illness injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider (a doctor of medicine or osteopathy who is licensed to practice medicine or surgery by the state in which he/she practices). A temporary disability due to a non-therapeutic abortion is not covered.

Section 11.3 – Leave Duration: Leaves may be taken for up to 12 workweeks during any 12-month period (or select a specific 12-month period). An eligible employee who is the spouse, child, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12 month period to care for the servicemember. The military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Section 11.4 – Leave Conditions:

1. Birth of a Child, Adoption, or Foster Child
  - a. Leave for such purposes must be taken in consecutive workweeks and must be completed within the 12-month period following the birth of the child or placement of the child with the employee for adoption or foster care.
  - b. At the discretion of the Employer, leave for one of these purposes may also be permitted to be taken by the employee on either an “intermittent basis” or on a reduced leave schedule (a reduced workweek or reduced workdays).
  - c. Employees requesting leave for one of these purposes must provide the Employer with at least 30 days advance notice of leave, except when the birth or placement requires leave to begin in less than 30 days. In the latter instance, employees should provide as much advance notice as is practicable.
2. Care for Child, Spouse, Parent, or Employees Own Serious Health Condition.
  - a. Employees may take leave for these purposes on a consecutive basis or intermittently or may request to be placed on a reduced workweek or reduced workdays.
  - b. If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Employer may require the employee to transfer temporarily to an available alternative position for which the employee is qualified to better accommodate the recurring periods of leave that the employee will require. Employees transferred in such circumstances will receive pay and benefits equivalent to that of their regular position.
  - c. Employees requesting leaves for these purposes must make a reasonable effort to schedule the treatment, either for themselves or for their child, spouse, or parent, so as not to unduly disrupt the Employer’s operations. The employee should endeavor to secure the approval of his or her own or covered family member’s health care provider to reasonably schedule the treatment to avoid such disruption.
  - d. Employees requesting leave for these purposes must provide 30 days advance notice of leave or, if treatment is required in less than 30 days, with as much advance notice as practicable.

3. **Military Family Leave Entitlements:** Eligible employees with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability list.

#### Section 11.5 - Reinstatement After Leave:

1. Eligible employees taking leave under this policy will be reinstated to their former position or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had he or she not taken leave. Thus, for example, if a layoff or some other extenuating circumstance or business condition arises that affects the employee's position, reinstatement may not be possible.
2. The Employer also reserves the right to deny leave reinstatement to key employees, where such denial is necessary to prevent substantial and grievous economic injury to the Employer's operations.
3. Key employees will be notified of the Employer's intention in this regard as soon as a determination is made that such injury would occur.
4. In the event such notice is given to a key employee already on leave, the employee will be offered the opportunity to terminate his or her leave and immediately return to work.
5. Key employees notified while on leave who decide not to return to work will remain on leave for the balance of the leave period and then be terminated.
6. Key employees are defined as the highest 10 percent of the employees employed by the Employer.
7. Employees may be required to provide the Employer with medical certification evidencing their ability to return to work and perform the essential functions of their positions, with or without reasonable accommodations. Such certification may be requested at the Employer's discretion.

Section 11.6 – Return To Work Examinations: Before being permitted to return to work from a leave for the employee’s own serious health condition, the employee will be required to provide certification from his/her health care provider that he or she is able to return to work and perform all essential functions of the job, with or without reasonable accommodation.

Section 11.7 – Periodic Notification During Leave: Employees will be required at least once every 30 days while on leave to contact their supervisor to report on their status and intentions with respect to returning to work at the end of their leave period.

Section 11.8 – Benefit Continuation During Leave:

1. Group health and dental insurance will continue while an employee is on leave at pre-leave benefit and premium contribution levels.
2. Benefits that operate on an accrual basis (vacation, sick leave, personal leave) will not accrue during any period of unpaid leave under this policy. Nor will an employee accrue seniority or service time during any period of unpaid leave in connection with the employee’s eligibility for a performance review, salary review, and/or adjustment.
3. An employee’s eligibility for qualified benefits (pension, 401(a), 457 (K)) will be governed according to the terms of each respective benefit plan.

Section 11.9 – General Leaves of Absence For Ineligible Employees:

Employees who are not eligible for FMLA leave may apply for a general leave of absence for medical disabilities (including work-related injuries or illnesses, pregnancy, disability, etc.) or for personal reasons.

Medical (including pregnancy) disability leaves of absence may be requested for periods of up to three (3) months (unless applicable law requires a longer leave to be granted).

In general, a leave of absence is considered a privilege. In no instances are leaves granted automatically; leaves must be requested by the employee in writing and approved by the employer. In granting a leave of absence the employee’s service record and the circumstances necessitating the leave request will be carefully examined.

Section 11.10 – Short-Term Absences: Absences for any reason not exceeding three (3) continuous work days do not require the formal filing of a request for a written authorized leave or a doctor’s slip. Absences longer than three (3) continuous days require that a doctor’s slip shall be turned in to the Human Resource Coordinator. However, employees taking short-term absences are required to notify their supervisor or the Human Resources Coordinator on a daily basis to comply with the requirements of the City’s leave policy.

### Section 11.11 - FMLA Procedure:

A request for a leave of absence must be initiated in writing by the employee and approved by the employee's supervisor and Human Resources prior to the commencement of the leave, using the Employer's Leave of Absence Request form. This form may be obtained from the Human Resources Coordinator.

Employees requesting leaves must provide the Employer with at least 30 days' advance notice. Leaves necessitated by emergency circumstances must be requested as far in advance of the requested leave commencement date as practicable. Leaves necessitated by an illness or injury must be requested as soon as practicable after an illness develops or injury occurs.

Medical leaves must be supported by medical certification acceptable to the Employer.

If the employee becomes ill or is injured on the Employer's premises, the employee should contact his or her supervisor or Human Resources as soon as practicable after the illness or injury occurs and formally request a leave.

Section 11.12 – Employment While on Leave: – Employment while on authorized leave of absence is prohibited unless required as part of a remedial therapy program under Employer medical direction.

### Section 11.13 – Return to Work:

Employees granted authorized non-FMLA leaves of absence will only be reinstated in their former position if they have complied with all terms and conditions of the leave and this policy, including attempting to return to work at the end of the authorized leave period (within three (3) months after the leave commences) and provided the position is available. Unless applicable state law requires otherwise, reinstatement is not guaranteed to employees on non FMLA leaves. The Employer will endeavor, however, to place employees returning from leave who have complied with all terms and conditions of the leave into their former position or one comparable in status and pay.

Benefits for employees on non-FMLA leaves will be handled in the same manner as for employees on FMLA leave.

Section 11.14 – Requests for FMLA and NON-FMLA Leave Extensions: If an employee is unable to return to work after his or her FMLA time expires, the employee may file a request for a leave extension in the same manner as he or she filed the initial leave request. For medical leave extension requests, employees must submit additional medical certification to support the leave extension request. Employees requesting a leave extension will only be reemployed at the expiration of such extension if a position is available for which the individual, in the Employer's opinion, is qualified, with or without a reasonable accommodation. In those instances in which no position is available, the individual will be laid off due to lack of work.

Section 11.15 - Insurance Premiums: During a Family Leave, the City will continue to pay its portion of the current health insurance premiums covering the employee and employee's family. The employee must continue to pay his/her share of this premium, if applicable. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job, or the failure to return is due to circumstances beyond the control of the employee.

Section 11.16 - Accruals: While on Family Leave under this policy, the employee shall not accrue vacation time, sick time, pension, service credit, or seniority. Employment benefits accrued by the employee up to the day on which the family leave begins will not be lost.

Section 11.17 - Available Time Use: Employees are required to use their unused, paid vacation, accrued comp, and personal time for the birth of a child or adoption during the 12-week Family Leave. Available sick days and any accrued vacation, comp, and personal time shall be used when

Family Leave is taken because of a serious health condition of the employee.

1. That portion of the Family Leave covered by vacation time and/or sick time will be with pay in accordance with the City's policies regarding vacation time and sick days.
2. The Family Leave Policy does not override any less restrictive labor agreement provisions regarding the use of vacation/sick time.
3. The City will count as Family Leave any time funded by either workers compensation or workers disability.

Section 11.18 - Activating FMLA: The first day of Family Leave will be as stated on the FMLA application. In cases where an employee is absent for five or more consecutive days, Family Leave will commence the first day of the absence.

## **Chapter 12**

### **MILITARY LEAVE**

**Section 12.1 - Training:** Any full-time employee who presents official orders for training as a member of the Armed Forces of the United States or Michigan National Guard shall be afforded military leave for the duration of the training. Leave can be taken, at the employee's discretion, without pay or with the use of available vacation if the required time off falls on regularly-scheduled working days. For extended military training of 15 or more consecutive days, upon approval of the City Administrator and without concurrent use of extended vacation, the City may compensate – though not required by law – the employee the difference between military pay and City wages.

**Section 12.2 - Active Duty:** Any full-time employee who presents military orders for a call to active duty shall be placed on military leave for the duration of the call up.

**Section 12.3 - Return to Work:** Upon discharge from active duty, if eligible, an employee will be reinstated to full employment as provided by the Uniform Services Employment and Reemployment Act (USERRA).

## **Chapter 13**

### **DRUG FREE WORKPLACE**

**Section 13.1 - Policy:** In compliance with the Drug Free Workplace Act of 1989, the City is committed to maintaining a workplace free of alcohol and drugs. To accomplish this:

1. The possession, use, distribution, or manufacture of behavior-altering chemical substances while on City property, or during work hours, is prohibited.
2. Employees are prohibited from reporting to work or working while under the influence of, or in possession of, alcohol or controlled substances.
3. Employees who violate the substance abuse policy, or who refuse to take a drug screening test, may be subject to disciplinary action up to, and including, termination.
4. Controlled substances used in accordance within the limits of a valid prescription are exempt from the policies contained herein. Employees who use prescription or over-the-counter medications which may cause drowsiness, or affect their ability to perform their jobs (such as operating a vehicle, etc.), are required to notify the personnel manager by providing copies of the valid medical prescriptions and the explanations of the potential side effects, copies of which will be placed in the employees' medical files.

**Section 13.2 - Drug Screening:** Job applicants who have been offered a position on the City staff will be given a drug screening test as part of the pre-employment physical. Applicants with confirmed positive test results for controlled substances who do not have acceptable explanations will not be hired.

Employees who give the appearance of being under the influence of controlled substances, or who give the appearance of violating this policy, may be directed by their Department Heads to undergo drug screening tests. Positive results from such testing may result in disciplinary action up to, and including, termination. Probable cause for initiating drug or alcohol testing may include, but is not limited to, the following:

1. Possession of a controlled substance or alcohol while on duty.
2. Observations of a supervisor concerning appearance, behavior, speech or body odors, or indications of the chronic use or withdrawal of controlled substances or alcohol, which lead the city to suspect that the employee has violated the prohibitions of this policy concerning alcohol and /or controlled substances.

3. Responsibility for an accident while on duty; involving the loss of human life; resulting in bodily injury to a person who, as a result of the injury, immediately receives medical treatment at or away from the scene or accident; where one or more motor vehicles is involved; where one or more of the motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by tow truck or other vehicle.

Section 13.3 - Conviction of an Offense: Any City employee convicted of felony drug or alcohol- related offense will be terminated.

Section 13.4 - Employee Assistance: The City desires to help employees be free from drug and alcohol dependency and will offer assistance, through referral, for treatment and rehabilitation by means of the medical plans in effect.

1. Employees who demonstrate obvious symptoms of drug or alcohol dependency, or who may be determined as having such dependency, or who test positive for drug or alcohol use may, upon approval of the City Administrator, be offered counseling, treatment, and/or rehabilitation as an alternative to disciplinary action.
2. Successful completion of a rehabilitation program, and remaining drug or alcohol-free in the workplace, will be used as a condition of continued employment.
3. Employees who refuse to submit to counseling, who fail to complete the counseling programs, or who commit second offenses will be terminated.
4. Employees who wish to enroll for a second time in a substance abuse program will have their cases reviewed by the City Administrator.
5. All information related to substance abuse counseling and treatment programs is considered confidential.

## **Chapter 14**

### **WORKPLACE HARASSMENT**

Section 14.1 - Harassment in the Workplace: Harassment or discrimination against City employees based on race, color, religion, national origin, age, sex, height weight or disability is prohibited. Harassment includes any conduct or communication on the basis of a protected category, when:

1. Submission to the conduct is made explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of the conduct by an individual is used as a the basis for an employment decisions affecting the individual, or;
3. Conduct has the purpose or effect of substantially interfering with the individual's performance or of creating an intimidating, hostile, or offensive work environment.

Section 14.2 - Responsibilities: Every employee is responsible for refraining from conduct that causes harassment. It is every Supervisor's responsibility to prevent such behavior from occurring. The City will take appropriate action to prevent any unwarranted and unwanted conduct from occurring in places and situations that are under its control. Allegations will be investigated in a fair and expeditious manner. If a complaint is substantiated, action will be taken to remedy the situation and prevent its reoccurrence:

1. Employees who feel they are victims of harassment as described in Section 14.1 are encouraged to request that the offending parties cease the offensive conduct. This is not a required step, and these employees may go directly to their immediate Supervisors to report the harassment.
2. Any City employee who becomes aware harassment is occurring as described in Section 14.1 must immediately report the activity.
3. If the City or its Supervisors are made aware of harassing conduct as described in Section 14.1, an investigation will be initiated by the accused employee's immediate Supervisor, and the alleged offensive activity ordered to cease pending the investigation.
4. The Supervisor will conduct a thorough investigation and report the findings, along with a recommendation for the appropriate disposition of the complaint, to the Department Head.
5. If the allegations are sustained, the offending employee will be subject to discipline in compliance with this policy.

6. If the allegations are not sustained or are unfounded, all the involved parties will be notified within five business days of when the Department Head is notified.
7. Nothing in this policy prevents an employee from directly contacting the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights to file a complaint in addition to, or in lieu of, contacting the designated person herein.
8. For the purposes of this policy, normal, courteous, mutually respectful, pleasant, non-coercive interaction between men and women, that is acceptable to both parties, is not considered to be harassment.

## **Chapter 15**

### **WORKPLACE SAFETY**

**Section 15.1 - Prohibitions:** It is the City of Mason's intention to provide a safe and secure environment for its employees and those persons visiting its facilities. The City will not tolerate threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals. Any person who makes threats, exhibits threatening behavior, or engages in violent acts, will be removed from City property and prohibited from returning without authorization of the City Administrator.

**Section 15.2 - Safety:** Department Heads shall ensure that safety rules and regulations are posted. The Safety Committee shall periodically coordinate safety inspections of the various work sites on which the employees are required to work in order to detect hazardous areas or practices for correction as appropriate. Records of said inspections, and results there from, shall be maintained by the Human Resource Coordinator, and copies forwarded to the Department Heads for implementation and correction. The City shall post the location of all exits from the workplace and emergency escape procedures when appropriate. Employees shall obey all safety rules, wear protective clothing and equipment as required, and keep the workplace neat and clean. Employees shall report any potential hazard to the appropriate department or official. Employees shall comply with occupational safety and health standards of the Federal Occupational Safety and Health Act of 1970, as amended.

**Section 15.3 - Accidents and Injuries:** Employees shall report all accidents and injuries to the Supervisor or Department Head as soon as possible. Minor injuries requiring only first aid may be treated at the work site. Employees incapacitated by serious injury shall be transported to a medical facility by ambulance or other emergency vehicle. The Supervisors of the involved employees shall file Accident-Injury Reports with the Human Resource Coordinator no later than the end of the next business day. An on-duty death must be reported to MIOSHA within 24 hours of the incident.

Employees involved in traffic crashes while operating City-owned vehicles shall first notify the police departments whose jurisdictions the accidents occurred in. The employees will then notify their Supervisors or Department Heads, regardless of how minor the accidents. An incident report form must be filled out by the employee and the supervisor for all incidents, regardless of how minor the incident, and forwarded to the Human Resource Coordinator no later than the end of the next business day. Drug screening may be required as detailed in Section 13.2 (3). City of Mason employed police officers shall submit any appropriate reports of any accidents as required by the Police Department. The Human Resource Coordinator will be provided a copy of any traffic crash report involving a City-owned vehicle no later than the end of the next business day.

Section 15.4 - Weapons: Employees are prohibited from possessing, carrying, or storing firearms or other dangerous weapons in or on City-owned or controlled property, or during work hours, except for sworn police officers of the City, in compliance with Mason Police Department Policies and Procedures.

Section 15.5 – Material Safety Data Sheets Compliance: The master file of all Material Safety Data Sheets (MSDS) is filed in the City Administrator’s office. Training will be held annually for all employees on hazardous materials and the Michigan Occupational Safety and Health Act (MIOSHA).

One employee from each work site is designated to maintain the site MSDS files. The designees are as follows:

- City Hall – Zoning Official
- Publicly Owned Treatment Works - Superintendent
- Cemetery – Foreman
- Department of Public Works Streets and Water – Foreman
- Water Treatment Plant - Superintendent

Records must be current at all times. All employees are expected to know the location of the MSDS files at their work site. New employees should receive instructions from their supervisor or department head on the location of the MSDS sheets and any hazardous materials the first day of employment.

## **Chapter 16**

### **DISCIPLINE**

**Section 16.1 - At-Will Employees:** At-will employees serve at the pleasure of the City and may be dismissed at any time, without reason, or with any recourse to any procedure.

**Section 16.2 - Temporary, Part-time and Probationary Employees:** Temporary, part-time, or probationary employees can be disciplined or terminated without recourse to the disciplinary procedure provided in the Rules of Conduct.

**Section 16.3 - Discipline Records:** All notices of employee discipline will be forwarded to the City Administrator's Office for placement in the employee's personnel files.

**Section 16.4 - Responsibilities:** All City employees will perform their assignments with a level of care and commitment which indicates they are putting forth a reasonable effort to effectively and safely perform their public service responsibilities.

**Section 16.5 - Secondary Employment:** Full-time employees who choose to work more than one job are expected to follow Civil Service guidelines regarding the secondary employment, which includes notification of their Supervisors, and ensuring their jobs with the City are treated as their primary employment. If an employee suspects a potential conflict of interest with this secondary employment, the employee is responsible to notify the City.

**Section 16.6 - Expectations:** All City employees are expected to treat all persons, with whom they have contact in the course of their assignments, with dignity and respect. Employees are expected to comply with all legal standards related to illegal discrimination and harassment while in the course of their employment.

**Section 16.7 - Rules of Conduct:** These Rules of Conduct have been published so that all employees can be aware and will know what is expected of them. The City reserves the right to revise these rules and regulations at any time. Nothing in these rules of conduct shall be construed as altering the at-will status of non-union employees.

1. For violations of any of the following rules, an employee will generally be subject to severe discipline, up to –and including – discharge:
  - A. Refusal to comply with a Supervisor's instructions, or other insubordinate conduct.
  - B. Gross neglect of duty.
  - C. Immoral or indecent conduct which brings the City into disrepute.
  - D. Intentional falsification of employee records.

- E. Knowingly falsifying, altering, or fabricating an official time-keeping record.
- F. Theft or intentional destruction of the City's or another employee's property, or removal of City property from City premises without authorization.
- G. Unauthorized use of the City's property.
- H. Sleeping on duty.
- I. Consumption of, or possessing, alcoholic beverages or controlled substances while on City time, premises, or equipment, or reporting to work while under the influence of alcoholic beverages or controlled substances.
- J. Conviction of a felony while in the employ of the City.
- K. Deliberate or careless conduct endangering the employee's own safety or others.
- L. Damage to the City's or public property.
- M. Abusive, threatening, or coercive actions towards members of the public, fellow employees, or a Supervisor.
- N. Conviction or convictions of any moving traffic violations accrued while driving City-owned automobiles which result in an accumulation of 6 points or more during a 12-month period
- O. Absence from work for three consecutive, regularly-scheduled working days without an excuse acceptable to the employer.
- P. Suspension or loss of a driver's license by those employees who are required to drive as part of their employment.
- Q. Sabotage of City operations, staff, or equipment.
- R. Permitting any person who is not an employee to enter or ride in a City vehicle without authorization of the City.
- S. Failure to be available for an emergency call to duty, or failure to respond to said call.
- T. Serious violation of a safety rule or safety practice.

- U. Possessing, carrying, or otherwise using a firearm or other lethal weapon while on duty, except as may be required by a sworn police officer.
  - V. Intentional discrimination against another employee or member of the public—while in the performance of one’s duties—based upon race, gender, color, ethnic heritage, disability, religion, height, weight, or any other legally protected classification.
  - W. Accepting or asking for special benefits or payments from a member of the public or a business, etc., to perform required duties, or to influence the manner in which the duties are performed.
  - X. Any other offense of equal magnitude.
  - Y. Failure to report incidents of damage to city property or private property in the required manner.
2. For the commission of the following offenses, an employee will generally receive a written counseling for the first offense, and a written reprimand for a second violation of the same rule.
- A. Late to work without an excuse acceptable to a Supervisor.
  - B. Carelessness which requires the disposal or repair of City-owned equipment of a value less than \$500.00.
  - C. Use of any tobacco product in an unauthorized area.
  - D. Inattentiveness to work, failure to start work at the designated time, quitting work before the designated time, or leaving the job during work hours without permission of the supervisor. Inattentiveness to work includes: lack of productivity, use of work time to perform personal business, unreasonable use of work or personal phones during work hours for personal calls, playing computer games outside break or lunch periods, and any other unauthorized activities which interfere with the workplace productivity.
  - E. Minor violations of safety rules or practices.
  - F. Failure to report for work without giving notice to the employer, unless it was impossible to give such notice.
  - G. Creating or contributing to poor housekeeping in the buildings or equipment of the employer.
  - H. Vending, soliciting, or collecting contributions resulting in the misuse of the

Employer's time and/or resources.

- I. Posting, removing, or defacing any matter on the employer's bulletin board or property without authorization of the employer.
  - J. Failure to perform work as instructed and in a timely manner, or performing work reflecting poor workmanship.
  - K. Any other offense equal to the magnitude of the above.
3. An employee will generally be subject to discharge upon commission of any third offense if such employee receives:
- A. Two written counseling statements for the same or different offenses within a period of twelve consecutive months; or
  - B. Discipline under Section 16.7.1 of these rules and one written reprimand under Section 16.7.2 within twelve consecutive months; or
  - C. Two written reprimands or disciplinary suspensions—for the same or different offenses within a period of eighteen consecutive months.

## **Chapter 17**

### **GRIEVANCE PROCEDURES**

**Section 17.1 - Grievance Procedures:** A grievance shall refer to the specific rule or procedure alleged to have been violated, and shall specifically state the facts pertaining to the alleged violation. Any grievance failing to comply with this standard shall be considered invalid and automatically denied. Probationary employees have no recourse in the grievance process.

**Section 17.2 - Procedural Steps:** The following steps of the grievance procedure must be followed within the identified timelines. Failure to meet timelines or disregarding a step by either the employee or the City will result in the grievance to be determined being settled in favor of the non-violating party.

**Step 1:** Whenever a grievance arises, it shall be reported verbally to the employee's immediate Supervisor within three working days of the time the alleged infraction is noted to have occurred by the employee. The Supervisor will respond to the employee within two working days as to whether the grievance can be settled or is denied.

**Step 2:** If the grievance cannot be settled at the Supervisor level, and the employee wishes to proceed to the next step, the grievance must be submitted in writing—within three working days of the Step 1 denial—to the employee's Department Head. The Department Head will then respond in writing—within five working days from receipt of the grievance—as to whether the grievance can be settled or is denied.

**Step 3:** If the grievance is not settled, and the employee chooses to do so, a written grievance will be submitted to the City Administrator within three working days of the Step 2 denial. The City Administrator will respond to the grievance in writing within ten working days. Prior to his written response, the City Administrator may call a meeting of the disputing parties in order to settle the dispute. The City Administrator's decision is final.

**Section 17.3 - Good Faith:** There should be a sincere desire on the part of disputing parties to settle the grievance in as short a time as possible. Employees who are summoned into meetings during work hours—at the request of the City—will not receive a pay deduction or be forced to use personal leave as time away from work.

## **Chapter 18**

### **FRAUD POLICY**

**Section 18.1 - Background:** The City of Mason fraud policy is established to facilitate the development of controls which will aid in the detection and prevention of fraud against the City of Mason. It is the intent of the City of Mason to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

**Section 18.2 - Scope of Policy:** This policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the City of Mason.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the City of Mason.

**Section 18.3 - Policy:** Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity.

Any fraud that is detected or suspected must be reported immediately to the City Administrator or his designee, who coordinates all investigations with the City Attorney and other interested parties, both internal and external.

**Section 18.4 - Actions Constituting Fraud:** The terms embezzlement, misappropriation, and other fiscal wrongdoings refer to, but are not limited to:

- Any dishonest or fraudulent act
- Forgery or alteration of any document or account belonging to the City of Mason
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of City activities
- Disclosing confidential and proprietary information to outside parties
- Disclosing to other persons securities activities engaged in or contemplated by the City of Mason

- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City of Mason. Exception: Gifts less than \$50 in value
- Failing to document leave time
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; and/or
- Any similar or related inappropriate conduct

18.5 - Other Inappropriate Conduct: Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management, Human Resources, and the City Administrator.

If there is any question as to whether an action constitutes fraud, contact the City Administrator for guidance.

18.6 - Investigation Responsibilities: The City Administrator has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the City Administrator will issue reports to appropriate designated personnel and, if appropriate, to the City Council.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with Legal Counsel and the City Administrator, as will final decisions or disposition of the case.

18.7 - Confidentiality: The City Administrator treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the City Administrator immediately, and should not attempt to personally conduct investigations or interview/interrogations related to any suspected fraudulent act (see REPORTING PROCEDURE section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the City of Mason from potential civil liability.

18.8 Authorization For Investigating Suspected Fraud: The City Administrator may appoint an Investigator or an Investigation Unit. Members of the Investigation Unit will have:

- Free and unrestricted access to all City records and premises, whether owned or rented; and
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

18.9 Reporting Procedures: Great care must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects fraudulent activity will contact the City Administrator immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquiries should be directed to the Investigations Unit or the City Attorney. No information concerning the status of an investigation will be given out. The proper response to any inquiries is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicion, or allegations with anyone unless specifically asked to do so by the City Attorney or City Administrator.

18.10 Termination: If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the City Administrator and the City Attorney before any such action is taken. The Investigation Unit does not have the authority to terminate an employee. The decision to terminate an employee is made by the employee's management. Should the City Administrator believe the management decision inappropriate for the facts presented, the facts will be presented to executive level management for a decision.

18.11 Administration: The City Administrator is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

# Personnel Policy Supplements













**Policy Number:** To be Determined      **Subject:** Parental Paid Leave  
Time Policy

**Date Issued:** 09/01/2018      **Page:** 7 of 7

**Date of Revision** 09/01/2018

**City Administrator:** \_\_\_\_\_  
Signature Date

**Overtime/Holiday/Alternative Employment:**

Subject to applicable collective bargaining agreements, employees on Paid Leave are not eligible for overtime pay because they are not actually working. An employee whose requested Paid Leave Period falls on a scheduled City holiday will continue to receive Paid Leave for the days of the holiday but will not receive any additional holiday pay. Employees are ineligible to work alternative employment during the period of Paid Leave.

**Managements Responsibilities:**

It is the responsibility of the Human Resource Department to administer this Paid Leave policy and it is the responsibility of the Department Heads to make Human Resources aware of any situation whereby the Paid Leave policy may apply for an employee within their department.



## Revision to Section 3.4 – Anti-Nepotism

Effective: October 16, 2018

**Language below replaces all language previously in Section 3.4 of the City of Mason Personnel Policy, last revised on January 1, 2013.**

Effective October 16, 2018, an Employee who is involved in a personal relationship with another employee may not work directly for, or supervise the employee, or have immediate access to personnel, medical or employment records with whom he or she is involved. If a personal relationship exists, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their supervisor and to the City Administrator. If it is determined that a conflict or a potential conflict would arise because of a relationship affecting employment, the individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. The City of Mason reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.

For purposes of this policy, a personal relationship shall be defined to include a relationship with a spouse, sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew, including any in-law or step relationship of any of these described types, or, a relationship between individuals who have or have had a continuing relationship of romantic or intimate nature, or, a relationship of an intimate or romantic nature between a supervisor and his/her subordinates or conduct that creates the appearance or impression that such a relationship exists.

**EXCEPTION:** This policy shall not apply to employees of the Mason Volunteer Fire Department.

Addition: Section 7.9: Volunteer Paid Leave

Effective: November 1, 2018

All regular full-time non-probationary employees will be provided with eight (8) hours of time for purposes of volunteering at an organization, civic group, non-profit, etc. located within the City of Mason city limits or for the Mason Public School System.

These eight (8) hours of leave will commence on the 1<sup>st</sup> of July each calendar year and must be used by the following 1<sup>st</sup> of July, after which any unused volunteer time will be lost. Upon the employee's separation from City employment, any unused Volunteer paid leave will be lost.

All Volunteer paid leave must be pre-approved by your supervisor with consideration for approval based on staffing levels.

NOTE: For Fiscal Year 2018-2019 all, full-time employees will receive their eight (8) hours of volunteer leave time effective November 1, 2018. This original eight (8) hours will need to be used by June 30, 2018.

On PARS employees should mark Misc. Leave and then write "Volunteer" next to the box.