



PERSONNEL MANUAL

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CITY OF GRAND HAVEN PERSONNEL MANUAL

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INTRODUCTION

Welcome and Mission Statement

Welcome to the City of Grand Haven, Coast Guard City, USA! As an employee of the City of Grand Haven, you have a very important role to play in our community's success. Each and every day the work you do positively impacts the quality of life for our residents and visitors. You are our "front-line" and your interactions with the public will impact their opinion of City government.

We consider our employees to be our most valuable asset, and appreciate that you have accepted the responsibility that comes with serving the public. Your mission is to exceed our customers' expectations in all that you do by providing friendly, dedicated, efficient and effective service.

You will see our award-winning Council Goals posters throughout your work area. These graphics represent our elected leaders' objectives for City operations and will help you understand how the work you do each day translates to a positive, long-term impact on our community. Please become familiar with these and use them to guide you in your approach to public service.

Purpose of this Manual

This manual is intended to promote clarity, consistency, and positive employee relations with regard to employment rules, policies, procedures, and benefits. This manual does not, and cannot provide a policy for every situation that may arise; rather, it is designed to give you an overall understanding of our policies.

This manual, or any other written or verbal communication by the City, is not intended as, and does not create, a contract of employment, either expressed or implied.

Employees represented by a union collectively negotiate their wages, benefits, terms, and conditions of employment through their union representative. Nothing within this manual is intended to replace the collective bargaining process.

Application of this Manual

These policies and procedures apply to all of the City's employees, unless specifically addressed in a collective bargaining agreement, formal employment

contract, or insurance plan document. Where such documents specifically differ from these policies, then the applicable provision(s) of the subject agreement shall govern.

This manual is in no way intended to unilaterally create or change policies or practices that are mandatory subjects of collective bargaining with union groups.

These policies are designed to work in combination with individual departmental policies and procedures; however, these policies shall prevail should they come into conflict with departmental policies or procedures.

No person, other than the City Manager as authorized by the Mayor and Council, has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the provisions of this manual.

These policies govern regardless of past practices or former policies. This manual supersedes any previous verbal or written policies, statements, understandings, or agreements concerning terms and conditions of employment, except in cases of collective bargaining agreements, formal employment contracts, or other legally binding agreements.

Severability

If one or more provisions of this manual are superseded by, or come into conflict with, a collective bargaining agreement, formal employment contract, insurance plan documents, state or federal laws, or if they are determined by a court of competent jurisdiction to be inappropriate and voided, then the balance of the manual shall remain in effect.

Distribution and Revisions

A copy of this manual will be provided to each employee online through the City's website. The online version serves as the official version of the handbook, and employees are required to review it and sign a standard form certifying his/her receipt and review of the manual.

The City reserves the right to change, modify, or discontinue any provision of this manual, or create new policies for inclusion. Revisions or updates to the manual will be made in the official online version and notice of changes will be provided to employees.

Employees are expected to review all changes and updates and remain abreast of all current personnel policies. Periodically employees may be required to provide an updated signature form to affirm that they have received and reviewed the manual and changes in policy.

City Government and Organization

The City of Grand Haven is governed by its City Charter which is available on the City's website. The City Charter serves as our constitution; it provides the government with its municipal powers and governs how the City is structured and organized.

The City Council is comprised of five City Council Members, one of whom serves as Mayor. City Council serves as the legislative and policymaking body for the City and adopts the City's budget each year.

"Laws" at the municipal level are also called "ordinances," which are codified and kept up to date in the City Clerk's office, along with other formal public documents and records. All City Council decisions are completed in open, public meetings.

The City Charter provides for a Council/Manager form of government which means the City Manager has formal authority to oversee the day-to-day management of City operations and staff. Along with the City Manager, the City Attorney and City Clerk are directly appointed by the City Council and serve at the pleasure of the Council. All other employees fall within the City Manager's chain of command.

The business of operating a municipal government is complicated and very rewarding. We provide a wide range of services that impact the quality of life within the community. It is helpful for all employees to develop a basic knowledge of the range of services and departments in the City so there is an understanding of how one function impacts another, and so employees are prepared to provide the best possible customer service. An organizational chart is attached as Appendix A and provides an overview of the operations of the City.

HIRING AND EMPLOYMENT

This section addresses various topics related to how the City administers the personnel function; from posting a vacancy, to concluding employment with the City.

Employees subject to collective bargaining agreements and/or employment contracts should consult those documents for alternative processes that may apply.

At-Will Employment

The City of Grand Haven is an “at-will” employer. This means that employees may be terminated at any time for any reason or for no reason at all, with or without notice and with or without cause, unless a collective bargaining agreement and/or “individual” employment contract states otherwise.

Similarly, any employee may resign his/her employment with the City at any time for any reason or for no reason at all, with or without notice and with or without cause.

This at-will employment relationship with the City may not be changed by any written document, oral representation, or conduct unless the City Council specifically approves such change in writing. Nothing in this manual should be interpreted as being inconsistent with at-will employment.

Along with a signed acknowledgement of receipt and review of this manual, at-will employees are required to sign a specific acknowledgement that their employment with the City is at-will.

Equal Employment Opportunity

It is the policy of the City of Grand Haven to provide equal opportunity to all qualified individuals in its recruitment, hiring, and employment practices and to prohibit discrimination against any person on the basis of race, color, sex, age, religion, national origin, marital or veteran status, height, weight, disability, political affiliation, or other protected classes established through state or federal law or by local ordinance.

Accommodation of Disabilities

The Michigan Persons with Disabilities Civil Rights Act and the Americans with Disabilities Act (ADA) prohibit discrimination in employment against qualified individuals with a disability. These laws also require employers to reasonably accommodate applicants and employees with a disability so that they may participate in the job application process, perform essential functions of a job, and enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

According to the ADA, an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having an impairment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Through an interactive process, the City will provide reasonable accommodation to applicants and employees provided the accommodation does not impose an undue hardship. For instance, the accommodation is unduly costly, extensive, substantial, or disruptive or would fundamentally alter the nature or operation of the business.

Under Michigan law, employees and applicants requiring a reasonable accommodation should make their request in writing with as much notice as possible, and within 182 days after the date he/she knows or reasonably should know that an accommodation is needed. Under Michigan law, failure to properly notify the City in writing within the 182 day timeframe will preclude any claim that the City failed to provide accommodation.

Although Michigan law requires employees to provide requests for accommodation in writing, the ADA does not include a comparable requirement. Consequently, those in need of accommodation may make oral requests under the ADA. Oral requests for accommodation should be confirmed in writing as soon as possible.

All requests should include the name of the person requesting the accommodation, contact information, date of request, accommodation requested and reason for request (medical condition/disability does NOT need to be identified, rather the activity requiring accommodation should be, for example “to participate in interview”.) During the interactive process of reviewing the request and identifying a reasonable accommodation, additional information, including medical verifications, may be sought to clarify the request.

Employees may submit accommodation requests to the Human Resources department. Job applicants or representatives acting on their behalf may make accommodation requests to any employee of the City who will direct such requests immediately to the Human Resources department.

Vacancies, Recruitment and Employment Postings

Some collective bargaining agreements prescribe procedures for filling vacancies or contain language with regard to promotional opportunities. In all other cases, the Human Resources department will work closely with the City Manager and the hiring department to determine whether and how to fill position vacancies and the most appropriate recruitment strategy and selection process to utilize.

Typically, vacant positions are posted internally but may be simultaneously advertised in other venues. In any event, internal applicants are required to complete a formal application and undergo the same employment process as external candidates to ensure consistency and fairness in the hiring process.

Application for Position Opening

All applicants seeking employment with the City, including former or current employees, must complete a job application form. Additionally, a résumé or other materials may be required depending on the position. The purpose of the application is to obtain pertinent information related to the applicants' education, training, and qualifications. Applications will remain active for six months.

The City considers the accuracy of the information the applicant provides during the employment process to be of utmost importance. The City may reject employment applications or dismiss current employees if it finds inaccuracies in the job application or submitted résumé.

Hiring and Selection

According to the City Charter, the City will make all hiring decisions based on merit. That means employment decisions will be based upon job-related qualifications. The City also strictly adheres to the principles of equal employment opportunity which means decisions are made without regard to race, color, sex, age, religion, national origin, marital or veteran status, height, weight, disability, political affiliation, or other protected classes established through state or federal law or by local ordinance.

All offers of employment are contingent upon successful completion of established post-offer, pre-employment examinations as described below.

Along with the City Manager, the City Attorney and City Clerk are directly appointed by the City Council and serve at the pleasure of the Council. All other employees fall within the City Manager's chain of command and are hired by the Manager or his/her designee.

Residency

Employees are required to live no further than 20 miles from the nearest boundary of the City within a reasonable time period of beginning employment with the City. Exceptions to this policy may be made with City Council approval.

Employment of Relatives and Other Relationships in the Workplace

Employment of relatives of the Mayor, Council, City Manager, Trustees of the Board of Light and Power, or Director of the Board of Light and Power is prohibited by the City Charter. According to the City Charter, relatives of these individuals may not hold an appointive office or be employed by the City during the respective term of office or tenure of their relative.

"Relative" is defined in the charter as being related by blood or marriage as a brother, sister, spouse, parent, grandparent, child or grandchild, or bearing such relationship to any of their spouses.

This prohibition does not apply if a person is already employed by the City at the time of the election or appointment of their relative. Further, the prohibition does not apply if the relationship between an existing employee and a person in one of the named positions changes to become a prohibited relationship following commencement of employment.

Beyond the specific prohibition listed in the Charter, the City broadly prohibits favoritism based on familial relationships and makes all employment decisions on the basis of merit. To ensure this, applications for employment from relatives of staff, or elected or appointed officials, must disclose their familial relationship and will be discussed as part of the standard application and screening process.

In no event shall relatives be assigned to work within a direct or indirect reporting hierarchy.

This policy broadly defines “relative” to also include uncle, aunt, niece and nephew in addition to the relatives listed in the charter (brother, sister, spouse, parent, grandparent, child or grandchild). All relationships established through blood or marriage, including step-family and in-laws, are covered by this policy.

Lastly, dating or other romantic relationships in the workplace are strongly discouraged and must be disclosed. As with familial relationships in the workplace, these types of relationships can prove complicated and may cause unnecessary controversy. In some cases, workplace romance could even be construed as creating a hostile or sexually charged work environment for others. For all these reasons, employees should exercise the utmost discretion and avoid personal relationships of this type in the workplace.

Background Checks

The City will verify information provided during the application process through various background and reference checks, some of which are completed during the application process and some of which are completed “post-offer, pre-hire.” In every case the City will obtain appropriate signed releases to conduct the checks. The application form itself may serve as acknowledgement and permission from the applicant to complete certain investigations.

Public Safety personnel will undergo a more in-depth investigation process as part of the hiring process according to procedures specific to that department. For all other positions, the background checks required will vary by position, depending upon the requirements and duties of the job. These will be established prior to the selection process and will be uniformly applied to all applicants.

Background checks may include any or all of the following:

Driving Record

For positions required to operate a vehicle in the course of conducting City-related business the City will verify the validity of the employee’s driver’s license and review their driving record to ensure a safe and consistent driving history and insurability.

References

The City will contact the personal and professional references provided by the applicant, as well as previous employers and educational institutions to validate the information provided and gather information on past work performance. The

City may also review public sources of information that may speak to an individual's judgment and character, such as social networking sites.

Criminal History

The City will review criminal conviction records to verify the information provided through the application process.

Credit History

Credit history reviews will be conducted for those positions with access to public funds and/or accounting functions. In accordance with the Fair Credit Reporting Act (FCRA), notices and forms will be provided to inform employees of the specific checks being conducted, and to obtain authorization prior to conducting the investigations.

Ongoing Review and Validation

The City reserves the right to review employee's background information ongoing throughout their employment, and expects that employees immediately report to Human Resources any of the following:

- Criminal convictions;
- Driving offenses that affect insurability (drunk driving, offenses with significant "points");
- Driving offenses that limit one's legal right to drive;
- Any other events that impact one's ability and availability to safely and consistently perform their job;
- Loss or revocation of certifications or errors/omissions in one's personnel file.

Physical & Psychological Exams, Drug Screening

Upon receiving a conditional offer of employment from the City, applicants in safety-sensitive positions will be required to undergo a medical examination including a drug and alcohol screening. The exam is conducted by a doctor designated by the City and is paid for by the City.

Returning seasonal employees in safety-sensitive positions will be required to complete this process upon each return to employment with the City. Furnishing false or misleading information may result in immediate discharge.

Certain classifications may also be required to undergo a psychological examination as part of a conditional offer of employment.

In some circumstances and according to strict procedures, an employee may be required to undergo physical or psychological fitness-for-duty exams or submit to drug or alcohol testing.

Orientation Period

Collective bargaining agreements may contain language regarding “probationary” periods. Consult those documents for details.

New employees in non-union positions are provided an orientation period during which the employee can learn their positional duties and become familiar with the organization as a whole. New employees typically require a year of orientation to learn their position and the processes of the City.

During the orientation period, the City will provide formal and informal training, instruction and direction, and employees should actively seek clarification on policies, processes, procedures, and performance expectations.

Employees are eligible for most benefits during their orientation period and begin accruing paid time off. See the benefits section and insurance plan documents for specific information.

Anniversary Date

The City of Grand Haven considers the first day of full-time employment to be an employee’s “anniversary date” for purposes of accrual schedules, seniority, and other eligibility issues.

Outside Employment

City employees wishing to hold outside employment in addition to his or her City employment must have prior approval from their Department Head and the City Manager, and must obtain approval in each succeeding year. Outside employment that creates a conflict of interest or inhibits an employee’s ability to effectively perform their City work is not permitted, subject to the Department Head and City Manager’s determination.

Employees may not wear a City uniform, work shoes/boots, or any other apparel furnished by the City while performing outside work. Outside work may not be

performed during regularly scheduled City work hours or at a City facility, and no City resources, equipment, tools, or supplies may be used for outside work.

Personnel Files

Official personnel files containing payroll and benefits information, training records, job performance records, and related employment information are maintained on each employee in the Human Resources Department. Departments occasionally maintain notes, records, or documents within a department file related to an employee. These are adopted by reference as part of the official personnel record and should be copied to the central personnel file.

Employees are required to keep their personal information updated, including address, telephone numbers, emergency contacts, and related information as required for benefits administration.

Personnel files are secured and are considered strictly confidential with access allowed for very limited reasons as specifically provided in federal or state law. Medical information is filed separately in a secure area with access limited to Human Resources and others on a strict business need-to-know basis only.

The City complies with the State of Michigan Social Security Number Privacy Act, the Federal Fair Credit Reporting Act (FCRA) and Fair and Accurate Credit Transactions Act (FACTA) and will take reasonable measures to secure and limit access to social security numbers and other consumer information that may be contained within a personnel file, including pre-employment background investigations or inquiries, credit checks, and related information.

Personnel records that contain social security numbers or consumer information will be secured and held confidential with strictly limited access and uses. The City prohibits unlawful disclosure of social security numbers and/or consumer information, and will ensure all records are properly destroyed through shredding or other means that renders the information beyond reconstruction, including electronic information. The City will also take affirmative steps to ensure the reliability of any third party vendor used to dispose of this information.

All requests for personnel information are handled by the Human Resources Department. The City only releases confirmation of employment, job title, date of hire, and, if applicable, date of separation, unless written authorization is provided by the employee or the release of information is required by law.

Freedom of Information requests will be handled according to established FOIA procedure.

Any employee in violation of this policy will be subject to disciplinary action up to and including, discharge and criminal prosecution as may be appropriate.

Employees are legally entitled to review their personnel records upon reasonable notice, generally not more than twice per year. A Human Resources staff member or his/her designee will, at all times, observe the review of personnel files to protect against tampering. Copies of file contents may be obtained for the fee currently charged by the City for public copies.

Genetic Information Non-Discrimination

The Genetic Information Non-Discrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law.

Genetic information as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Please do not provide any genetic information when responding to requests for medical information.

Social Security Number Privacy and Protection

Pursuant to Public Act 454 of 2004, the City of Grand Haven will protect the confidentiality of social security numbers. No person shall knowingly acquire, disclose, transfer, or unlawfully use the social security number of any employee or other individual unless in accordance with applicable state and federal law and the procedures and rules established by this policy.

The term "social security number" includes both the entire nine-digit number and more than 4 sequential digits of the number. Social security numbers shall not be placed on identification cards or badges, membership cards, permits, licenses, time cards, employee rosters, bulletin boards, or any other materials or documents that are publicly displayed. Documents, materials, or computer

screens that display social security numbers or other sensitive information shall be kept out of public view at all times.

Only persons authorized by the City Manager or his/her designee shall have access to information or documents that contain social security numbers.

Documents containing social security numbers shall only be mailed or transmitted in the following circumstances:

1. State or Federal law, rule, regulation, or court order or rule authorizes, permits, or requires that a social security number appear in the document.
2. The document is sent as part of an application or enrollment process initiated by the individual whose social security number is contained in the document.
3. The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of a social security number of an individual who has an account, contract, policy, or employee health insurance benefit.
4. The document or information is a copy of a public record, filed or recorded with the county clerk or register of deeds' office, and is mailed by that office to a person entitled to receive that record.
5. The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record.
6. The document or information is mailed at the request of an individual whose social security number appears in the document or information or his or her parent or legal guardian.

Documents containing social security numbers that are mailed or otherwise sent to an individual shall not reveal the number through the envelope window, nor shall the number be otherwise visible from outside the envelope or package.

Social Security numbers shall not be sent over the internet or a computer system or network (e.g. through e-mail or websites) unless the connection is secure or the transmission is encrypted. No individual shall be required to use or transmit his or her social security number over the internet or a computer system, or to gain access to an internet website, computer system, or network (e.g. through e-mail or websites) unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access to the internet website or computer system or network.

All documents or files that contain social security numbers shall be stored in a physically secure manner. Social security numbers shall not be stored on

computers or other electronic devices that are not secured against unauthorized access. Documents or other materials containing social security numbers shall not be thrown away in the trash; they will be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.

Social security numbers should only be collected where required by Federal and State law or as otherwise permitted under the Michigan Social Security Number Privacy Act. If a unique identifier is needed, a substitute for the social security number shall be used.

Any officer or employee of the City of Grand Haven who violates the provisions of this policy shall be subject to disciplinary actions provided by City policies and applicable laws, up to and including dismissal or discharge, as well as civil and/or criminal action.

If any questions regarding social security number privacy and security should arise, contact the City Manager or the Manager's designee for policy clarification and guidance.

Disciplinary Action

It is the intention of the City to utilize disciplinary action in a constructive manner to correct and resolve problems in the workplace. Disciplinary actions may include any or all of the following, which are not necessarily administered in order, nor are all types of disciplinary action required prior to discharge. As an at-will employer, the City may immediately discharge an employee.

Employees with a collective bargaining agreement in place may have specific progressive disciplinary procedures in place and should reference their agreement for detail.

- Suspension is the temporary removal of an employee from duty, with or without pay. Documentation of suspension will be furnished to the employee and placed in their personnel file indefinitely.
- Written Reprimand is a written notice to an employee that his/her behavior or performance must be improved or corrected. Written reprimands will be furnished to the employee and placed in the employee's personnel file.
- Discharge (also may be referred to as Dismissal or Involuntary Termination) is the removal of an employee from the employ of the City.

- Oral Reprimand is a verbal notice to an employee that his/her behavior or performance must be improved or corrected. A written account of the oral reprimand will be placed in the employee's personnel file.

At the Department Head's discretion, or at an employee's request with Department Head approval, after one year the records related to some forms of discipline may be removed or expunged from the personnel file. Decisions to remove or expunge records shall be made on an individual basis and in consultation with the Human Resources Manager. Consideration will be given to the nature of the discipline, the severity of the offense, the time elapsed since the discipline, and whether the discipline relates to a broader pattern of performance.

Employees may submit written explanations or responses to disciplinary actions to their personnel file. In some cases, particularly discharge, an employee may have certain additional due process rights. See the section on "Involuntary Termination and Procedural Rights" for more information.

Complaint Procedure

Employees with a collective bargaining agreement in place should reference that document for a specific grievance procedure.

The City provides a constructive, positive work environment in which employees are empowered to contribute to the continuous improvement in the operations and services provided by the City. To this end the City expects open communication using appropriate reporting structures.

Employees should immediately report a complaint or "grievance" to their supervisor. Ideally most issues will be resolved informally at that level. However, if resolution is not achieved at that level, or if additional facilitation of the problem is needed, the Department Head and Human Resources will be engaged. If the problem remains, the City Manager will hear the issue and provide a final resolution for the matter.

Voluntary Termination

The City prefers written notification to the Department Head of an employee's resignation at least two (2) weeks prior to the effective date of resignation. Advance notice will allow the City to process paperwork and payments due the employee.

In the case of retirement, it is recommended that an employee provide the City with as much notice as possible; a minimum of 6 weeks is requested. This advance notice will ensure that retirement issues are satisfactorily addressed prior to the actual date of retirement.

Involuntary Termination and Procedural Rights

The City may terminate employment of an at-will employee at any time, with or without reason. Employees covered by a collective bargaining agreement, or those with individual employment contracts, should consult those documents for alternative provisions.

Any employee terminated involuntarily has certain due process rights prior to discharge or other adverse employment decisions, if they have a liberty or property interest that is affected by the adverse employment action.

Employees represented by a collective bargaining agreement have access to a formal grievance procedure which generally satisfies "due process" requirements; union employees should consult their contract for details.

For non-union employees, where an employment decision could be stigmatizing to the employee, and the City intends to place a record of the action in the employee's personnel file (which makes it potentially subject to public disclosure) or if the action would foreclose a definite range of future employment opportunities, an employee will be provided notice of the action and an opportunity to respond prior to the employment action.

Stigmatizing reasons for discipline or discharge may include dishonesty, immorality, criminality, racism, harassment, falsifying forms, illegal drug abuse, use of position to obtain kickbacks or other privileges, or other charges impugning the employee's moral character.

Charges of incompetence, negligence, poor attendance, insubordination, failure to meet performance standards, failure to submit required forms or documentation, and related performance-based criteria have typically been held to be insufficiently stigmatizing to trigger a liberty interest.

In cases where public disclosure of stigmatizing information is possible, the employee will receive oral or written notice of the charges, an explanation of the evidence, and an opportunity to respond and clear his/her name prior to the decision being finalized and documented in the personnel file. Typically the employee would direct their response to Human Resources which will consult with the City Manager.

This process is a procedural protection and in no way limits the City's at-will employment status. The findings of the City Manager are final, will be stated in writing and provided to the employee, as well as documented within the personnel file.

Layoff and Recall

If the City determines that a reduction in staff or "layoff" is necessary, affected employees will be notified of the effective date, pertinent benefits information and the possibility of recall, if any, as soon as it is practical. Union contracts contain specific language on layoff and recall; consult those documents for further detail.

All layoffs and recalls of non-union positions will be based upon the City's operational needs, financial position, and the employee's employment history, performance and job-related qualifications as determined by the City.

Exit Interview

In the event of separation, voluntary or involuntary, the employee is encouraged to engage in an exit interview with Human Resources.

Return of Property

An employee separating from employment with the City is expected to return all City-owned equipment, uniforms, property, City identification badges, and all building and equipment keys before picking up a final paycheck. The City will take appropriate action including legal prosecution for any City-owned items that are not returned by a separating employee.

GENERAL EMPLOYMENT POLICIES

The City has established the following employment policies to ensure a safe and productive work environment for all. Violation of any employment policies or departmental rules may result in disciplinary action up to and including discharge. Retaliation against an employee exercising his or her rights or reporting violations will not be tolerated, and may result in disciplinary action up to and including discharge.

Ethics and Code of Conduct

Detailed standards related to conflicts of interest and rules of conduct are included as part of the City's broad ethics policy, which applies to all officers, employees and volunteers of the City. The City also has a detailed policy and reporting procedure related to fraud prevention. Employees are expected to review and observe these policies and procedures, in addition to the policy contained within this manual. In summary, no officer, employee or volunteer of the City shall:

1. Use their public office or employment for private gain;
2. Give preferential treatment to any organization or person except as expressly permitted by law, ordinance, resolution or policy;
3. Impede government efficiency or economy for personal gain or profit;
4. Accept gifts for service exceeding \$25.00 in value unless disclosed and authorized;
5. Accept cash (including tips) for service;
6. Be directly or indirectly a party to any contract with the City unless filed with the City Clerk under the provision of Section 14.4 of the City Charter;
7. Engage in private or other public employment or render services for private or other public interests when such employment or service is incompatible with the proper discharge of his/her duties of the City;
8. Expend public funds unlawfully or without proper authorization;
9. Participate in activities for or advocate for any political campaign, referendum or recall while on duty, or display political posters or bumper stickers on City vehicles or property, or use one's title as an employee to take positions supporting or opposing political issues or candidates.

Employees shall immediately report any perceived conflict of interest or any alleged violation of the City's ethics policy in writing, to his or her direct supervisor. If the supervisor is involved, the report shall be made to the Department Director or next highest employee or officer/official who is not involved. Reports related to the City Manager or an elected or appointed official

shall be made to the City Council. Reasonable efforts will be made to keep information regarding alleged violations confidential. The City cannot, however, guarantee confidentiality.

With regard to general work rules, it is impossible to create an exhaustive list of behaviors or potential infractions. The City expects that common sense, professionalism and general decency will govern personal conduct. Employees officers and volunteers should at all times act as good stewards of the public's trust and resources, and should at all times be:

- | | | |
|---------------|--------------|----------------|
| ✓ law-abiding | ✓ productive | ✓ professional |
| ✓ respectful | ✓ careful | ✓ efficient |
| ✓ honest | ✓ dedicated | ✓ courteous |
| ✓ trustworthy | ✓ discrete | |
| ✓ reliable | ✓ mature | |

The work place brings together many different types of people whose unique perspectives and individual skills and talents add tremendous value to the organization. We serve the public best when functioning enthusiastically as a coordinated team of professionals. All employees, officers, and volunteers, at every level within the organization, are expected to treat each other as respected and valuable colleagues.

Customer Service

Employees are expected to be customer-focused and service-oriented; treating customers and residents in a courteous and respectful manner at all times. To promote excellent relations with our residents and customers, all employees must represent the City in a positive manner and make residents and customers feel appreciated when dealing with the organization.

Attend to customers immediately; nothing is more important than providing first-class service. If you see a customer waiting, even if it is "not your department" or "not your job," greet the customer and try to help or direct them.

Even though City business is a daily routine for employees, most residents interact with City just a few times a year. Their interaction with you will shape their opinion of the City. Please do all that you can to make it a positive experience for them.

If they have a complaint or concern, listen patiently and provide feedback or explanation of City policy in a constructive, professional manner. Remember, it is not the customer's job to know the City's policy or process; don't treat them as

if they are at fault for not understanding. It is your job to help them understand, and to leave them feeling good about their government.

If the issue cannot be resolved at your level, or if the person becomes disgruntled, a supervisor should be called in immediately. Employees are not expected to accept abuse or harassment and should immediately refer belligerent customers to their supervisor. In the most extreme circumstances, and especially if you feel endangered, call 911 immediately.

Employees are encouraged to report recurring customer-related problems to their supervisor and to make suggestions for changes in City policies or operating procedures to solve problems. Continuous improvement in customer service is only possible with employees' constructive input.

Telephone Etiquette and Voice Mail

Employees should be courteous at all times. A positive telephone contact with a customer can enhance goodwill, while a negative experience can destroy a valuable relationship.

Ideally City telephones are answered quickly and professionally. Voice mail should include an option for the caller to access an operator or alternative extension. No customer should be left feeling they can't reach a "live person."

Any employee with voice mail must check it regularly, and never allow a mailbox to become full. If you will be gone for more than a day (i.e. on vacation, etc.) your outgoing message should indicate when you will return and provide an option/extension for the caller to access immediate assistance.

Harassment

It is the policy of the City of Grand Haven that harassment in the workplace will not be allowed or tolerated. Each employee has a right to work in an environment free from intimidation. This policy applies equally to all unlawful forms of harassment in the work place, including: sexual harassment and harassment or discrimination based on race, color, sex, age, religion, national origin, marital or veteran status, height, weight, disability, political affiliation, or other protected status.

Harassment may include: joking remarks; stories; nicknames; abusive conduct or speech; epithets; slurs; negative stereotyping; threatening, intimidating or hostile acts; and written or graphic materials that denigrate or show hostility or aversion toward an individual or group.

The City will not tolerate or condone harassment of its employees by their supervisors, co-workers, or third parties on City premises or at City functions over which the City has control. The City will not permit any situation where an employee's submission to or rejection of harassment is used as a basis for employment decisions, or where harassment has the purpose or effect of unreasonably interfering with an individual's work performance, creating an intimidating, hostile, or offensive work environment or otherwise adversely affecting an individual's employment opportunities.

Any violation of this policy may subject the violator to disciplinary action including immediate discharge, at the sole discretion of the City, as well as any civil or criminal action which may be initiated by the victim.

Sexual Harassment

All of the above provisions also apply to conduct or communication constituting sexual harassment. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when any of the following occur:

- Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment.
- Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting the person's employment.
- Such conduct or communication:
 - has the purpose or effect of unreasonably interfering with a person's work performance
 - has the purpose or effect of creating an intimidating, hostile or offensive work environment, or
 - otherwise adversely affects a person's employment opportunities.

Examples of sexual harassment include behaviors or actions of a sexual nature such as verbal kidding or abuse of a sexual nature, teasing or joking; foul or obscene language or gestures; display of foul or obscene printed or visual material; and physical contact such as suggestive patting, pinching, groping or rubbing against another's body, sexual advances or propositions, or requests for sexual favors.

Reporting potential violations

Any employee who believes that he or she has been harassed in violation of this policy or who has witnessed another employee who has been harassed in

violation of this policy shall immediately report the conduct or communication to *any* supervisor, Human Resources, a Department Head or the City Manager.

An employee is not required to make a determination of whether the conduct or communication is a violation of this policy. For that reason, an employee shall report any offensive conduct or communication which occurs while the employee is conducting City business or as a result of the employee's employment with the City, whether on or off City premises.

It is stressed that the employee may choose to report the conduct or communication to any of the above-named persons. An employee is under no obligation to report the conduct or communication to any person who is the subject of or perpetrator of the conduct or communication.

Supervisory personnel are expressly obligated to educate employees on this policy; manage staff in a way that proactively prevents harassment; and report any incidences of harassment to Human Resources, the City Manager, or the City Attorney if the Manager and/or Human Resources are the subject of the complaint. Failure to do so renders the supervisor complicit in the harassment and subject to corresponding disciplinary action related to harassment and dereliction of duty.

Investigations

All complaints and reports shall be referred immediately to Human Resources for review, or to the City Manager or City Attorney, if Human Resources and/or the City Manager are subjects of complaint.

A prompt and thorough investigation of the alleged harassment will be initiated, with concern for the principles of due process and fairness. Outside experts, consultants, or attorneys may be enlisted to assist with the investigation.

Every effort will be made to keep all complaints (and their details) as confidential as possible; however, it is understood that in the course of an investigation, some information may become known to others.

A typical investigation includes one or more meetings with the person making the complaint, the accused, and any witness(es) to the alleged occurrence(s) of harassment.

If the complaint involves a direct supervisory relationship, the City may suspend the reporting relationship between the employee and the supervisor and designate another supervisor to whom the employee shall report during the

period of investigation. During the investigation, the City may take other measures to limit contact between employees involved in the investigation to prevent retaliation and limit any potential for ongoing hostility.

Following completion of the investigation, if the report has merit, disciplinary action up to and including dismissal will be taken against the perpetrator to remedy the situation. It is the City's intent that remedies in no way disadvantage the victim of harassment.

Retaliation

There will be no retaliation against an employee for reporting harassment or for cooperating with the investigation of a complaint of harassment. Retaliatory action or conduct of any kind is strictly prohibited and shall be regarded as a separate and distinct violation of the City's policies and procedures, also subject to disciplinary action up to and including immediate discharge.

Any questions, concerns, or other inquiries regarding the conduct that is prohibited by this policy or the procedures contained herein shall be directed immediately to the Human Resources Department, the City Manager, or the City Attorney.

Drug-Free Workplace

The City of Grand Haven is committed to providing a safe drug- and alcohol-free working environment. Substance abuse is a significant public health problem and the use of alcohol/drugs in the workplace jeopardizes safety, lowers productivity, and undermines public confidence.

As such, all City of Grand Haven premises, including work sites and all City of Grand Haven vehicles are declared to be drug/alcohol-free work places. City of Grand Haven employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, selling, or using controlled substances and/or alcohol in the workplace.

Employees who are taking prescription medication that may affect their performance or impair their ability to drive and/or operate equipment/machinery shall notify their supervisor prior to beginning work. It is a violation of this policy to use prescription drugs illegally.

Please note that nothing in the Michigan Medical Marihuana Act requires an employer to accommodate the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana.

Employees found to be in violation of this policy will be subject to appropriate personnel/disciplinary action up to and including immediate discharge. The City reserves the right to require drug or alcohol testing at any time for safety sensitive positions and in the case of reasonable suspicion for other job categories.

Employees required to maintain a Commercial Driver's License as a condition of their employment are subject to much stricter state and federal provisions regarding Department of Transportation (DOT) random drug testing. See Human Resources for additional detail.

Medical Examinations

The City may require an employee to submit to a medical or psychological exam to determine fitness for duty provided the examinations are job related and consistent with business necessity. Tests for alcohol or illegal drug use are not considered medical examinations, nor are physical agility tests. Fitness for duty exams will be conducted by a licensed professional designated by the City and will be paid for by the City.

The City will comply with all requirements of the American's with Disabilities Act (ADA,) Family Medical Leave Act (FMLA,) Michigan Persons with Disabilities Civil Rights Act, Worker's Compensation and related laws and guidelines in addressing circumstances where an employee is found to be unfit to perform some or all of his/her essential job functions. This policy in no way shall be construed to limit employees' rights under any federal or state law.

Employees determined to be unfit for duty and requiring associated leave, may access accrued leave banks and other paid or unpaid leave time consistent with the policies contained within this manual and state and federal laws.

Light duty or modified return-to-work arrangements are not guaranteed, and would not indicate continued employment if provided.

Workplace Security

Most offices are easily accessible by other staff members and are open to the public. Employees are expected to remain aware of their surroundings and the visitors who enter their work area.

Abide by all department level procedures related to security and immediately report any suspicious activity to the Public Safety department. Be sure to secure your valuables and belongings at all times and, if you are the last to leave an area, be sure to properly secure it according to department rules and procedures.

Employee Identification Cards

The City issues employee ID cards to enhance workplace security and to make employees identifiable to the public. These cards are to be used only in the course of official City business. Lost or stolen cards must be immediately reported to Human Resources.

Keys and Security Codes

Some employees are issued keys and/or security codes to access one or more public buildings, offices, or equipment. These are to be carefully guarded, never shared or duplicated. Lost or stolen items must be immediately reported to Human Resources.

Workplace Violence

The City of Grand Haven is committed to reducing the potential for workplace violence. In this regard, it is the policy of the City to prohibit acts or threats of violence by any party, directed toward employees, the public, elected officials, and visitors to the City's facilities or others.

The City is committed to providing a safe and healthful work environment, consistent with established rules and will take prompt remedial action, up to and including discharge or criminal prosecution, against any employee who engages in threatening behavior or acts of violence.

The City will also take appropriate action against any non-employee who engages in threatening behavior including former employees and visitors to City facilities, up to and including criminal prosecution.

Employees who display a tendency to engage in violent, abusive, or threatening behavior will be referred to the City's health plan for counseling or other appropriate treatment. Such employees will also be subject to disciplinary action, up to and including immediate discharge.

Additionally, it is the responsibility of City employees to assist in identifying problem employees. Human Resources shall be immediately notified of situations or incidents involving threats, acts of violence, aggressive behavior, threatening or offensive comments, and similar acts. Any employee report made pursuant to this policy will be held in confidence to the maximum possible extent. The City will not tolerate retaliation against any employee reporting a violation of this policy.

Concealed Weapons

City employees, except sworn Public Safety staff, are prohibited from carrying a concealed weapon while on-duty and may not store weapons on the premises, including in vehicles. On-duty is defined as the hours between which an employee reports for work and the time the employee leaves work, including overtime work and call-outs, emergencies, and required attendance at meetings in an official capacity whether such meetings occur during or after normal working hours.

Safety and Right to Know

Each employee must be familiar with applicable safety rules and operating guidelines associated with their department, and the machinery and equipment required of their work.

No employee should perform any work tasks or take any action which may endanger the employee, another employee, or the public. If an employee is in doubt about the safeness of a situation, the employee should report his/her concerns to their supervisor prior to engaging in the activity.

The City complies with federal and state occupational safety and health laws including "Right-to-Know" laws' and will make every effort to provide information to employees about any hazardous chemical to which they may be exposed. Right-to-Know information is posted near the areas in which employees may be exposed to chemicals or other potentially hazardous materials. Employees are required to read and be familiar with all posted materials.

Bulletin Boards

Each City building has a bulletin board for official City business and important neutral informational postings. Political, inflammatory, or controversial items are prohibited. If you would like to post something, please request permission from

your Department Head prior to doing so. Be aware that tampering, defacing, or destroying any posting is prohibited.

Union contracts may provide for separate union bulletin boards in the workplace. Consult those documents for specifics.

Hours of Work

Union contracts may specify hours of work, consult those documents.

A normal workweek for most non-union office staff typically consists of 40 productive work hours, with time for a meal and reasonable rest breaks, usually between the hours of 8:00 am and 5:00 pm, Monday through Friday.

Many departments are required to work alternative schedules or days, such as nights or weekends.

An employee's hours of work are set based on, and may be rescheduled to satisfy, workload demands, operational needs, or to accommodate special requests. An employee seeking modification of the established work schedule, either as a special circumstance or permanent change, must obtain prior approval from his/her supervisor.

All hourly employees are expected to accurately record their hours worked on a daily basis which are subject to supervisor review and approval.

Lunch and Break Periods

Union contracts may contain language regarding lunch and other break periods; consult those documents for details.

Non-union employees are typically provided a one-hour unpaid lunch break around the middle of their workday. Reasonable paid rest breaks during the course of a normal working day may be provided depending on operational demands.

Break periods are provided and scheduled based on operational demands. In some cases breaks or lunch period may be shortened or eliminated.

Attendance and Punctuality

All employees are required to report for work on time and to work all scheduled hours and any required overtime. Excessive tardiness, schedule revisions and poor attendance will not be tolerated.

It is the employee's responsibility to notify their supervisor, as far in advance as possible, when an employee will be late for their scheduled shift or when they will be absent.

An employee who misses three (3) or more consecutive working days without notifying their supervisor will be considered to have voluntarily terminated their employment with the City.

Call-in or Call-back

Union contracts provide details on the procedure for call-in or call-back to work situations. Consult those documents for details.

The City has extensive responsibilities during an emergency. As such, any employee may be called in to work at unscheduled times and may be required to perform duties outside his/her normal job function. As with mandatory overtime, employees are expected to be available and as flexible as possible to meet operational demands.

Work Cancellation

On the sole authority of the City Manager, if the City is forced to temporarily close its operations employees will be directly notified. The information will also be broadcast on the local radio station. If you are not called directly and told that work is cancelled, you are expected to report for work.

In the event work is cancelled, employees who are scheduled for work may take the time off without pay or may opt to use paid time off (PTO), a personal day, a bonus day, or a vacation day.

Personal Appearance and Hygiene

Your appearance is important to demonstrating the professionalism of our organization. Employees are expected to report for work each day with appropriate hygiene, appearance, and attire for their position.

Personal cleanliness is a must for all employees. Body odors, strong perfume, or smoke may be particularly offensive to the public or coworkers. Employees should take pride in their personal hygiene and appearance, and report to work clean and groomed appropriately, free of strong smells.

Attire should be consistent with job responsibilities and should not jeopardize the safety of the employee or distract others. Anyone reporting to work in inappropriate clothing will be sent home to change. Your department head, the City Manager and/or Human Resources Manager have the final authority to determine what is acceptable.

It is impossible to describe or define every possible acceptable or unacceptable example of attire. Generally speaking, clothing should be in keeping with the image of a professional organization; the following is prohibited:

- Excessively worn, torn, or dirty clothing.
- Clothing with suggestive or offensive logos, pictures, insignia, etc.
- Very tight, revealing, or otherwise sexually suggestive clothing.
- Exercise attire including “sweats.”

If in doubt, ask prior to wearing the item. Your supervisor will determine whether or not attire is acceptable.

Uniforms and Safety Attire

The City may issue uniforms directly, or provide an allowance or reimbursement for employees in certain departments for safety attire, work shoes/boots, uniforms, etc. These items are to be clean and worn with reasonable care. The City will replace worn or damaged items as needed and within reason. City attire or uniforms are to be worn as required, and only while on duty for City business.

Consult union contracts for specific provisions on uniform, clothing, safety, and related attire and equipment.

Personal Articles in the Workplace/Search of Property

The City is not responsible for lost or damaged personal articles brought into the workplace. All property belonging to the City, including City vehicles, computers, phones, desks, file cabinets, lockers and other storage areas, is subject to inspection or search at any time without notice to retrieve work-related materials

or to investigate a violation of workplace rules. Employees should not have any expectation to privacy with regard to City premises.

Also be advised that personal workspace is still considered property of the City and is oftentimes accessible and viewable by co-workers and the public. Reasonable, tasteful displays of personal pictures, decorations, and related items are acceptable. However, any personal displays that violate harassment, code of conduct, or other policies will be addressed as a violation according to those procedures. Your department head, the City Manager and/or Human Resources Manager have the final authority to determine what is acceptable.

Smoke-Free Workplace and Smokeless Tobacco Use

In accordance with Michigan's 2010 Smoke Free Air Law, and the Ottawa County Smoke-Free Indoor Air Regulation, the City of Grand Haven prohibits smoking in all public places, public buildings, and public and private places of employment, and through this policy, will inform employees, vendors, customers, or visitors of this prohibition and the penalties involved for violation.

Smoking is strictly prohibited within all work areas and public spaces, including: common work areas; auditoriums; classrooms; conference rooms; council chambers; meeting rooms; private offices; elevators; hallways; lunchrooms; break rooms; stairwells; restrooms; City owned or leased vehicles; reception areas; and all other enclosed areas facilities and outdoors within 25 feet of all entrances, ventilation systems, and operable windows. This policy applies to all employees, visitors, contractors, volunteers, and the public.

Employees who wish to smoke may do so only during regular break periods, and may not smoke within 25 feet or to the property edge, whichever is closer, from all entrances, ventilation intakes, and operable windows. Employees may not litter and must properly dispose of smoking materials.

The City will clearly post no smoking signs at entrances to and throughout work areas, and will remove all ash trays or others smoking paraphernalia from work areas.

Persons observing a violation of this policy shall report it to their supervisor or Human Resources. All complaints will be investigated and all personnel are expected to cooperate fully.

Employees or individuals smoking in violation of this policy will be asked to stop. If they refuse, they will be asked to leave the work area and may be subject to civil fines (\$100 first offense, \$500 subsequent violations). In addition,

employees who refuse to comply will be considered insubordinate and will be subject to related disciplinary action up to and including discharge.

Retaliation against individuals for reporting violations of this policy or for exercising their rights under the law will not be tolerated. If you believe you are being retaliated against, immediately report it to your supervisor or Human Resources. Those engaging in retaliation are subject to disciplinary action up to and including discharge.

Freedom of Information Act (FOIA)

It is the policy of the City of Grand Haven to comply fully with the Freedom of Information Act. All individuals are entitled to certain and specific information regarding the affairs of government and the actions of public officials and public employees.

All FOIA requests are to be immediately directed to, and processed by, the City Clerk or his/her designee. Requests for public information may be either oral or written, and ideally are handled within five (5) business days after the request has been received. In some cases, an extension may be required, and certain information may be denied or redacted. Original documents will not be allowed to leave City property, and the costs associated with compiling and providing the information will be charged.

Be aware that many forms, documents, and other paperwork you handle or create in the course of your work may be considered an official public record, including emails. Never destroy or dispose of an official document or records without approval from a supervisor; and then, only according to established document retention procedures.

Sensitive Records

Though much of the information handled by the City is public information, employees may have access to sensitive or confidential information or records not intended for or required to be publicly released.

City employees are not to disclose sensitive or confidential information without approval of the City Manager and should only discuss sensitive or confidential information when necessary to carry out job duties. In addition, employees should not attempt to acquire sensitive or confidential information that is not germane to their work.

Under no circumstance may an employee remove documents, photos, reports, personnel information, or any sensitive material that is the property of the City of Grand Haven.

Employees found to be in violation of this policy may be disciplined, up to and including discharge.

Public Statements/Press Calls

Unless otherwise delegated, the City Manager is the official designated spokesperson for City staff. Staff should refer all requests for formal statements, interviews and related activities to the City Manager. Staff may not make formal statements on behalf of the City without prior authorization.

Department Heads are expected to act as a primary contact for routine informational requests or to comment on situations that clearly fall within their area of expertise.

Use of the City's Resources

Vehicles, materials, facilities and equipment owned by the City are intended for City business use only. Further, City employees are expected to perform work related only to City business while on work time. Specifically:

- Mail & Letterhead - Employees may not use the City's postage for personal mail. Additionally, employees should not routinely receive personal mail or package deliveries while at work. City letterhead is to be used for official City business only.
- Phone - All phone lines are to be kept available for the City's business. Personal calls must be held to a minimum. Employees are expected to reimburse any expense associated with personal long distance calls or excessive personal calls made using a City telephone.
- Cell Phone - Personal calls on City cell phones are to be held to a minimum and are allowed only where personal use does not result in an overage of the contracted minutes. If the minutes are exceeded, the employee is required to pay the additional charges or costs.
- Vehicles – City vehicles are only to be used for official City business.

- Equipment, Facilities, and Supplies - Equipment, facilities and supplies are to be used for City business only, including tools, machinery, computers, copiers, faxes, and other office machines.
- Personnel – City personnel are only to perform work related to City business and/or projects while on work time. Further, all employees should be sensitive to the public's expectations and perceptions regarding use of work time. Never create the impression that you are wasting a valuable public resource: your work time.

Care of Equipment

Employees are expected to follow prescribed safety and maintenance rules and show reasonable care for all City equipment, electronic equipment/devices, and vehicles. Employees are expected to actively guard against damage or loss to the City's resources and must immediately report any damage or loss.

In the case of excessive or repeated damage or loss, an employee may be required to reimburse some or all of the expense related to repair or replacement to City equipment/resources. Intentional equipment abuse, careless use of equipment, or habitual loss of equipment will not be tolerated and may result in disciplinary action, up to and including discharge and/or may require reimbursement by the employee.

Vehicle Usage

The City allows certain job classifications to use City-owned vehicles with prior supervisor approval. Employees who use their personal vehicles for City business will be reimbursed at the IRS rate.

Any employee driving on City business, whether using their own vehicle or the City's, must have a valid Michigan driver's license, a satisfactory driving record, and proper insurance. Any restrictions on, or revocation of, an employee's legal right to drive must be immediately reported to the appropriate department head.

Employees who drive a vehicle on City business must exercise due diligence to drive safely, observe all traffic laws, speed limits and related rules of the road, and maintain the security of the vehicle and its contents. Employees are not to use a cell phone or "text" or engage in any other distracting activity while driving.

Drivers are responsible for any driving infractions or fines that result from their driving and must report them to their supervisor. Damage to a vehicle, including a personal vehicle while driving on City business, must be immediately reported.

Use of Communication Systems

The City of Grand Haven provides its employees with the necessary communication equipment for prompt and efficient execution of City business, such as computers, telephones, cell phones, voice mail, radios, etc. Supervisors are responsible for instructing employees on the proper use of communications equipment for both internal and external City communications.

Employees are not to use a cell phone, "text", email, or browse the web while driving.

Personal use of City communication devices must be reasonable and held to a minimum. Any overage costs or other costs incurred as the result of personal use will be reimbursed by the employee.

All City communications equipment, including personal messages or photos transmitted or stored by them, is the property of the City of Grand Haven. All City communications, services, and messages are subject to all Freedom of Information Act (FOIA) requirements and may be required to be made public upon request. In addition, the City may access and monitor internal and external communications.

Improper use of City of Grand Haven communication equipment or systems will result in discipline, up to and including termination. Improper use includes communication that violates the harassment policy, or policies regarding personal use or abuse of City property, or any other policy contained within this manual.

Computer, Internet & E-Mail

All documents, e-mail, and other electronic work products originating from or received by the City computer systems are the property of the City of Grand Haven, and are not considered private information. Employees should have no expectation of privacy with regard to computer use and communications. The City may monitor computer use, internet activity, and emails. Violation of this policy may result in disciplinary action up to and including discharge.

Employees must be aware that electronic mail may constitute a public record subject to the Freedom of Information Act. Employees are required to observe related record retention and disposal policies and procedures.

Only those persons currently employed or given written permission are allowed to use any computer resources of the City, including internet and email. No employee shall permit any unauthorized person to gain access to the City's computer network system or furnish any information about the City's system or software.

Software and hardware may only be installed on City systems and equipment with specific approval from the Department Head, Network Administrator, Finance Director or City Manager. All other installations are strictly prohibited. The City forbids any violation of copyright laws.

Use of the City's computer resources, data, email, and/or internet connections for any illegal activity, personal gain, commercial business use, or recreational pursuits is strictly forbidden. This includes but is not limited to gambling, playing games and shopping; and viewing, obtaining, or distributing pornographic, obscene, vulgar, indecent, or offensive materials, including those which violate the City's harassment policy. Your department head, the City Manager, and/or Human Resources Manager have the final authority to determine what is offensive.

Social Networking

The City expects that staff participation in personal social networking sites will not be disruptive or subversive to the City's interest in maintaining an efficient and effective workplace.

Any information provided on a personal social networking site with regard to the City or your employment with the City is expected to conform to established policies regarding access to and release of information and communications procedures. The City's logo or other proprietary information or images are not to be used.

Further, employees should be thoughtful in how they present themselves and how their online presence may reflect on them as employees of the City. In accordance with our code of ethics and conduct, social networking that includes your status as an employee of the City of Grand Haven must be done in good taste and reflect sound judgment. Social networking that adversely affects the City, or is disruptive or subversive to the City's interest in maintaining an efficient

and effective workplace, is subject to corrective and disciplinary action up to and including discharge.

Supervisors are strongly discouraged from sending “friend requests” or similar non-work related social networking invitations to subordinate employees. Conversely, employees should refrain from making such requests of supervisors. Further, all employees are strongly discouraged from inviting elected officials to engage in non-work related social networks, and should avoid accepting “friend requests” from elected officials.

City Website Content

The purpose of the City of Grand Haven’s website is to provide information about City operations and governance and topics of general interest to the community. The City Manager or his/her designee has final approval of any links or postings to the website.

CLASSIFICATION AND COMPENSATION

It is the intent of the City of Grand Haven to provide fair and equitable pay to its employees, to reward strong performance and recognize dedicated service through its compensation program. Compensation levels are tempered by the City's ability to pay, overall financial condition, and general fiscal responsibility to the taxpayers, as well as an individual's performance on the job.

Within this context, the City Manager is responsible for establishing and maintaining a comprehensive classification and compensation system through the budget process for non-union staff. Employees covered by a collective bargaining agreement negotiate their wages, benefits, terms and conditions of employment through their union representative. Nothing within this manual is intended to usurp the collective bargaining process.

Classification and Compensation System

The non-union classification and compensation structure is based upon systematic internal job evaluation and an analysis of the external labor market. Comprehensive job analysis is used to establish written job descriptions for all positions, and these serve as the basis for all internal and external evaluations and comparisons. Newly created positions begin with a job description and are subject to the same evaluation process for placement within the classification structure.

Internal job evaluation determines how positions are grouped within the classification structure into "grades." External market study determines the corresponding salary ranges for each grade, which may change periodically to reflect cost of living adjustments to the system.

While the competitive market and annual cost of living drives the pay ranges, individual employee compensation, or their placement in and progression through their respective pay range, is based upon time-on-the-job, performance, qualifications, experience, and other job-related factors.

If a position undergoes a substantive change in duties, scope of responsibility, required training or qualifications or related factors, the job description will be updated. Following the formal change in job description, the position will be reevaluated to determine if a change in its placement within the grade structure is warranted. Employees may request an analysis of their position, or the City may initiate the reevaluation. All requests for reclassification are to be made through Human Resources and will be handled in a timely manner.

Employment Definitions

Full-time Employees

Full-time employees are regularly scheduled to work thirty-six (36) or more hours per week and are eligible for the City's employee benefits program, as outlined in later sections.

Part-time Employees

Part-time employees are regularly scheduled to work 20 or more and less than 36 hours per week on a year-round basis. Occasional work beyond 35 hours in a week will not create a change in status to full-time/benefit eligible. Rather, this schedule change is considered "temporary" or "seasonal" in nature.

Part-time employees are not eligible for the City's insurance benefits, but do earn certain types of paid time off on a pro-rated basis. Further, part-time employees may be covered by certain statutory protections such as Family Medical Leave and worker's compensation.

Dual Employment

City employees employed full-time in one department may not be employed part-time in another department. Part-time employees in one department may not work part-time in another department if the total scheduled work hours exceed 35 hours per week.

Seasonal or Temporary Employees

Seasonal or temporary employees may be scheduled to work on a full- or part-time basis, or intermittently, as dictated by operational needs, for specific, limited time periods. Seasonal or temporary employees are not eligible for employee benefits.

"Exempt" or "Non-exempt"

Each position within the City is classified as either "exempt" or "non-exempt" according to the Fair Labor Standards Act. Non-exempt positions are legally entitled to overtime (time and a half) for any time worked beyond 40 hours in a week, or as otherwise provided in a collective bargaining agreement.

In some cases, the City may offer compensatory time off, accrued at time and a half, in lieu of overtime pay; this requires previous agreement between the

employee (or the representative union) and the City, and specific rules apply. See the section on overtime pay for more detail.

Positions that are considered “exempt” are salaried positions that are professional, administrative, or executive in nature which are not entitled to paid overtime.

Transfers

A transfer is an assignment to a position with comparable duties, responsibilities, authority, and compensation. Ideally transfers are done on a mutually agreeable basis but in some cases the City may require a transfer to accommodate its operational needs.

Promotions

A promotion is a change in work assignment that results in an expanded scope of job duties and responsibilities. An employee can be promoted to fill an existing, vacant classification; or an employee’s position can be reclassified if duties and responsibilities have been expanded over time. Promotions may result in an increase in pay. Typically promotions are a mutually agreeable event, but in some cases the City may require the change to accommodate its operational needs.

Demotions

A demotion is a change in work assignment that results in a reduced scope of job duties and responsibilities. An employee can be demoted to fill an existing, vacant classification; or an employee’s position can be reclassified if duties and responsibilities have been reduced over time. Demotions may result in a decrease in pay. Demotions may be completed on a mutually agreeable basis or may be required to accommodate the City’s operational needs.

Overtime for “Non-Exempt” Employees

Employees in positions that are defined as “non-exempt” by the Fair Labor Standards Act (FLSA) will be compensated for overtime work at the rate of time and one-half for all time worked over forty hours in a week. Only actual hours worked shall be considered in calculating overtime.

All overtime must be approved in advance by the supervisor.

Collective bargaining agreements may contain specific language related to overtime. Check those documents for specifics.

For non-union, non-exempt employees, overtime will be scheduled in a manner most advantageous to the City and consistent with the operational needs of the City. In some cases, at the City's option, hours may be reduced later within the pay period to avoid overtime.

Employees may opt to take compensatory time off ("comp time") rather than overtime payment. Comp time, like overtime pay, is earned at time and one-half for all time worked over forty hours in a week.

Employees may accrue up to forty hours of comp time (or just under twenty-seven hours of overtime hours actually worked) before cash payments are required.

Employees will be permitted to use accrued comp time within a reasonable period after making the request, and should provide as much notice as possible for their request. As with all time off, comp time requests are subject to approval, and in cases where its use would unduly disrupt operations, requests may be denied or postponed.

The FLSA does not prohibit the employer from freely substituting cash in whole or in part for accrued compensatory time off. The City reserves the right to substitute cash payments for accumulated compensatory time at its discretion.

Fair Labor Standards Act Exemptions

Section 13(a)(1) of the Fair Labor Standards Act (FLSA) provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, computer, and outside sales employees.

To be considered "exempt," the position generally must meet certain tests regarding job duties and the employee must be paid on a salary basis. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period regardless of variations in the quality or quantity of the employee's work. Some deductions from pay are permissible; for example:

- when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
- to offset amounts employees receive as jury or witness fees, or for military pay;
- for penalties imposed in good faith for infractions of safety rules of major significance;
- or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

Discretionary time for exempt employees

Exempt employees may be required to work more than forty hours in a workweek to satisfy work demands or to attend evening meetings. In these instances, exempt employees may take discretionary time off provided such time does not adversely impact operations.

Discretionary time off for exempt employees is provided as a professional courtesy and is not an entitlement, nor is it to be viewed as an hour-for-hour offset to hours worked in excess of forty. Exempt employees should expect that, from time-to-time, more than forty hours is required of their position.

Exempt employees shall coordinate their use of discretionary time with their supervisor to ensure proper coverage. In some cases, operational needs may not allow the use of discretionary time off.

Discretionary time is not intended to be used to take a full day off; rather it provides flexibility from time to time. It is in no way to be construed as “overtime” compensation; it is not tracked, accrued, banked, or in any way owed to the employee.

Pay Periods and Paychecks

For most employees, pay periods cover two (2) weeks, beginning at 12:00 a.m. every other Sunday. Paydays are every other Friday. When a payday falls on a holiday, employees will be paid the day before.

Paychecks are typically distributed through the Department Head or his/her designee according to established procedures. Paychecks shall not be released to anyone other than the employee unless a written note, signed by the employee, is provided along with proper identification to the Finance Department.

The City offers direct deposit as a convenient option for receiving paychecks; complete the appropriate form in the Finance Department.

It is the City's policy to comply with the Fair Labor Standards Act, court-ordered garnishments, tax levies, and other legally required deductions from employee's wages.

An employee who believes that an improper deduction from his/her wages has been made should contact the Finance Department immediately. Upon determination that an improper deduction has been made, the amount of the deduction will be reimbursed to the employee.

An employee who believes that any other overpayment or underpayment of his/her wages has been made should contact the Finance Department immediately. Corrections will be made as expeditiously as possible.

Lost or destroyed checks should be reported immediately to the Finance Department.

Travel Reimbursement and Advances

On occasion, employees may be required to travel on City business or attend professional development and training functions as a part of the job. Employees must always be mindful that they are stewards of the public's trust and resources. Work-related travel must never be abused, treated as a personal benefit, or seen as opportunity to spend lavishly. Travel on City business, including professional development, must demonstrate respect for the public's trust and prudence with their resources.

Whenever possible, a City vehicle should be used to travel for City business and employees should carpool to limit travel expenses.

Employees who are required to use their personal vehicle for work-related travel will be reimbursed at the IRS rate. Employees are to record the exact number of miles traveled, by most direct route, from the first place of business to the next. No reimbursement will be made for travel between home and a normal place of business.

Employees will be reimbursed at the City's established per diem rate for reasonable, actual meal expenses incurred in conjunction with a program or meeting that provides a primary benefit for, or serves the best interests of, the City. Alcohol, luxury meals, or excessive reimbursement claims will not be reimbursed.

Employees will be reimbursed for reasonable, actual lodging expenses when a full day's work must be performed a considerable distance from the City, or under other appropriate circumstances with prior City Manager approval. Luxury lodging or excessive claims will not be reimbursed.

Employees claiming reimbursement for travel expenses or requiring a travel advance must use the appropriate form and must submit all receipts to the Finance Department. Requests submitted without receipts will not be honored.

Unemployment Compensation

The City participates in the State of Michigan unemployment insurance program according to statutory guidelines. Terminated employees are advised to refer questions of benefit eligibility to the appropriate State office.

Social Security

Most employees are covered by Social Security, a federally administered plan for supplemental old age pensions and survivor's insurance. Questions concerning Social Security benefits and coverage should be directed to any Social Security office.

HEALTH, RETIREMENT, AND GENERAL BENEFITS

The City of Grand Haven strives to provide a program of health, retirement, and general benefits that protects employees and their families, promotes healthy lifestyles, and ensures an available and productive workforce. The City values its employees and their health, and attempts to be fair in the scope and cost of benefits offered, while also being prudent and fiscally responsible.

Employees covered by a collective bargaining agreement negotiate their wages, benefits, terms, and conditions of employment through their union representative. Nothing within this manual is intended to replace the collective bargaining process.

In some cases, the City may determine that it is necessary to make changes to employee benefits, including, for example, modifying or eliminating benefit offerings, or plan choices, changing related co-pays or deductibles, or requiring employee contributions to the costs associated with insurance. The City reserves the right to modify, revoke, suspend, terminate, change, or amend benefits as they apply to current, former, and retired employees which, at its sole discretion, it deems necessary or desirable.

See the Human Resources department for detailed plan documents, program information and materials, and to complete required enrollment forms or changes to your benefits.

Employee Assistance Program (EAP)

The City offers an employee assistance program (EAP) to all employees and their families. The EAP provides confidential assessment, referral, and short-term counseling for employees and their families in need of assistance with a range of substance abuse, mental health issues, and related issues.

IF YOU NEED HELP PLEASE CALL: (800) 227-0905

Eligibility and Enrollment

Full-time employees are eligible for the insurance benefits outlined within this section. Enrollment forms, available through Human Resources, must be completed and employees are responsible for updating their enrollment forms, records, and beneficiaries in order to remain eligible for benefits.

Some insurance coverages begin on the date of hire, others begin after a specified time frame as detailed in each section below.

Health and Dental Insurance

The City provides health and dental insurance, including prescription coverage, to all full-time employees. Employees may elect to include their spouse and/or eligible dependents. Coverage begins on the first of the month following date of hire.

An employee contribution toward premiums is required, which is made through payroll deduction.

Employees have a choice in health insurance plan options, details are available in the Human Resources Department.

The City will meet all statutory requirements related to health insurance, including those created under National Health Care reform.

The City may determine that it is necessary to make changes to employee benefits, including, for example, modifying or eliminating benefit offerings, or plan choices, changing related co-pays or deductibles, or requiring employee contributions to the costs associated with insurance. The City reserves the right to modify, revoke, suspend, terminate, change, or amend benefits as they apply to current, former, and retired employees which at its sole discretion, it deems necessary or desirable.

Vision Reimbursement Plan

The City reimburses full-time employees up to \$150 each fiscal year toward the costs of optical care. A paid receipt is required for reimbursement, which is processed through the Finance Department.

Insurance Opt-Out Payment

Employees may elect to receive a payment-in-lieu of participating in City-provided health insurance, provided the employee receives insurance from another source and provides proof of such coverage. Payments-in-lieu of insurance are made at the end of the calendar year.

Flexible Spending Plan

Employees may opt to participate in a pre-tax, flexible spending plan. Using this tax-saving tool, employees may redirect a portion of their pre-tax earnings into an account they may use to reimburse themselves for medical expenses or dependent care (i.e. childcare.) Maximums and other details are determined by the IRS.

AFLAC, a supplemental insurance program, is also made available to employees at their own expense.

See Human Resources for additional detail.

Continuation of Benefits (“COBRA”)

Federal law requires that certain employers sponsoring health plans offer employees and their families the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform you of your rights and obligations under the continuation coverage provision of the law. Both you and your spouse, if applicable, should take time to read this notice carefully.

If you are an employee of the City and are covered by the plan, you have a right to choose this continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part). If you choose to continue coverage, you will be required to pay a monthly premium which will be indicated to you before you make your decision.

The spouse of an employee covered by the plan, has the right to choose continuation coverage for him/herself if group health coverage is lost under the plan for any of the following 4 reasons:

1. Death;
2. Termination of employment (for reasons other than gross misconduct) or reduction in hours of employment;
3. Divorce or legal separation; or
4. The employee becomes eligible for Medicare.

In case of a dependent child of an employee covered by the plan, including a child who is born or placed with you for adoption during a period of COBRA coverage, he or she has the right to continue coverage if group health coverage under the plan is lost for any of the following 5 reasons:

1. The death of an employee parent;
2. The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with the City;
3. Parent's divorce or legal separation;
4. The employee parent becomes eligible for Medicare; or
5. The dependent ceases to be a "dependent child" under the plan.

Each employee or family member has the responsibility to inform the City of a divorce, legal separation, or child losing dependent status under the plan. When we are notified that one of these events has happened, we will in turn notify you that you have the right to choose continuation coverage. Under the law, you have at least 60 days from the date the qualifying event occurs to inform the City that you want continuation coverage.

If you do not choose continuation coverage, your group health insurance coverage will end.

If you choose continuation coverage, the City is required to provide coverage identical to that which is provided to similarly situated employees or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for three years unless you lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is 18 months. If you lost group health coverage because of a termination of employment or reduction in hours and you are determined to be disabled as defined by the Social Security Act at the time of the termination or reduction in hours, or at any time during the first 60 days of COBRA coverage, the continuation coverage period is 29 months. However, the law also provides that your continuation coverage may be cut short for any of the following reasons:

1. If the City no longer provides group health coverage to any of its employees;
2. If the premium for your continuation coverage is not paid timely;

3. If you become covered under another group health plan which does not contain any exclusions or limitations with respect to any pre-existing condition you may have;
4. If you become eligible for Medicare;
5. If you extend coverage for up to 29 months due to disability and there has been a final determination that you are no longer disabled;
6. If you were divorced from a covered employee and subsequently remarry and are covered under your new spouse's group health plan.

This notice is provided as a matter of information only. It does not, and is not intended to, create any contractual, legal, or other rights. Rather, your rights are only as expressly set forth in the plan and in federal and state law. The City reserves the right to amend and/or change the plan as permitted by the terms of the plan.

In addition, a subsequent qualifying event and an initial qualifying event can extend the period of coverage for qualified beneficiaries.

Life Insurance

The City provides group life and accidental death and dismemberment insurance to full-time employees, and a partial benefit for retirees until age 70. Coverage begins following 31 days of continuous employment. Check with Human Resources for plan documents and additional detail.

Long-term Disability Insurance

All full-time employees are provided long-term disability coverage through a group insurance plan. Coverage begins after 91 day of continuous employment and provides for partial income replacement in the event of qualifying illness or injury. Check with Human Resources for additional details.

Short-term Disability Insurance

Non-union, full-time employees hired after April 11, 2008 are provided short-term disability coverage. Coverage begins after 91 days of continuous employment and provides for partial income replacement in the event of qualifying illness or injury. Check with Human Resources for additional details.

Worker's Compensation

The applicable Worker's Compensation laws cover each employee. Employees are responsible for immediately reporting any work-related injury, no matter how slight, to their supervisor.

In many cases, leave compensated under worker's compensation also qualifies as FMLA leave or duty disability retirement. These programs will be coordinated. Check policies on paid and unpaid leave for more information about income replacement.

Retirement Programs

The City of Grand Haven provides a pension program through the Michigan Employees Retirement System (MERS) for full-time employees. The pension program provides a defined benefit for retirement based on years of service, final average compensation and a multiplier used to calculate the benefit amount. Participation begins on the date of hire and employees are fully vested after six years of service.

All employees contribute a percentage of their earnings toward the pension benefit, depending upon actuarial valuations.

In addition to the pension program, non-union, full-time employees may opt to participate in a 401A money purchase plan after completing six months of employment. This program requires an employee contribution of 2 percent of base earnings, and the City provides a 2 percent match.

Lastly, the City makes a defined contribution retirement savings plan ("457 Plan") available to certain employee groups. This is funded by employee contribution only; the City does not provide a match.

See Human Resources for complete details on retirement programs.

Retiree Health Insurance

For non-union employees hired before April 1, 2008 and union employees hired prior to July 1, 2010, the City provides retiree health insurance and covers a portion of the premium for eligible retirees and their spouse. The coverage converts to a Medicare supplement when eligible and the amount paid by the City changes at age 65. Check with Human Resources for details.

Health Care Savings Plan

The City makes a health care savings plan (HCSP) available to all full-time employees to save toward the cost of post employment healthcare expenses using pre-tax dollars. All employees are required to contribute one-quarter of one percent bi-weekly and may elect up to 10 percent contribution. Employees have the ability to increase their contribution but may never decrease it. This account is accessible by you, your spouse and/or legal dependents upon separation from employment, regardless of the reason or your age. It may be used to reimburse healthcare and related expenses such as insurance premiums, COBRA, co-pays, deductibles, prescriptions and over-the-counter medications, etc.

At specified times each year, employees may elect to contribute any eligible accumulated and unused carryover vacation or comp time, up to forty hours, to the HCSP. At this time employees may also elect to contribute any eligible accumulated sick leave in excess of 700 hours to the HCSP.

Non-union, full-time employees hired after April 1, 2008 have the option to convert up to 64 hours of unused paid time off (PTO) for deposit into the health care savings plan at the end of each fiscal year.

Two weeks prior to termination employees may opt to cash out all eligible vacation or PTO or contribute it to the HCSP.

Tuition Reimbursement Program

Full-time employees are eligible for the City's tuition reimbursement program, which provides up to 100 percent reimbursement for tuition, books and required fees for approved courses taken at an accredited college, university, technical school, or adult education program.

In order to qualify for reimbursement:

1. The class must directly relate to the employee's position with the City; or,
2. The class is a requirement for the completion of an undergraduate or graduate degree that pertains to the employee's present position or presents an opportunity for advancement with the City; or
3. The class is a requirement for the High School Equivalency Certificate program and the employee has not earned a high school diploma or the equivalent;

4. Classes are taken from an accredited college, university, technical school, or adult education program;
5. Prior approval of the course's eligibility for reimbursement is obtained;
6. The class was completed;
7. The employee received a passing grade ("C" or 2.0 on traditional scales, or the equivalent);
8. Tuition expenses were paid personally and directly by the employee.

To obtain tuition reimbursement, an employee shall complete the appropriate form prior to taking the course. Following completion, the employee shall provide supporting proof of completion with passing grade and receipt for tuition. Tuition reimbursement forms are available in Human Resources.

All reimbursements are subject to the availability of funds.

In the event an employee separates from employment with the City within one year of receiving tuition reimbursement, the City will require the employee to pay back the City 100 percent of the funds received under this program, except in the case of death or disability.

Professional Memberships, Training, Licensing, and Certification

The City may pay the cost of certain job-related memberships to professional organizations, job-related trainings, seminars, conferences, and related events that enhance the employee's job knowledge and performance. As well, the City may pay the cost to become licensed or certified in a job-related field, and may pay the cost to remain so qualified. Employer-paid memberships, training, licensing, and certifications are subject to budgetary approval and require advance approval.

Recognition Programs and Special Events

The City seeks to encourage peak performance and recognize exemplary service through various recognition programs and special events. Related supplies are considered to be "de minimus" expenditures of the operating department. In some cases employees may be asked to help fund the event or contribute toward specific gifts on a voluntary basis.

HIPAA Notice of Privacy Practices

The City sponsors group health plans that provide medical, dental, and other benefits to eligible employees. The Privacy Rules under the Health Insurance Portability and Accountability Act (HIPAA) generally restrict the ability to use and disclose certain health or medical information about you that is created or received by these group health plans or by the City in connection with these group health plans.

This Notice describes how medical information about you may be used or disclosed, and describes your legal rights regarding your medical information. References to the Plan throughout this notice also shall mean the City, as plan sponsor.

If you have any questions about this Notice, please contact Human Resources, which serves as plan administrator.

Protected Health Information

The HIPAA Privacy Rules protect only certain medical information known as “protected health information: (PHI). Generally, PHI is individually identifiable health information, including demographic information, collected from you or received by a health care provider, a health care clearinghouse, a health plan or your employer on behalf of a group health plan, that relates to:

- 1) your past, present, or future physical or mental health or condition;
- 2) the provision of health care to you; or
- 3) the past, present, or future payment for the provision of health care to you.

Our Pledge and Responsibilities Regarding PHI

We understand that PHI about you and your health is personal and the Plan is committed to protecting PHI. The Plan is required by law to satisfy the following responsibilities with respect to any PHI created or received by the Plan:

- Maintain the privacy of your PHI;
- Provide you with certain rights with respect to your PHI;
- Give you this Notice of the Plan’s legal duties and privacy practices with respect to your PHI; and
- Follow the terms of the Notice that is currently in effect.

How the Plan May Use and Disclose Medical Information About You

Under law, the Plan may use or disclose your PHI under certain circumstances without your permission. The following categories describe different ways that the Plan may use and disclose PHI. For each category of uses or disclosures an attempt will be made to provide an explanation and present some examples. Not

every use or disclosure in a category is listed. However, all of the ways the Plan is permitted to use and disclose PHI will fall within one of the categories.

For Treatment. The Plan may use or disclose your PHI to facilitate medical treatment or services by providers. The Plan may disclose PHI about you to providers, including doctors, nurses, technicians, medical students or other hospital personnel, who are involved in taking care of you. For example, the Plan might disclose information about your prior prescriptions to a pharmacist to determine if prior prescriptions contraindicate a pending prescription.

For Payment. The Plan may use and disclose PHI about you to determine eligibility for Plan benefits, to facilitate payment for the treatment and services you receive from health care providers, to determine benefit responsibility under the Plan, or to coordinate Plan coverage. For example, the Plan may tell your health care provider about your medical history to determine whether a particular treatment is experimental, investigational or medically necessary or to determine whether the Plan will cover the treatment. The Plan also may share PHI with a utilization review or pre-certification service provider. Likewise, the Plan may share PHI with another entity to assist with the adjudication or subrogation of health claims or to another health plan to coordinate benefit payments. The Plan may release PHI about you to a family member, friend or other person who is involved in your medical care or payment for your medical care, unless you tell us not to release such information.

For Health Care Operations. The Plan may use and disclose PHI about you for other Plan operations. These uses and disclosures are necessary to run the Plan. For example, the Plan may use PHI in connection with: conducting quality assessment and improvement activities; underwriting, premium rating, and other activities relating to Plan coverage; submitting claims for stop-loss (or excess loss) coverage; conducting or arranging for medical review, legal services, audit services, and fraud and abuse detection programs; business planning and development such as cost management; and business management and general Plan administrative activities.

To Business Associates. The Plan may contract with individuals or entities known as Business Associates to perform various functions or to provide certain types of services on the Plan's behalf. In order to perform these functions or provide these services, Business Associates will receive, create, maintain, use and/or disclose your PHI, but only if they agree in writing with the Plan to implement appropriate safeguards regarding your PHI. For example, the Plan may disclose your PHI to a Business Associate to administer claims or provide support services, such as utilization, management, pharmacy benefit management or subrogation, but only after the Business Associate enters into a Business Associate Agreement with the Plan.

As Required by Law. The Plan will disclose PHI about you when required to do so by federal, state or local law. For example, the Plan may disclose PHI when required by a court order in a litigation proceeding, such as a malpractice action.

To Avert a Serious Threat to Health or Safety. The Plan may use and disclose PHI about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat. For example, the Plan may disclose PHI about you in a proceeding regarding the licensure of a physician.

To Plan Sponsor (i.e. The City). For the purpose of administering the Plan, PHI may be disclosed to certain employees of the City. However, those employees will only use or disclose that PHI only as necessary to perform plan administration functions or as otherwise required by HIPAA, unless you have authorized further uses or disclosures. Your PHI cannot be used for employment related purposes without your specific, written authorization. Information also may be disclosed to another health plan maintained by the City for purposes of facilitating claim payments under that health plan.

Special Situations. In addition to the above, the following categories describe other possible ways that the Plan may use and disclose your PHI.

- Organ and Tissue Donation. If you are an organ donor, the Plan may release PHI to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.
- Military and Veterans. If you are a member of the armed forces, the Plan may release PHI about you as required by military command authorities. The Plan also may release PHI about foreign military personnel to the appropriate foreign military authority.
- Workers' Compensation. The Plan may release PHI about you for worker's compensation or similar programs. These programs provide benefits for work related injuries or illness.
- Public Health Risks. The Plan may disclose PHI about you for public health activities. The activities generally include the following:
 - To prevent or control disease, injury or disability;
 - To report births and deaths;
 - To report child abuse or neglect;
 - To report reactions to medications or problems with products;
 - To notify people of recalls of products they may be using;
 - To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
 - To notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic

violence. The Plan will only make this disclosure if you agree or when required or authorized by law.

- Health Oversight Activities. The Plan may disclose PHI to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.
- Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, the Plan may disclose PHI about you in response to a court or administrative order. The Plan also may disclose PHI about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.
- Law Enforcement. The Plan may release PHI if asked to do so by a law enforcement official:
 - In response to a court order, subpoena, warrant, summons or similar process;
 - To identify or locate a suspect, fugitive, material witness, or missing person;
 - About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
 - About a death we believe may be the result of criminal conduct; and
 - In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.
- Coroners, Medical Examiners and Funeral Directors. The Plan may release PHI to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death.
- National Security and Intelligence Activities. The Plan may release PHI about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.
- Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement official, the Plan may release PHI about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

Required Disclosures

The following is a description of disclosures of your PHI the Plan is required to make:

Government Audits. The Plan is required to disclose your PHI to the Secretary of the United States Department of Health and Human Services when the Secretary is investigating or determining the Plan's compliance with the HIPAA Privacy rule.

Disclosures to You. When you request, the Plan is required to disclose to you the portion of your PHI that contains medical records, billing records, and any other records used to make decisions regarding your health care benefits. The Plan also is required, when requested, to provide you with an accounting of most disclosures of your PHI where the disclosure was for reasons other than for payment, treatment or health care operations, and where the PHI was not disclosed pursuant to your individual authorization.

Other Disclosures

Personal Representatives. The Plan will discuss your PHI to individuals authorized by you, or to an individual designated as your personal representative, attorney in fact, etc., as long as you provide the Plan with a written notice/authorization and any supporting documents (e.g. durable power of health care attorney). Note that under HIPAA privacy rule, the Plan does not have to disclose PHI to a personal representative if we have a reasonable belief that:

- 1) you have been, or may be, subjected to domestic violence, abuse or neglect by such person;
- 2) treating such person as your personal representative could endanger you;
or
- 3) in the exercise or professional judgment, it is not in your best interest to treat the person as your personal representative.

Authorizations. Other uses or disclosures of your PHI not described above will only be made with your written authorization. You may revoke written authorization at any time, as long as the revocation is in writing. Once we receive your written revocation, it will only be effective for future uses and disclosures. It will not be effective for any information that may have been used or disclosed in reliance upon the written authorization and prior to receiving your written revocation.

Your Rights

You have the following rights regarding PHI that the Plan maintains about you:

Right to Inspect and Copy. You have the right to inspect and copy PHI that may be used to make decisions about your Plan benefits. To inspect and copy PHI that may be used to make decisions about you, you must submit your request in writing to the Contact Person listed above. If you request a copy of the information, you may be charged a fee for the costs of copying, mailing or other

supplies associated with your request. The Plan may deny your request to inspect and copy PHI in certain very limited circumstances. If you are denied access to PHI, you may request that the denial be reviewed by submitting a written request to the Contact Person listed above.

Right to Amend. If you believe that PHI the Plan has about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for the Plan. To request an amendment, your request must be made in writing and submitted to the Contact Person listed above. In addition, you must provide the reason that supports your request. The Plan may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, the Plan may deny your request if you ask us to amend information that:

- Is not part of the PHI kept by or for the Plan;
- Was not created by the Plan, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is already accurate and complete.

If the Plan denies your request, you have the right to file a statement of disagreement with the Plan and any future disclosure of the disputed information will include your statement. File this statement with Human Resources.

Right to an Accounting of Disclosures. You have the right to request an “accounting” of certain disclosures of your PHI. The accounting will not include

- 1) disclosures made for purposes of treatment, payment or health care operations;
- 2) disclosures made to you;
- 3) disclosures made pursuant to your authorization;
- 4) disclosures made to friends or family in your presence or because of an emergency;
- 5) disclosures for national security purposes; and
- 6) disclosures incidental to otherwise permissible disclosures.

To request this list of accounting of disclosures, you must submit your request, in writing, to Human Resources. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2004. Your request should indicate in what form you want the list (for example, paper or electronic). The first list you request within a 12 month period will be free. For additional lists, the Plan may charge you for the costs of providing the list. The Plan will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

Right to Request Restrictions. You have the right to request a restriction or limitation on the PHI the Plan uses or discloses about you for treatment, payment

or health care operations. You also have the right to request a limit on the PHI the Plan discloses about you to someone who is involved in your care or the payment for your care, such as a family member or friend. For example, you could ask that we not use or disclose information about a surgery you had. The Plan is not required to agree to your request. To request restrictions, you must make your request in writing to Human Resources. In your request, you must tell us what information you want to limit; whether you want to limit our use, disclosure or both; and to whom you want the limits to apply, for example, disclosures to your spouse.

Right to Request Confidential Communications. You have the right to request that the Plan communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail. To request confidential communications, you must make your request in writing to Human Resources. The Plan will not ask you the reason for your request. The Plan will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

Right to a Paper Copy of This Notice. You have the right to a paper copy of this Notice. You may ask the Plan to give you a copy of this Notice at any time. Even if you have agreed to receive this Notice electronically, you are still entitled to a paper copy of this Notice. To obtain a paper copy of this Notice, contact Human Resources.

Changes to This Notice

The Plan reserves the right to change the terms of this Notice. The Plan reserves the right to make the revised or changed Notice effective for PHI the Plan already has about you as well as any information the Plan receives in the future. If the Plan makes any material change to this Notice, you will be provided with a copy of a revised Notice of Privacy Practices either by mail or electronically.

Complaints

If you believe your privacy rights have been violated, you may file a complaint with the Plan or with the Office of Civil Rights. Complaints to the Plan must be submitted in writing to Human Resources. A complaint to the Office of Civil Rights should be sent to Office for Civil Rights, U.S. Department of Health & Human Services, 233 N. Michigan Ave. - Suite 240, Chicago, IL 60601, (312) 886-2359; (312) 353-5693 (TDD), (312) 886-1807 (fax). You also may visit OCR's website at: <http://www.hhs.gov/ocr/privacyhowtofile.htm>, for more information.

You will not be penalized, or in any other way retaliated against, for filing a complaint with the Plan or the Office of Civil Rights.

PAID AND UNPAID LEAVES

The City of Grand Haven provides paid and unpaid leave benefits that help employees successfully balance their work demands and personal priorities. The City values its employees and desires to provide adequate paid and unpaid leave options that allow for protection in the event of illness or injury, to manage personal business, and to allow sufficient time away from the job to remain refreshed and positive about work.

The leave benefits provided herein are balanced against the City's need to operate efficiently and may be modified.

Employees covered by a collective bargaining agreement negotiate their wages, benefits, terms and conditions of employment through their union representative. Nothing within this manual is intended to replace the collective bargaining process.

Holidays

The following days are observed during each calendar year as paid holidays for all non-union employees at their regular rate of pay, available immediately upon hire:

1. New Year's Day
2. Good Friday (1/2 Day)
3. Memorial Day
4. Independence Day (4th of July)
5. Labor Day
6. Thanksgiving Day
7. Day after Thanksgiving
8. Christmas Eve Day
9. Christmas Day
10. New Year's Eve Day (1/2 Day)

In the event a scheduled paid holiday(s) falls on a Saturday, Friday will be observed as the holiday; or if the holiday falls on a Sunday, Monday will be observed as the holiday.

Part-time employees will be paid for only those holidays that fall on a regularly scheduled work day.

To be eligible for holiday pay an employee must work the full scheduled work day prior to and following the holiday, unless on authorized paid leave.

If an employee works in a department that normally operates on a holiday, and the holiday falls on the employee's scheduled work day, the employee will be paid their normal pay and will also receive additional holiday pay.

If an employee is required to work on a holiday outside of their normal work schedule, the employee will be paid at time and a half and will also receive additional holiday pay.

EMPLOYEES HIRED PRIOR TO APRIL 1, 2008 have separate vacation, sick, bonus leave and personal time detailed as follows:

Vacation Time

Full-time employees hired prior to April 1, 2008 are provided paid vacation time, and begin accruing it on the first day of employment. Part-time employees hired prior to April 1, 2008 also earn paid vacation on a prorated basis.

Vacation is accrued according to the following schedule.

<u>YEARS OF SERVICE</u>	<u>VACATION DAYS</u>
Less than 1 year	5 days
1 year but less than 8	10 Days
8 years but less than 17	15 Days
17 years but less than 25	20 Days
25 years and over	25 Days

Vacation time is computed on the number of hours for which an employee is paid, excluding overtime. Employees on paid authorized leave will continue to accrue vacation time.

Vacation time may be used in increments of one hour or more and will not be granted before it is earned.

Employees are to provide reasonable notice of their request for vacation. Vacation requests are approved based upon organization staffing needs and the order of receipt of the requests. In the event that there is a conflict in vacation requests, requests will be honored in the order they are received.

The City reserves the right to deny vacation requests.

Vacation time may be accrued to a maximum of the employee's annual accrual plus five days. Written approval from the Department Director and City Manager is required to exceed the accrual maximum.

Upon termination of employment, retirement, or in the event of death, employees or their estate will be paid for accrued, unused vacation time.

Perfect Attendance Leave Bonus

The City provides non-union, non-exempt full-time employees hired prior to April 1, 2008 with one (1) bonus vacation day for each 120 consecutive calendar days of perfect attendance. The bonus vacation day is based on an employee's normal schedule for work hours in a day.

"Perfect Attendance" means the employee worked all the hours for which he/she was scheduled and *never* reported late for work, left work early, or used sick leave. This definition is to be narrowly interpreted and strictly applied. There will be no exceptions.

Maximum accrual of perfect attendance bonus leave is 40 hours. Bonus leave may be used in increments of one hour or more.

Employees are to provide reasonable notice of their request to use bonus leave. Bonus leave requests are approved based upon organization staffing needs and the order of receipt of the requests. In the event that there is a conflict in time off requests, they will be honored in the order they are received.

The City reserves the right to deny perfect attendance bonus leave use requests.

Employees on paid or unpaid leaves of absence EXCEPT military leave during the applicable time period are ineligible for bonus leave.

Employees are ineligible for bonus leave if they are subject to disciplinary action during the applicable time period.

The continuance of this program is dependent upon responsible and honest use of it. Employees are not to substitute vacation time for sick leave when they cannot work due to illness so as to preserve "perfect attendance."

"Taking advantage of the system" and gamesmanship undermines the intent and effectiveness of this program. Employees found to be engaging in such manipulative practices will be ineligible for the program and may be subject to disciplinary action.

Department Directors are responsible for submitting proper forms and approving bonus leave.

Personal Days

The City provides employees hired prior to April 1, 2008, and who are regularly scheduled to work 40 hours per week with 2 paid personal days. Personal days are made available on January 1st each year. Personal days may be used in increments of one hour or more.

Employees are expected to provide adequate notice of their request to use personal day(s). Requests may be denied if the leave would unduly interfere with operations.

Personal days are a “use or lose” benefit. Unused personal days will not be carried into the next year and will not be paid upon separation.

Sick Leave

The City provides paid sick leave to full-time employees hired prior to April 1, 2008, and to part-time employees hired prior to April 1, 2008 on a prorated basis. Sick leave is provided so that employees can care for themselves properly in the event of illness or injury. Sick leave may also be used for medical, dental or optical appointment and to otherwise seek preventive care.

Sick leave accrual begins on the first day of employment and is computed based on the number of hours paid, excluding overtime, at a rate of .04615 per hour worked, which equates to 12 days per year for most full-time employees.

Sick leave is available for use in increments of one hour or more and is available for use only after it is earned.

The City expects that staff act responsibly in accessing sick leave. Sick leave shall not be abused as additional “free time.” Staff is expected to use sick leave when they are ill, not only for their own well-being, but to also ensure the workplace remains safe from contagious illness.

The City reserves the right to require an employee to use sick time for illness when their presence in the workplace is detrimental or unproductive.

Employees may use up to three sick days per year, with the approval of the Department Director, to care for an immediate family member which includes spouse, parent, spouse's parent grandparent, child, step-child, grandchild, brother or sister, or spouse's brother or sister.

Employees who need to use sick leave should notify their supervisor at the beginning of their work day. Employees are expected to notify their supervisor each day of absence due to illness, unless other arrangements have been made. Should an employee become ill at work, they should immediately notify their supervisor and leave work as quickly as possible.

Failure to call in three or more days will be considered abandonment of position and a voluntary resignation.

The City may request a physician's certificate justifying an absence for illness. A return to work authorization from a physician may be required following an extended absence due to illness, typically 2 or more days. As well, absences of three or more days may be designated as qualified leave under FMLA; the City will provide notification of such designation according to FMLA guidelines.

See also, the FMLA policy which contains different provisions for use of accrued time for leaves taken under FMLA.

Employees' unused sick days carry over from year-to-year, and can accumulate to a maximum of 960 hours. Sick time accrued beyond the 960 hour limit will be paid at 50% on the first pay in January each year. This paid out amount will not be allowed to exceed 48 hours in total payment. Any hours in excess of the allowed amount for payout will be forfeited.

Upon retirement (according to the pension plan definition of retirement) or in the event of death, 50% of the accumulated sick leave to a maximum of 480 hours will be paid to the employee or his/her estate. Unused sick time is NOT otherwise paid upon separation.

PAID TIME OFF: FOR EMPLOYEES HIRED APRIL 1, 2008 OR AFTER

Combined paid time off (PTO) is provided to full-time employees and part-time employees on a pro-rated basis to cover a range of leaves including vacation, sick, bonus leave and personal time.

PTO is intended to provide more flexibility than traditional separate leave banks and may be used for a variety of planned and unplanned leaves, such as vacation, personal illness, to care for someone else who is ill, to tend to personal

business and appointments, or any other purpose you choose, subject to the rules and procedures for scheduling time off. The City intends that employees use PTO to provide themselves sufficient life/work balance and to take appropriate breaks from the work setting.

Use and Restrictions

Though the intent of PTO is to maximize flexibility of paid time off for employees, it is not intended to create an atmosphere in which employees feel entitled to “come and go as they please.” The City has limited staff and provides diverse services, often at very busy times of the year. All PTO requests are subject to approval by the department head, and may be denied to accommodate operational demands.

Employees are expected to honor the spirit and intent of this benefit, provide sufficient notice of absence, and consider the impact of their absence on operations.

Employees are also expected to use good judgment and refrain from reporting to work when too ill to be reasonably productive or when illness is likely to be contagious or detract from others’ productivity. Employees should not attempt to work under these circumstances in order to “save” their PTO for recreational pursuits; the City reserves the right to require an employee to use PTO for illness when their presence in the workplace is detrimental or unproductive.

Paid time off is available for use in one hour increments.

Accrual

PTO is computed on the number of hours for which an employee is paid, excluding overtime. Employees on paid authorized leave will continue to accrue PTO time. PTO is available for use only after it is earned.

PTO Accrual Schedule

July 1 following date of hire	Prorated
July 1 following first full year of service	160 PTO hours (20 days)
July 1 following 8 th through 15 th year of service	200 PTO hours (25 days)
July 1 following 16 th year of service and beyond	240 PTO hours (30 days)

Carry Over and Pay Out

Employees should remain aware of their PTO balances and retain sufficient time to cover unforeseen circumstances and unexpected illnesses. Employees are strongly encouraged to bank and carry forward the maximum balance allowed

each year which is 8 days, or 64 PTO hours. This helps to ensure proper income protection in the event of serious injury or illness where there is an elimination period associated with short-term disability programs and worker's compensation claims.

Employees may carry forward a maximum PTO balance of 8 days into each fiscal year (July 1st.)

Accrued, unused PTO beyond 64 hours may be cashed in each year, to a maximum of 64 hours. At your option, PTO conversion will be paid directly or deposited in a Health Care Savings Plan (HCSP) which has a significant tax benefit. Deposits to the HCSP are made pre-tax, they are invested at your direction, and they grow tax free. HCSP savings may be used for many post-employment health related expenses on a tax free basis.

Earned, accrued PTO balances will be paid upon termination, retirement or death.

Leave Requests

The City will attempt to honor reasonable PTO requests, but reserves the right to deny a request if it would interfere with the efficient operation of a department, if PTO abuse is suspected, or other valid reasons.

Some PTO requests, such as vacations, can be planned in advance so employees are expected to provide advance notice of their request for vacation. In the event that there is a conflict in staff leave requests, requests will be honored in the order they are received.

In the case of unplanned PTO for illness, unanticipated personal business or other emergent reasons, employees should give as much advance notice as possible to their supervisor. Employees are expected to call in each day of unplanned absence to their immediate supervisor, unless specific arrangements are made with their supervisor for a return to work date.

Failure to call in three or more days will be considered abandonment of position and a voluntary resignation.

The City may request a physician's certificate justifying an absence for illness. A return to work authorization from a physician may be required following an extended absence due to illness, typically 2 or more days. As well, absences of three or more days may be designated as qualified leave under FMLA; the City will provide notification of such designation according to FMLA guidelines.

Employees are required to notify their Supervisor and Human Resources if they are off work for any of the following reasons:

- The care of a seriously ill family member(s);
- The employee's own serious health condition;
- The birth of a child or to care for a newborn child;
- Placement of a child with the employee through adoption or foster care;
- To care for a service member or related qualifying events under FMLA.

Family and Medical Leave

The City of Grand Haven complies with all statutory requirements of the Family and Medical Leave Act (FMLA). FMLA provides eligible employees up to twelve (12) weeks of unpaid, job-protected leave within a 12 month period:

- for the birth or care of a child;
- to care for a child after placement through adoption or foster care;
- to care for a close family member (spouse, parent, son or daughter) with a serious health condition;
- for the employee's own serious health condition which makes the employee unable to perform his or her job;
- for "qualifying exigencies" arising from military service of a covered service member.

FMLA also allows up to 26 weeks of leave within a 12 month period for an employee to care for a covered military service member with a serious illness or injury.

In some cases the FMLA allows an employee to take intermittent leave or to work a reduced schedule for a limited time period.

Spouses employed by the City are jointly entitled to a combined total of 12 weeks for the birth and care of a newborn, placement of a child by adoption, or foster care or to care for a family member with a serious health condition.

Eligibility

To be eligible for leave under FMLA, an employee must have worked at least 1,250 hours over the previous 12 months, and must have worked for the City for a total of at least 12 months (does not need to be consecutive months.)

Only hours actually worked will count toward calculating 1,250 hours over previous 12 months for FMLA eligibility. PTO, vacation, holidays, personal days, sick leave, etc. are not counted.

For purposes of calculating FMLA eligibility, an employee on USERRA protected military leave will be given credit for time worked as if he/she had not taken the military leave and had worked continuously during that time.

Rolling Year

The City uses a rolling year for calculating leave under FMLA, meaning eligible employees may use up to a total of 12 weeks FMLA time in the 12 month period following the commencement of any FMLA qualified leave. FMLA leave may be taken in a single 12 week period, or, when certified as medically necessary, on an intermittent basis such as blocks of time or work week reduction.

Prior approval from Human Resources is required where intermittent leave is sought for the birth and care of a newborn or placement of a child through adoption or foster care.

Coordination with Other Leaves and/or Paid Time Off Plans

The City requires employees to draw down accrued paid leave (sick, personal, vacation, PTO) while on FMLA leave. The City will designate any leave that qualifies as both FMLA and another type of leave as running concurrently (i.e. disability leave, worker's compensation.) Accrued paid leave must be used to make up the difference in pay if on FMLA and receiving partial pay through some other means.

Where the City and employee agree, employees must use accrued compensatory time off concurrent with FMLA leave.

When a holiday falls within a designated FMLA leave, and the employee is actively drawing down accrual banks, the employee will be paid for the holiday. In the event the holiday falls within an unpaid portion of an FMLA leave because leave banks are exhausted, the holiday will not be paid.

Health and Other Benefits

The City will continue to provide health, dental and optical benefits as if the leave had not been taken. The employee must continue to pay their portion of the premium(s) if normally required, and the City will recoup the cost of premiums paid on the employee's behalf if the employee fails to return after FMLA leave.

The City will also continue other benefits, including unconditional pay increases, that otherwise would occur while the employee is on FMLA.

Employees will continue to accrue paid time off while on FMLA leave if they otherwise would earn it.

Military personnel and families

FMLA extends leave protection and other rights for military personnel and their families in need of leave for “qualifying exigencies” related to call-up or military service, or to care for a family member recuperating from a serious illness or injury (a more expansive definition than the typical “serious medical condition applies.”)

Who Qualifies?

The act defines “covered service members” as members of the armed forces, including the National Guard or Reserves, or who are undergoing medical treatment, recuperation, therapy, or who are otherwise on outpatient status or on temporary disability retired list for a serious injury or illness.

The definition of “family member” for military personnel is more expansive and includes not only “parent, spouse, or child,” but also encompasses “next of kin,” as designated by the service member. When not specifically designated, “next of kin” may include multiple individuals.

Further, an employee can take FMLA leave to care for a son or daughter who is a service member even if the son or daughter is an adult and does *not* meet the self-care and disability tests typically prescribed for non-military FMLA leave related to care for an adult child.

FMLA Leave to Care for a Service Member

FMLA allows up to 26 weeks of service member caregiver leave within a 12 month period for an employee to care for a covered service member with a serious illness or injury. An employee may qualify for more than 26 weeks to care for additional service members or to provide care for a subsequent injury or illness. The 12 month period *must* be a rolling year beginning on the first day of leave.

A serious injury or illness is incurred in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. This includes a covered service member who:

- is on the temporary disability retired list, a covered service member;
- is undergoing medical treatment, recuperation, or therapy for a serious illness or injury; or

- is assigned to a military medical treatment facility as an outpatient (or is otherwise receiving outpatient care at a unit established for the armed forces.)

FMLA leave does NOT apply to care for former members of the armed forces who are on the permanent disability retired list.

FMLA Leave for Qualifying Exigencies

FMLA allows up to 12 weeks of leave within the normal FMLA 12 month period to address qualifying exigencies that arise as the result of a covered service member's military service including:

- Short-notice deployment (7 days or less);
- Rest and recuperation (limited to 5 days per military R&R visit);
- Military events and activities (support groups, briefings, etc.);
- Childcare and school activities (to make child care arrangements, attend school meetings, provide emergency childcare, etc.);
- Financial and legal arrangements;
- Counseling;
- Post-deployment activities (ceremonies, briefings, etc.);
- Additional activities (other purposes as agreed to by the employer and employee.)

Notifications and Certifications

The City will provide sufficient information for an employee to determine that a leave is protected by FMLA, which may be as simple as verbal notice. If the City has reason to believe a leave qualifies as FMLA, it may designate it as such and provide notification to the employee to that effect.

Employees should provide at least 30 days advance notice when the need for leave under FMLA is foreseeable, and as much notice as possible in other cases. Medical certification to support the request may be required. The City may, at its own expense, require second or third opinions. Medical certification of fitness for duty is required prior to return to work.

Job Restoration and Protection

FMLA requires that, upon return from FMLA leave, an employee is returned to his/her same position or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

The FMLA prohibits discrimination or retaliation against employees who assert FMLA rights or who charge an employer with an FMLA violation.

Under specific and limited circumstances, certain “key employees” (those among the highest paid 10% of employees) may be denied job restoration. In this event, the “key” employee will be given a reasonable opportunity to return to work from FMLA leave.

Bereavement Leave

In the event of a death in an employee’s family, the City provides up to 3 days of paid bereavement leave. Generally speaking the full 3 days is provided in the case of a very close relationship; or when extensive travel is required; or when the employee has a formal role in making funeral arrangements; or in settling the affairs of the estate. Shorter funeral or bereavement leave is available to attend extended family members’ funeral services.

The City’s ability to provide this benefit is dependent upon staff’s responsible use of it; and, like all leaves, is subject to approval based on operational demands.

A very close relationship that would typically qualify for a 3 day bereavement leave includes spouse, parent, child, sibling, grandparent, grandchild, a member of the household, or a similar relationship established by law or marriage (i.e. legal guardianship, “steps” or “in-laws.”)

An employee may use accrued PTO, or personal or vacation time to extend bereavement leaves or to attend services for individuals not covered within this policy.

In exceptional circumstances, and based on Director recommendation, the City Manager may grant extended paid or unpaid bereavement leave.

Extended Leave of Absence

An employee may make a written request to their Department Director, which is subject to City Manager approval, for an extended unpaid leave of absence that is not otherwise covered through policy provisions within this manual. Such leaves are subject to the same provisions requiring depletion of accrued leave banks as is outlined within the FMLA section.

Jury Duty

Full-time employees who are called in their civilian capacity to serve as a juror, or who are subpoenaed as a witness in court, unless officially excused, shall be

paid the difference between the fee that the employee receives for such services and the amount of straight time earnings lost by reasons of such service, up to a maximum of eight (8) hours per day and forty (40) hours per week.

Employees completing a partial day of jury duty are expected to report back to work unless there are 30 minutes or less remaining in their regularly scheduled work day.

Employees called to jury duty must provide their supervisor prior notice and present proper evidence of the service performed.

Military Leave for National Guard or other Reserve Units

Full-time and part-time employees who participate in the National Guard or other reserve units of the United States Armed Forces will be provided time off for military exercises, voluntary, or involuntary service in accordance with applicable state and federal laws (Uniformed Services Employment and Reemployment Rights Act: USERRA.) Temporary employees are not entitled to military leave.

Employees called to duty should provide as much advance notice as possible and are required to provide the City with written proof of military service within a reasonable time period of it becoming available.

Employees defined as exempt by the FLSA will be paid their regular pay for any workweeks in which any work is performed for the City while on military leave. Prior arrangements should be made regarding the performance of City work while on military leave.

Health insurance will continue under the same terms and conditions, including required employee contributions, for employees on military leave for fewer than 31 days. After that time, employees may continue participation in health insurance through COBRA-like rights provided by law.

Employees on military leave may opt to draw down accrued leave banks; benefits will continue so long as the employee is being paid through the draw down of these banks, including paid time off accruals.

When a holiday falls within a military leave, and the employee is actively drawing down accrual banks, the employee will be paid for the holiday. In the event the holiday falls within an unpaid portion of a military leave, the holiday will not be paid.

Military leave is not considered a break in service with regard to retirement and pension plans.

Upon return from military duty, the employee will be reinstated to the position they *would have obtained* if they had remained actively employed. Job protection applies for up to five years, meaning an employee on military leave may return and bump an incumbent hired to replace the employee on military leave within five years of commencing the military leave.

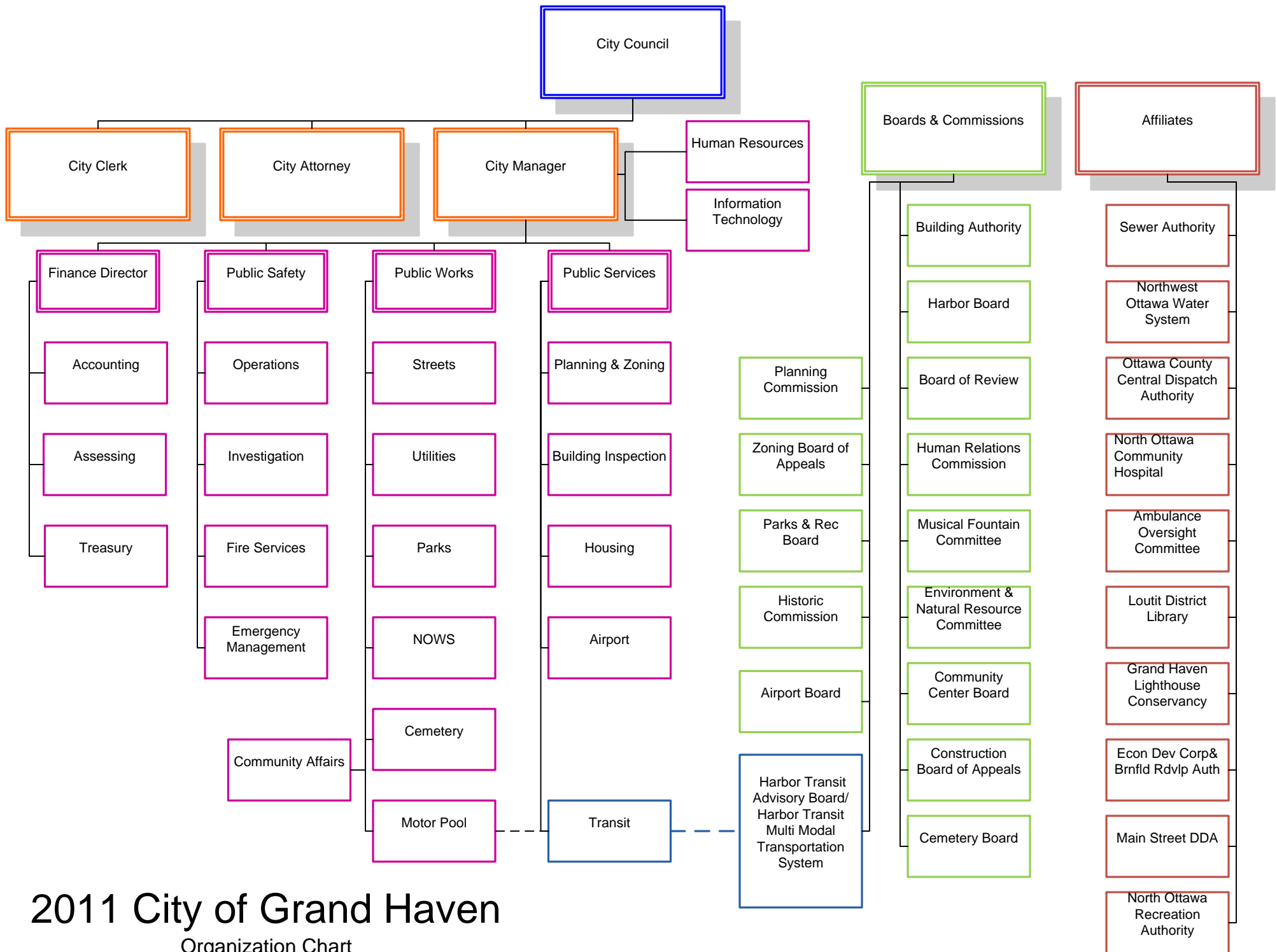
In order to exercise these reinstatement rights, employees returning from military leave must report for work within specified time frames as follows:

LENGTH OF MILITARY SERVICE	REPORTING REQUIREMENT
30 days or fewer	Report the first regularly scheduled workday following completion of service
31 to 180 days	Report within 14 days of completing service
More than 180 days	Report within 90 days of completing service

Employees returning from a military leave of more than 30 days can be discharged only for cause for six months following their return; leaves of more than 180 days require just cause for termination for 12 months following return.

APPENDIX A

ORGANIZATION CHART



2011 City of Grand Haven
Organization Chart