



# CITY OF SPRINGFIELD PERSONNEL POLICIES

**Adopted by:**  
Springfield City Council

Resolution # \_\_\_\_\_  
Policy Effective September 4, 2018

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*A copy of this document is made available to each Springfield employee.*

*All employees are expected to conduct themselves in a manner that is in accordance with this document.*

**City of Springfield Personnel Policy**  
**TABLE OF CONTENTS**

Chapter 1 - General	2
Chapter 2 - General Employment Policies	3
Chapter 3 - Classification and Compensation Plan	8
Chapter 4 - Leaves of Absence	10
Chapter 5 - Employee Benefits and Expenditure Reimbursement	14
Chapter 6 - Employee Responsibilities and Rules of Conduct	18
Chapter 7 - Drug Policy	23
Chapter 8 - Work Place Violence	28
Chapter 9 - Internet and E-Mail Use	32
Chapter 9.5 – Social Media and Website Policy	34
Chapter 10 - MIOSHA Inspections	38
Chapter 11 - Personal Health Information Privacy Act	40
Chapter 12 - Credit Card Policy	43
Chapter 13 - Discrimination Prohibition Plan (Title VI)	44
Chapter 14 - Social Security Privacy	51
Chapter 15 - Smoke-Free Worksite Policy	53
Chapter 16 – Cell Phone Reimbursement Policy	54

## **Chapter 1 General**

### **1.01 - Purpose**

It is the purpose of this Personnel Policy Manual to establish procedures which will serve as a guide to administrative action concerning the various personnel activities of the City of Springfield.

### **1.02 - Scope of Policy**

These Personnel Policies apply to all full-time and part-time employees of the City of Springfield as defined herein. In the event of any conflict between the provisions of these policies and the provisions contained in any applicable collective bargaining agreement or, individual employment agreement or Federal or State law, the collective bargaining agreement or individual employment agreement or relevant Federal or State law shall govern in all cases with respect to employees covered by such agreements or Federal or State laws. Adoption of these policies hereby rescinds any and all previous personnel policies and procedures as may have existed. Any situation, circumstance, or condition not covered by these policies shall be referred to the City Manager. There are no precedents or understandings, real or imagined, which continue after the effective date of the adoption of these policies unless specifically addressed herein. Each employee will be provided a copy of these policies and is responsible to act in the course of his employment in accordance with the guidelines as described herein. These policies do not apply to elected officials of the City, nor any individual appointed/elected to any commission, board, or panel.

The policies as stated in this handbook are intended as guidelines only and are subject to change at the sole discretion of the City. This handbook should not be construed as and does not constitute a contract guaranteeing employment for any specific duration. Although the City hopes that all employment relationships are long-term, either the employee or the City may terminate such relationships at any time, for any reason, with or without cause or notice. All employees must understand and acknowledge that no supervisor, manager, or representative of the City other than the City Manager has the authority to enter into any agreement with any employee for employment for any specified period of time or to make any promises or commitments contrary to the foregoing.

### **1.03 - Amendment of Policies**

The City Manager is authorized to prepare modifications, amendments or revisions to this Personnel Policy for Council approval when in his opinion such modifications, amendments or revisions are needed.

### **1.04 - Pronoun Gender Use**

Reference to the masculine pronoun in this policy shall be interpreted to include the feminine unless specifically provided otherwise.

### **1.05 - Use of Shall and May**

For the purpose of this policy, "shall" is mandatory, "may" is permissive.

### **1.06 - Administration**

The Personnel Policy Manual shall be administered by the City Manager in conformance with the provisions of the City Charter and applicable Federal, State, and Local laws.

## Chapter 2 General Employment Policies

### 2.01 - Equal Employment Opportunity

The City of Springfield provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, handicap, or status as a Vietnam era or special disabled veteran in accordance with applicable Federal laws. In addition, the City of Springfield complies with applicable State and local laws governing non-discrimination and employment in every location in which the City has facilities. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The City of Springfield expressly prohibits any form of unlawful employment harassment based on race, color, religion, sex, national origin, age, or handicap.

### 2.02 - Sexual Harassment

A. With respect to sexual harassment, the City of Springfield prohibits:

1. Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
  - i. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - ii. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - iii. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.
2. Offensive comments, jokes, innuendos, and other sexually oriented statements, actions or materials.

B. Harassment Complaint Procedure

Each Department Head is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers.

If an employee experiences any job related harassment based on sex, race, or another factor, or believes s/he has been treated in an unlawful, discriminatory manner, s/he is to promptly report the incident to their Department Head who will investigate the matter and take appropriate action, including reporting it to the City Manager. If it would be inappropriate to discuss the matter with the Department Head, s/he should report it directly to the City Manager, who will undertake an investigation. All complaints will be kept confidential to the maximum extent possible.

The City of Springfield prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after

investigating any complaint of harassment or unlawful discrimination the City of Springfield determines that the complaint is not bona fide or that the employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

All complaints are to be in writing.

### 2.03 - Selection and Recruitment

- A. No person shall be placed on the payroll of the City unless there is an authorized personnel vacancy and such vacancy is filled in accordance with the procedures established.
- B. It shall be the policy of the City not to accept applications for employment unless there is a posted vacancy in a position which is to be filled.
- C. Job openings shall be posted by the City at conspicuous locations in the municipal buildings. Available job openings may also be advertised in the local newspaper and/or appropriate publications and appropriate employment agencies contacted in an effort to seek the best qualified applicants available for the position.
- D. Final selection of new employees shall be made by the City Manager.

### 2.04 - Department Heads

- A. Department Heads are subject to the general benefits and rules described throughout this policy, except as specifically ~~outlined in this section (2.04)~~ **stated otherwise**.
- B. The selection of Department Heads shall be made by the City Manager and approved by the City Council. Department Head positions are: ~~Director of Public Safety~~ **Fire Chief**, Director of Public Services, and Director of Finance and Administrative Services.
- C. All Department Heads are immediately responsible to the City Manager for the effective administration of their departments and all assigned activities. They shall make such reports, instigate appropriate activities and attend such meetings as may be requested by the City Manager. They shall adopt and enforce departmental rules and regulations not inconsistent with these Personnel Policies, the City Charter, ordinances, general law or applicable collective bargaining agreements. Such rules and regulations are to be approved by the City Manager.
- D. ~~The following benefits are specific to Department Heads:~~
  - 1. ~~Department Heads shall be eligible for 40 hours of Paid Time Off (PTO) after 6 months of continuous service, 140 hours after 1 year of service, 180 hours after 5 years of service, 220 hours after 10 years of service. Prior to their anniversary each year, Department Heads may roll up to 100 hours of unused PTO into the mandatory city-sponsored health care savings plan outlined in 2.04(D)(6). PTO hours cannot accrue from year-to-year.~~
  - 2. ~~Paid hospitalization insurance with co-pays as indicated in section 5.01.~~
  - 3. ~~Term life insurance at \$50,000 while employed.~~

4. ~~Department Heads appointed prior to July 1, 2009 shall be eligible to participate in the MERS Pension Plan B-4 designated for Department Heads.—Department Heads appointed on or after July 1, 2009 shall be eligible to participate in the MERS Pension Plan provided to all other regular non-union employees.—All Department Heads shall contribute an amount equal to two percent (2%) of wages to the MERS pension plan.~~
5. ~~Beginning July 1, 2015, The Employer shall match up to \$75 in weekly employee contributions (not to exceed \$3,900 per employee in one fiscal year) to one of the following:~~
  - a. ~~The City-sponsored 457-Deferred Compensation Plan~~
  - b. ~~A traditional Individual Retirement Account (IRA).~~
  - c. ~~A Roth IRA~~
6. ~~All Department Heads shall contribute an amount equal to five dollars (\$5) per weekly payroll into a City-approved retiree health care savings program. Annually, up to 100 hours of each Department Head's unused PTO Bank may be rolled into his/her health care savings program at the hourly rate in effect at the time of the transaction.~~
7. ~~Each Department Head and his/her spouse are eligible to participate in the City's retiree healthcare plan as per the following guidelines:~~
  - i. ~~The Department Head must have been appointed to a Department Head position prior to July 1, 2009.—Any employee hired by the City prior to July 1, 2009, and promoted to a Department Head Position on or after July 1, 2009 shall only be eligible for retiree health care per Section 5.03(B).—Any Department Head hired by the City on or after July 1, 2009 shall only be eligible for retiree health care per Section 5.03(C).~~
  - ii. ~~The Department Head must meet the City's general eligibility requirements for retiree health care and must have served a minimum of fourteen (14) years as a Department Head.~~
  - ii. ~~The premium amount paid by the City shall be capped at the Employer portion of the rates in effect on the last day of the retiree's active fulltime employment.~~
  - iii. ~~In the event that the annual premium amount rises above the capped amount, the City will pay the entire premium directly to the health insurance provider and invoice the retiree for his/her portion of the premium.~~
  - iv. ~~Spousal coverage applies only to the spouse of record on the date of retirement. vi. Spousal insurance shall terminate upon divorce or death of the retiree.~~
  - vii. ~~The retiree may also include his/her dependent children (under the age of 19 years) provided the retiree pays the premium amounts for such dependent so covered.~~
  - viii. ~~Group health insurance shall cease upon the retiree obtaining employment that provides its own health care plan.—Group health insurance will only become available at such time that the retiree's other health insurance plan is no longer available. Additional insurance opt out terms are as outlined in Section 5.01(D).~~
  - ix. ~~At the time the retiree is eligible to enroll in Medicare (as provided by Federal law), he/she shall enroll in Medicare.—The retiree will no longer be eligible to participate in the group health insurance plan once he/she is enrolled in Medicare.—Once enrolled in Medicare, the Employer will provide the retiree with a supplemental payment equal to \$250 per month to purchase an individual Medicare Supplemental Insurance Policy.~~
  - x. ~~Department Head Retirees who do not wish to participate in the group health insurance plan may decline to join at the time of their retirement and receive a one-time payout from~~

~~the City of Springfield in the amount of forty thousand dollars (\$40,000.00). There are no reinstatement rights if such coverage is declined and payment is made.~~

## **2.05 - Medical Examinations**

As part of the City of Springfield's employment procedures, an applicant is required to undergo a pre-employment medical examination that is conducted by a physician designated by the City. Any offer of employment that an applicant receives from the City of Springfield is contingent upon, among other things, satisfactory completion of this examination and a determination by the City and its examining physicians that the applicant is capable of performing the responsibilities of the position that has been offered.

As a condition of continued employment, employees may also be required to undergo periodic medical examinations at times to be specified by the City. In connection with these examinations, employees are required to provide the City examining physician with access to their medical records and history, if requested, to the extent that such records and medical history are required by the City's examining physician. Further, it should be understood that the City receives a full medical report from its examining physicians regarding the applicants' or employees' state of health. All City required medical examinations are paid for in full by the City. Questions about City required medical examinations should be directed the City Manager.

Prior to returning to work from a medical leave, the employee must present his supervisor a medical report from the attending physician testifying to the employee's ability to return to work without limitations or restrictions. *(See also Chapter XI HIPAA /Resolution 61-03)*

## **2.06 - Classifications of Employment**

For purposes of salary, administration and eligibility for overtime payments and employee benefits, the City of Springfield classifies its employees as follows:

- A. Regular Full-Time Employees - Employees hired to work the City's normal, full-time, forty (40) hour work week on a regular basis. Regular full-time employees may also work a thirty-eight (38) hour, four-day work week, as approved by the City Manager. Regular full-time employees may be "exempt" or "non-exempt" as defined below.
- B. Regular Part-Time Employees - Employees hired to work fewer than thirty (30) hours per week on a regular basis. Such employees may be "exempt" or "non-exempt" as defined below. Part-time employees are ineligible to receive employment benefits unless specifically designated herein.
- C. Temporary Employees - Employees engaged to work full-time or part-time for the City of Springfield with the understanding that their employment will be terminated upon completion of a specific assignment. Such employees may be "exempt" or "non-exempt" as defined below. (Employees hired from a temporary employment agency for specific assignments are employees of the respective agency and not of the City of Springfield.) Temporary employees are ineligible to receive employment benefits unless specifically designated herein.
- D. Non-Exempt Employees - Employees who are required to be paid overtime at the rate of time and one half (1.5) their regular rate of pay for all hours worked beyond forty (40) hours in a work week in accordance with applicable Federal wage and hour laws.

- E. Exempt Employees - Employees who are not required to be paid overtime in accordance with applicable Federal wage and hour laws for work performed beyond forty (40) hours in a work week.

All employees will be informed of their initial employment classification and status as an exempt or non-exempt employee at the time of their hire. If an employee changes positions during employment with the City as a result of a promotion, transfer, or otherwise, he will be informed by the City Manager and/or Department Head of any change in his exemption status. All employees are to direct any questions regarding their employment classification or exemption status to the City Manager.

## **2.07 - Employment of Relatives**

The City of Springfield permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the City of Springfield, create actual or perceived conflicts of interest. For purposes of this policy, "relative" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law, or "step" relation. The City will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

- A. Individuals who are related by blood or marriage are permitted to work in the same facility provided no direct reporting, or supervisory/management relationship exists. That is, no employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary or career progress could be influenced by the other relative.
- B. No relatives are permitted to work in the same department or any other positions in which the City believes an inherent conflict of interest may exist.
- C. Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of the City, a conflict or an apparent conflict arises as the result of the marriage, one of the employees will be transferred at the earliest practical time.

An applicant or employee of the City shall notify the City in either the application for employment, in the case of an applicant, or in writing to the City Manager, if presently employed by the City, of such a relationship. This policy applies to all categories of employment at the City of Springfield.

## **2.08 - Employee Records**

The City Manager's office retains all information pertaining to an individual's employment. These records are confidential but available to the employee upon request. All employees desiring to review their personnel records should make a request in writing to the City Manager to schedule an appointment to review such records. Employees are advised that it is necessary to inform the City Manager's office immediately regarding any change in status, such as the following (**See also Chapter 6.02**): name change by marriage or other reasons, address, telephone number, marital status, beneficiary for insurance purposes, number of dependents or exemptions, and person to be contacted in an emergency.



## **Chapter 3 Classification and Compensation Plan**

### **3.01 – Purpose**

A Classification and Compensation Plan permits the consideration of pay based on duties, responsibilities, and work requirements, serves as a basis for recruiting and selecting employees, and the establishment of uniform fiscal and personnel records.

### **3.02 - Job Descriptions**

All positions shall be classified according to their respective duties and responsibilities as contained within the various job descriptions. A complete set of job descriptions for all classifications shall be maintained by the City Manager to include appropriate titles, description of duties, responsibilities, and minimum job qualifications. These shall be reviewed periodically by the City Manager to maintain their accuracy.

### **3.03 - Compensation Plan**

The progression of salary increases shall be determined by the City Manager subject to satisfactory performance reviews.

### **3.04 - Pay Rate Adjustments**

1. Promotions: When an employee is promoted from one classification to another job classification having a higher maximum salary rates, the salary rate of the promoted employee shall be increased to the new minimum or to that step within the new pay range next above the rate of pay prior to promotion.
2. Transfers: When an employee is transferred to another job classification with the same maximum salary rate, the salary rate of the employee shall remain unchanged unless the employee's current compensation rate is below the minimum pay rate established for the job classification to which the employee is transferring. When an employee is transferred in one job classification to a position in another job classification having a lower maximum pay rate, the rate of the affected employee shall be reduced, as necessary, to place him/her at the same pay step of the lower job classification.

### **3.05 - Overtime**

Overtime shall be defined as all time worked in excess of 40 hours in one work week. Only non-exempt employees as defined herein are eligible for overtime compensation. Department Heads are responsible for scheduling work as rigidly as possible as to minimize overtime. Overtime may be authorized by Department Heads when emergencies arise.

### 3.06 - Longevity Plan

Regular full-time employees and department heads hired by the City before July 1, 2013 shall be eligible for annual longevity pay as follows:

Years of Service Completed	Percentage of Base Wage or Salary*
Seven (7) Years	Two Percent (2%)
Fourteen (14) Years	Four Percent (4%)
Twenty-one (21) Years	Six Percent (6%)

\* *Percentage is applied to the employee's actual base wage or salary earned as of the end of the fiscal year immediately preceding longevity eligibility. Payment will be made the last payday before Thanksgiving.*

Regular full-time employees and department heads that were hired by the City on or after July 1, 2013 shall be eligible for annual longevity pay as follows:

Years of Service Completed	Percentage of Base Wage or Salary*
Seven (7) Years	One Percent (1%)
Fourteen (14) Years	Two Percent (2%)
Twenty-one (21) Years	Three Percent (3%)

\* *Percentage is applied to the employee's actual base wage or salary earned as of the end of the fiscal year immediately preceding longevity eligibility. Payment will be made the last payday before Thanksgiving.*

Employees who are eligible for longevity bonus payments and who retire on a service or disability retirement basis, shall be paid longevity on a prorated basis. Such prorated payment shall be based on the number of calendar months of the full-time service credited to an employee from the preceding December pay period payment to the time of retirement.

### 3.07 Termination Pay

All regular full-time and part-time employees who leave the City's service by retirement, death, discharge or resignation shall receive pay for unused and accrued personal leave, earned salary and pro-rated longevity if eligible under the terms of these Personnel Policies. Termination pay will be paid to the employee or designated beneficiary. If the employee is eligible for a return of pension funds paid, refunds will be made, upon application, and in accordance with the applicable provisions of the law governing the pension program.

## Chapter 4 Leaves of Absence

### 4.01 - General

- A. All leaves are to be requested by employees in writing and routed through the chain of command to the City Manager.
- B. All Department Heads are required to record any absences from duty of their employees on the payroll sheet.
- C. All employees must report their absence from scheduled work before the start of their normal work shift promptly to their Department Head. All Department Heads shall report their absences from work to the City Manager.

### 4.02 - Holidays

Official City-observed holidays presently are:

New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving (Thursday and Friday), Christmas Eve, Christmas Day, and New Year's Eve.

To be eligible for holiday pay, an employee must be a regular full-time employee as of the date of such holiday, and must not call in sick on the day before or the day after the designated holiday.

When a holiday falls on a Friday or Saturday, said holiday shall be observed on the exact date of the holiday. When a holiday falls on a Sunday, the following Monday shall be the authorized day off. **Unless an employee reverts back to a 5 day (M-F) work week, holidays falling on a Friday will not be authorized for holiday pay since the regular 4 day work week ends on Thursday for both 40 hour (10 hrs/day) and 38 hour (9.5 hrs/day) Regular Full Time Employees.** In case of conflict with this schedule, holidays will be set by the City Manager.

All holidays shall be considered to commence at 12:00 midnight and continue until 12:00 midnight on the day on which the holiday is observed unless it is a half-day holiday which shall commence at 12:00 noon and continue until 12:00 midnight.

One day holiday's pay shall equal eight (8) hours pay at the employee's straight time hourly rate for Regular Full-Time Employees working a 40 hour work week, and shall equal nine and one half (9.5) hours pay at the employee's straight time hourly rate for Regular Full-Time Employees working a 38 hour, four-day work week, and shall equal ten (10) hours pay at the employee's straight time hourly rate for Regular Full-Time Employees working a 40 hour, four-day work week.

Overtime-eligible employees required to work on a holiday shall be paid holiday pay plus time and one-half for hours actually worked during the designated holiday.

### 4.03 – Paid Time Off Bank

Paid Time Off (PTO) shall be effective from the date of hire, and shall renew to the full allotted amount on each employee's regular anniversary date. PTO will be granted to regular full-time and regular part-time employees according to the following schedule:

<b>Years of Service</b>	<b>Full-time Employees</b>	<b>Part-time Employees</b>
6 months	20 hours	0 hours
1 to 6 years	133 hours	0 hours
6 to 13 years	171 hours	20 hours
13 or more years	209 hours	25 hours

<b>Years of Service</b>	<b>Department Heads</b>
6 months	40 hours
1 to 4 years	140 hours
5 to 9 years	180 hours
10 or more years	220 hours

All PTO shall be scheduled by Department Heads, except in cases of illness or emergency. The City will make every effort to authorize PTO in accordance with the request of all employees, however, it must be understood by all employees that PTO will be scheduled to assure efficient operation of the department and uninterrupted service to the citizens.

If a holiday falls during an employee's scheduled leave time, the holiday will be counted as a holiday and not as a personal leave day.

For the convenience of the employee, the City will make advance payment of salary for vacation time. In order to be eligible for such advancement payment, the request must be made, in writing, to the Finance Department no later than 9:00 a.m. on the Monday before the week that the vacation is to commence.

Prior to their anniversary each year, employees may roll up to 50 hours of unused PTO into the city sponsored health care savings plan outlined in 5.03(C). PTO hours cannot accrue from year-to-year.

If an employee resigns, dies, or is discharged from employment before completing twelve (12) months of service, such employee shall be deemed not to have accrued PTO.

**4.04 - Short-Term Sick Leave**

Effective September 1, 2013, short-term sick will no longer be available. Employees who require time off for reasons typically attributed to sick leave shall be eligible to utilize Paid Time Off as outlined in Section 4.03. All Short Term Sick Leave Time in an employee's bank as of September 1, 2013 shall either be converted to PTO and added to the employee's PTO Bank, or paid out to the employee at 50% of his/her normal rate of pay.

**4.05 - Long-Term Sick Leave**

The benefits of this section are available only for the personal illness or maternity leave of an eligible employee.

Regular full-time employees shall become eligible for long-term sick leave after completion of thirty-six (36) months of service. Such long-term sick leave shall be for illness or injury of four (4) or more consecutive days. To be eligible, an employee must present to his/her Department Head a doctor's certification that the

employee is under the doctor's care and unable to perform his/her work responsibilities due to a non-work related illness or injury.

Employees that become eligible for long-term sick leave on or after August 1, 2010 shall have an initial bank of two hundred fifty (250) hours. Eligible employees may have a maximum of nine hundred sixty (960) hours of leave in their long-term sick bank at any one time.

In the event the employee's long-term sick bank contains less than nine hundred sixty (960) hours, the employee may replenish the sick bank with any unused PTO, up to a cap of nine hundred sixty (960) hours. For each hour of unused PTO added to the long term sick bank, 1.5 hours shall be credited to the bank.

The City reserves the right to request a complete physical examination by a physician selected by the City before granting a sick or accident leave claim and/or before permitting the employee to return to work.

The City may require periodic doctor certification of the continuing need for sick or accident leave. Sickness and accident benefits will not be paid for any day for which an employee receives holiday pay.

#### **4.06 - Military Leave**

The reinstatement rights of any employee who enters the military service of the United States by reasons of Act or Law enacted by the Congress of the United States, or who may voluntarily enlist during the effective period of such law, shall be determined in accordance with the provisions of the law granting such rights. Regular full-time employees who are members with active status in an armed forces reserve unit shall, at their request and upon presentation of their official order to their Department Head, be granted military leave when called to active duty for a period not to exceed two (2) weeks annually. Such military leave shall not be charged to earned vacation and, in addition, the employee shall be compensated by the City in an amount equal to the difference between his normal pay for a period not to exceed two (2) weeks of such leave, provided the military pay is less and the employee furnishes adequate proof to the Finance Director of his pay for such military duty. This provision also covers call-up for special duty to protect citizens (e.g., riot duty).

#### **4.07 - Jury Duty Leave**

Regular full-time employees shall be granted leaves of absence for required jury duty. Pay for such leaves shall not exceed twenty (20) days in any twelve (12) consecutive month period unless the City Manager, at his/her discretion, extends this time. Such employees shall be paid their regular compensation for such period. Jury duty pay and fees, exclusive of travel pay, if any, shall be remitted by the employee to the City. The time spent on jury duty shall not be counted as time worked in computing overtime eligibility.

An employee excused from jury duty during regular working hours shall report to his supervisor immediately. Failure to report shall be considered grounds for disciplinary action.

Employees shall notify their supervisors as soon as possible after receiving notice to report for jury duty. The employee will be responsible for insuring that a report of jury duty and pay form is completed by the clerk of the court each week.

Employees who are subpoenaed as a witness in a trial, hearing, or deposition shall also be covered by the above jury duty leave provisions providing that the purpose of the trial, hearing, or deposition is work related and not concerning an employee's personal matter.

#### **4.08 - Leave of Absence Without Pay**

The City Manager may grant full-time regular employees leave without pay for a period not to exceed six (6) months. Such requests shall be submitted, in writing, to the City Manager at least two (2) months in advance of the date requested for the leave to begin. The two (2) month requirement may be waived by the City Manager in emergency situations.

The employee shall not receive any employment benefits during the period of such medical leave of absence, but such leave will not constitute a break in continuous service.

Any employee who obtains such leave based on a misrepresentation of fact shall be subject to discharge. Failure to return at the conclusion of the approved leave shall result in dismissal.

#### **4.09 - Funeral Leave**

Regular full-time employees shall be allowed up to three (3) working days with pay as funeral leave days to make arrangements for and attend the funeral of a member of their immediate family. Immediate family is defined as follows: Mother, father, step parents, brother, sister, current spouse, son or daughter, step children, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents and grandchildren.

To be eligible for funeral leave and said pay, the employee must notify the City as soon as possible of the necessity for such absence, must attend the funeral and, if requested by the City, must present proof of death.

#### **4.10 – Unpaid Medical Leave**

Regular full-time employees may be given a medical leave of absence without pay or benefits if he/she, because of illness or accident, is physically unable to report to work. All requests for such medical leaves of absence shall be made by the employee to the City Manager who may grant the leave in his sole discretion. Before such absence is authorized, the employee must have exhausted all sick leave benefits. Medical leaves of absence shall not exceed six (6) consecutive months. The City Manager shall require any and all medical certification as necessary to evaluate the need for the medical leave of absence request. No employee shall be returned to work upon the conclusion of a medical leave of absence until they have provided the City Manager with a medical certification from their treating physician stating that the employee is capable of fully resuming all responsibilities of his position without restrictions or limitations. The cost of insurance will be the responsibility of the employee.

The employee shall not receive any employment benefits during the period of such medical leave of absence, but such leave will not constitute a break in continuous service.

#### **4.11 - Absent Without Leave/Tardy**

Any employee who is absent from duty for a single day or part thereof when such absence is not authorized by specific grant or leave of absence under the provisions of these policies, will be deemed to be absent without leave and receive no pay for such period of time. Any employee who has three (3) such occurrences shall be discharged from his/her employment. Three (3) occurrences of being tardy in one year, or four (4) in two years, shall subject the employee to termination. Tardiness includes being late for work or late getting back from approved breaks.

#### **4.12 - Hours of Work**

A four (4) day, thirty-eight (38) hour week shall be the standard work week for employees unless otherwise provided. This should not in any way imply or be construed as guaranteeing any given number of hours of work per work week to employees. The City Manager may, at his discretion, establish different hours of work. Two (2) relief periods not to exceed fifteen (15) minutes each are allowed per day, one (1) in the morning and one (1) in the afternoon. Such relief periods shall be scheduled by Department Heads to assure efficient operation of their departments and uninterrupted service to the public.

## Chapter 5 Employee Benefits and Expenditure Reimbursement

### 5.01a - Health Insurance

The City of Springfield shall maintain a health insurance plan for all full-time regular employees. Health insurance plan information applies to each January 1st – December 31st plan year. Information pertaining to this plan shall be available from the City Manager. The City of Springfield reserves the right and ability to switch health insurance providers and/or coverage at its discretion.

~~Family Continuation Rider: The employee will pay fifty percent (50%) of the cost of the Family Continuation Rider premiums for eligible dependents. In the event the employee would otherwise be eligible for single or 2 person coverage and elects to cover an eligible dependent, the employee will pay fifty percent (50%) of the difference between the rates.~~

### 5.01b – Health Insurance Costs and Reimbursements

Effective November 1, 2013, employees will contribute 20% of the cost of the healthcare premium. Effective January 1, 2016, the City will contribute 100% of the cost of dental and vision premiums. The City reserves the right to select the health, dental, and vision plan(s) that will be made available to the employees.

### 5.01c – Health Insurance ~~Deferral~~ Opt-out Payments

Active employees who have access to insurance through another means may decline to participate in the City's health insurance plan (proof of coverage is required). In lieu of receiving health insurance benefits from the City, employees who decline to receive the benefits will be compensated per the following schedule:

Insurance Eligibility	Insurance Acceptance	Weekly Compensation	Total Annual Compensation
Single Person	None	\$50.00	\$2,600.00
Employee and Spouse	None	\$100.00	\$5,200.00
Employee and Children	None	\$100.00	\$5,200.00
Employee and Family	None	\$125.00	\$6,500.00

Employees that have access to another health insurance provider for members of their family that would otherwise be included in the City's health insurance program may decline coverage for all of those family members and continue have access to the City's policy as a single person. Employees who elect to participate in this partial ~~deferral~~ opt-out will be compensated per the following schedule:

Insurance Eligibility	Insurance Acceptance	Weekly Compensation	Total Annual Compensation
Employee and Spouse	Single Person	\$50.00	\$2,600.00
Employee and Family	Single Person	\$75.00	\$3,900.00
Employee and Family	Single Parent	\$50.00	\$2,600.00

All ~~deferral~~ opt-out payments will be made weekly, and shall be subject to federal, state, and/or local income taxes.



## 5.02 - Life Insurance

The City of Springfield shall maintain a life insurance program, \$15,000 for all full-time regular employees and \$50,000 for department heads as covered by these policies. Information pertaining to this plan shall be available to all such employees from the City Manager.

## 5.03 – Retirement Benefits

### A. Pension

The City of Springfield is a member of the Michigan Municipal Employees Retirement System (MERS). Information pertaining to such pension plan and the benefits and options available to all employees so eligible may be obtained from the City Manager. General employees and department heads are covered under the B-2 plan. All employees shall contribute an amount equal to five percent (5%) of wages to the MERS pension plan.

### B. Retiree Health Insurance

The City agrees to allow eligible retired employees covered by these policies to continue in the City's group health insurance plan. The City shall pay the full premium for the retiree as a single person, subject to the following provisions:

1. The Employee must have been hired by the City of Springfield prior to July 1, 2009 and must have completed a minimum of 20 years of full-time service with the City of Springfield. Employees hired by the City on or after July 1, 2009 shall be eligible for retiree health care per 5.03(C).
2. The premium amount paid by the City shall be capped at the Employer portion of the rates in effect on the last day of the retiree's active full-time employment.
3. In the event that the annual premium amount rises above the capped amount, the City will pay the entire premium directly to the health insurance provider and invoice the retiree for his/her portion of the premium.
4. The retiree may also include his/her spouse and dependent children (under the age of 19 years) provided the retiree pays the premium amounts for such spouse and dependent so covered.
5. Group health insurance shall cease upon the retiree obtaining employment that provides its own health care plan.
6. At the time the retiree is eligible to enroll in Medicare (as provided by Federal law), he/she shall enroll in Medicare, and the City will provide two hundred dollars (\$200) per month for the purchase of supplemental insurance in lieu of continuance on the City's group health insurance plan.
7. Eligible retirees who do not wish to participate in the group health insurance plan may decline to join at the time of their retirement and receive a one-time payout from the City of Springfield in the amount of ~~ten thousand dollars (\$10,000.00)~~ twenty-five thousand dollars (\$25,000.00).

There are no reinstatement rights if such coverage is declined and payment is made. All opt-out payments shall be subject to federal, state, and/or local income taxes.

8. Retirees who have access to another health insurance program and do not wish to participate in the group health insurance plan, may opt out of the plan at any time, with the understanding that they may only opt back in to the plan if their other insurance program is no longer available. At that time, the City will pay the premium for the health insurance plan subject to the respective retiree's cap premium rate provided for above.

C. Health Care Savings Plan

Employees hired on or after July 1, 2009 shall have no access to employer-provided or sponsored health insurance during retirement. The Employer will sponsor a health care savings plan (HCSP) for all such employees. Employees shall make mandatory weekly contributions to the plan of at least ten dollars (\$10) per week. The Employer will match all employee contributions to such account, up to one thousand (\$1,000) per calendar year. The Employer's contributions shall remain the property of the employer until such time as the employee completes fifteen (15) years of continuous service with the Employer. If an employee separates employment for any length of time prior to the completion of fifteen (15) years of continuous service, he/she shall forfeit all employer contributions and related interest earnings. Per section 4.03, employees may roll over up to 50 Hours of unused PTO into the city sponsored HCSP.

Employees hired prior to July 1, 2009 may voluntarily shall participate in the Health Care Savings Plan and shall make mandatory weekly contributions to the plan of five dollars (\$5) per week. There is no employer match. Per section 4.03, employees may roll over up to 50 Hours of unused PTO into the city sponsored HCSP.

D. Life Insurance

For all eligible employees who retire under MERS, the Police and Fire Pension, or the ICMA Deferred Compensation Plan after December 1, 1978, the City shall carry a five thousand dollar (\$5,000.00) life insurance policy. Information pertaining to this plan shall be available to all employees from the City Manager. Employees hired after January 5, 2004 shall not be granted life insurance upon retirement.

E. Deferred Compensation 457 Retirement Plan

For all eligible employees who have a MERS B-2 Retirement Plan, the City will match up to 5% of base wages towards a deferred compensation 457 plan. Information pertaining to this plan shall be available to all employees from the City Manager.

#### 5.04 - Workers' Compensation

Employees injured on the job and eligible for Workers' Compensation benefits shall be paid their regular salary, exclusive of overtime, for a period not to exceed thirty-nine (39) weeks. Such employee shall, for the same period of time, remit to the City Treasurer all Workers' Compensation checks as received.

In the event an employee receives sick leave compensation for an injury or illness and subsequently such employee is awarded Workers' Compensation for the same period of time, the employee shall reimburse the

City for such amounts received as sick leave pay and the City shall credit the employee's sick leave account with the number of days so used as sick leave. Under no circumstances shall an employee receive greater compensation while disabled than he would have received while working. (Per Meadowbrook insurance: days 1-7 no worker comp payments, 8-14 worker comp payments from day 8, from day 15 worker comp is paid retroactively to day 1.).

#### **5.05 - Travel and Other Official Expenditures**

Employees who use their own car for official City business shall be reimbursed for mileage at the current IRS rate of reimbursement.

City employees may, in the best interest of the City and subject to the approval of Department Heads and the City Manager, attend meetings, seminars and/or conferences. Reimbursements for costs associated with attending, shall be approved, in advance, by the Department Head and City Manager.

All employees shall submit documentation as to mileage travel and expenses incurred pursuant to all requests for reimbursement under the provisions of these policies. No reimbursement will be paid for any such requests submitted more than thirty (30) days after the date of their incurrence. Per Diem food expenses shall not exceed \$50.

## **Chapter 6 Employee Responsibilities and Rules of Conduct**

### **6.01 - Employee Responsibilities**

By way of illustration and not limitation, it shall be the responsibility of each employee to:

- A. Have knowledge of and comply with departmental rules and regulations and the policies set forth in this Personnel Policy Manual.
- B. Perform assigned duties at all times and continually strive to improve performance.
- C. Serve the citizens of Springfield in a manner which is courteous, helpful, honest, and patient.
- D. Deal with requests for information from the citizens and other City employees in a tactful and pleasant manner.
- E. Conduct himself with decorum.
- F. Report all unsafe conditions to a supervisor.
- G. Observe safety rules and common safety practices.
- H. Report all personal injuries and property damage accidents to his supervisor. I. Be regular in attendance.
- J. Observe the working hours and starting time established by the City for his department.
- K. Notify department supervisors in accord with these policies if unable to report to work as scheduled.
- L. Notify department supervisors if he expects to be tardy.
- M. Appraise shift replacements of the status of ongoing operations.
- N. Notify the City Manager of any changes in personal data.
- O. Fill out and sign required job, equipment and material cards.
- P. Gain permission from the City Manager before vending, collecting contributions, or soliciting on City property.
- Q. Exercise care with the monies and property of the City. If City property is destroyed or damaged through negligence, the employee may be held accountable for repairs or replacement. R. Cooperate in any investigation being conducted by the City.
- S. Fill out and return all forms necessary to conduct business of the City.
- T. City employees are expected to meet their financial obligations. If you experience financial problems, feel free to discuss them with your Department Head or the City Manager.
- U. Smoking is prohibited on city property.

Violation of these responsibilities or any of the guidelines for appropriate conduct as set forth below shall result in disciplinary action up to and including discharge.

### **6.02 - Guidelines for Appropriate Conduct**

Employees are expected to accept certain responsibilities, adhere to acceptable business principles and manners of personal conduct, and exhibit a high degree of personal integrity at all times.

Whether you are on duty or off, your conduct reflects on the City of Springfield. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that the City of Springfield considers inappropriate include, but are not limited to, the following:

- A. Falsifying employment or any other City records.
- B. Violating the City of Springfield's non-discrimination (see Title VI Plan in Chapter VXIII) and/or sexual harassment policy (see section 2.08) C. Soliciting gratuities from customers or clients.
- D. Un-excused absenteeism or tardiness.
- E. Unauthorized use of the City's supplies for personal or any other purpose.
- F. Reporting to work or working while intoxicated or under the influence of alcohol or nonprescription drugs or after having consumed alcohol or non-prescription drugs. Illegal manufacture, possession, use, sale, distribution or transportation of alcohol or drugs. (See Drug Free Work Place Chapter VII)
- G. Possessing or using alcoholic beverages or illegal drugs on City property or possessing or using alcoholic beverages or illegal drugs while engaging in City business off City premises. (See Drug Free Work Place Chapter VII)
- H. Fighting or using obscene, abusive, or threatening language or gestures.
- I. Theft or destruction of property of co-workers, customers, or the City of Springfield.
- J. Unauthorized possession of firearms or explosives on City premises or while on City business, in a City vehicle whether owned or leased.
- K. Disregarding or violating the City's safety or security regulations or other rules and regulations of the City.
- L. Insubordination. (Includes but not limited to: Failure to follow directions of a supervisor, impolite or foul language directed toward a supervisor, angry behaviors such as slamming doors, throwing objects, yelling, or similar actions.)
- M. Failing to maintain the confidentiality of the City of Springfield, customer, or client information. Unlawful or inappropriate release of confidential information of either the State of Michigan, Federal Government, or the City of Springfield constitutes a serious breach of duty and subjects the employee to discipline up to and including termination of employment. (Resolution # 10-03) Additionally, the City of Springfield is required by the Michigan Social Security Privacy Act to control how it obtains, uses, disseminates and disposes of records which contain Social Security Numbers. (See policy section XIV, Social Security Number Privacy.)
- N. Abuse or fraudulent use of sick leave credit hours or any other employee benefit.
- O. Conduct of a criminal nature and/or convictions.
- P. Unauthorized use of City vehicles or property.
- Q. Carelessness or negligence resulting in injury to persons or damage to City property.
- R. Engaging in horseplay of any kind or unnecessarily contributing to unsanitary, unsafe or poor housekeeping or working conditions.
- S. Unauthorized use, misuse, abuse, or deliberate destruction of City property, tools, equipment, or that of another employee, or failure to report any equipment requiring maintenance, repair or safety attention, or failure to maintain such machines, tools, equipment, or vehicles. T. Performing any unauthorized private employment.
- T. Solicitation of signatures or membership dues for political or union purposes during working hours without the prior written permission of the City Manager.
- U. Sleeping on the job when it is not authorized.
- V. Admitting employees or other persons to City property not designated as public property without authorization or permitting any person who is not an employee of the City to enter or ride in a City vehicle without express authorization from the Employer.
- W. Engaging in political election activity on City property on City time.
- X. Falsifying testimony in a City investigation.

- Y. Engaging in strikes, slowdowns, mass sick calls, unlawful picketing or in any other manner impeding the full working efficiency of the City including refusals to perform customarily assigned duties and overtime work.
- Z. Gambling or any other unlawful activity on City time or City property.
- AA. Posting, making, or publishing false, vicious, or malicious statements concerning the City or any City employee or operation.
- BB. Neglect in the performance of any assigned duty or responsibility.
- CC. Failure to obtain and maintain a driver's license, CDL where applicable, when required by the job.

### **6.03 - Progressive Discipline**

It is the goal of the City of Springfield to encourage all employees to serve the public with respect and courtesy, follow the rules and regulations on work performance and public contact, work well with their co-workers and generally do all such other things that contribute to good job performance. The City Manager shall strive to maintain fair disciplinary procedures and see to it that the rights of employees are protected.

The City, in recognition of the concept of progressive discipline, shall apply discipline in the following manner:

- A. Verbal reprimands shall be the responsibility of the employee's supervisor and shall include what infraction of the rules and regulations has occurred and the expected correction. Such reprimands may be written down for the purpose of aiding memory and providing direction.
- B. Written reprimands shall be the responsibility of employee's supervisor and shall include:
  - 1. Employee's name.
  - 2. Date of infraction.
  - 3. Reason(s) for the reprimand. (Cite appropriate policy infraction)
  - 4. Expected correction.
  - 5. Notification that future violations of a similar nature will subject the employee to stronger discipline up to and including termination.
- C. Suspensions shall be the responsibility of the Department Head with notification to the City Manager. The employee is to be notified in writing at the time of the action and such written notification shall include:
  - 1. Employee's name.
  - 2. Date of infraction.
  - 3. Reason(s) for the reprimand. (Cite appropriate policy infraction)
  - 4. Expected correction
  - 5. Notification that future violations of a similar nature will subject the employee to stronger discipline up to and including termination. Copies of such written notification are to be included in the employee's personnel file.
- D. Dismissal from City service shall be the responsibility of the City Manager. However, in situations where immediate dismissal is appropriate, the Department Head may discharge an employee with subsequent notification to the City Manager. The employee is to be notified in writing of the reason(s) for the dismissal. Copies of such written report are to be included in the employee's personnel file.

The employee will be requested to sign a form acknowledging receipt of all discipline as imposed. The employee's signature does not indicate agreement with the information contained therein, but serves as evidence that he has been informed that discipline has been imposed. Copies of all disciplinary notices are to be sent to the City Manager and included in the employee's personnel file.

Written notations of all discipline as imposed shall be placed in the employee's file and shall remain a part of the file for no more than two (2) years following the date of the imposed discipline.

#### **6.04 Reserved**

#### **6.05 - Grievance Procedure**

Policy: The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of an employee's grievance. It is the desire of the City to adjust grievances informally and both supervisor and employee are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a formal appeal and review. Accordingly, the following procedure is established:

- A. Any employee covered by the provisions of these policies who feels that such have been violated shall, in the first instance, discuss such verbally with his immediate supervisor. The immediate supervisor will make inquiry into the facts and circumstances of such issue and attempt to resolve the problem informally. If such informal discussion does not successfully resolve the dispute, the employee shall reduce his assertions to writing and present such to his Department Head within ten (10) work days of the date of the occurrence of the alleged incident. The Department Head shall investigate the circumstances regarding such written grievance and give a written response back to the employee within ten (10) work days of the receipt of the grievance.
- B. Any employee who is dissatisfied with the written decision of the Department Head may submit the grievance, in writing, to the City Manager within five (5) work days of receiving the response from the Department Head. The City Manager may make such investigation and may conduct such hearings as he deems necessary and shall, within fifteen (15) work days after receipt of the employee's grievance, inform the employee, in writing, of his decision. The decision of the City Manager will be final. In cases of an employee's discharge only, said discharged employee has the right to have the City Manager's decision reviewed by a panel consisting of the Mayor, the Mayor Pro Tem, and one other Council Member to be selected by the Mayor. Such panel will provide their determination in writing to the employee, and such determination shall be final.
- C. Department Heads shall submit any grievances received directly to the City Manager. No disciplinary action or reprisal of any kind shall be suffered by any employee as a result of filing a grievance.
- D. Department Heads who have a grievance against the City Manager shall provide the City Manager an opportunity to address the grievance. If the Department Head is dissatisfied with the decision it may be appealed to the Mayor who will appoint a board of three (3) to review the incident and the decision. The board's decision shall be binding.

## **6.06 - Termination of Employment**

Employees desiring to terminate their employment relationship with the City of Springfield must notify the City at least two (2) weeks in advance of their intended termination date. Such notice shall be given in writing to the employee's Department Head. Proper notice allows the City of Springfield sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in his final pay check. Without proper notice, the employee may have to wait until the end of the next normal pay period to receive such payments. Failure to give two weeks' notice shall result in the forfeiture of accrued vacation benefits.

Employees who plan to retire are urged to provide the City of Springfield with a minimum of (2) month's written notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner.

Exit interviews with the employee's Department Head are normally scheduled for outgoing employees after the Department Head has received notice of resignation or intent to retire and for employees whose termination is initiated by the City. The purpose of these interviews is to review eligibility for benefit continuation and conversion, to ensure that all necessary forms are completed, to collect all property belonging to the City of Springfield, and to provide employees with an opportunity to discuss their job related experience.



## **Chapter 7 Drug Policy**

### **7.01 - Policy:**

The City is a Drug Free work place and recognizes substance abuse as a threat to the health, safety, and welfare of the public and the employees of the City. Substance abuse means the use of illicit drugs or the abuse of legal drugs or alcohol. Thus, the City will take the necessary steps, including testing to eliminate substance abuse. It is the intent of the City, to encourage and assist employees in treatment and rehabilitation whenever appropriate. It should be understood by all employees that counseling or rehabilitation programs are separate from constructive disciplinary measures that may be utilized by the Employer.

However, the City cannot condone the use of illicit drugs or the abuse of legal drugs or alcohol. Therefore, the sale, purchase, transfer, use, or possession of illegal drugs or drugs which have not been legally obtained by employees is prohibited. In such cases, disciplinary action, up to and including termination, will be imposed.

### **7.02 - Informing Employees About Drug Testing:**

- A. It is the goal of this policy to prevent and rehabilitate rather than terminate the employment of employees who are involved in substance abuse without first having been offered the opportunity to discontinue use either through personal choice or by treatment for chemical dependency, if such treatment is needed.
- B. To accomplish this goal the City will inform all employees of the City's drug policy before testing is administered. Employees will be provided with information concerning the impact of the use of drugs on job performance. In addition, the Employer shall inform the employees of how the tests are conducted, what the test can determine, and the consequences of testing positive for drug use.

### **7.03 - Employee Testing:**

- A. Urine testing of employees can be an effective means by which to identify those in need of counseling, treatment or disciplinary action. The urine testing program is intended to supplement, not replace, other means by which the use of drugs and alcohol can be detected.
- B. The testing of employees shall be conducted only under the following circumstances:
  - 1. Routinely to all job applicants to whom a job offer is being considered.
  - 2. When an employee's supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a prudent supervisor to suspect that the employee is on drugs or alcohol (e.g., slurred speech, alcohol on breath, inability to walk a straight line, etc.)
    - i. When an employee is found in possession of suspected illicit drugs or alcohol or when suspected illicit drugs or alcohol are found to have been brought by the

employee into an area controlled or used exclusively by the employee (e.g., employee's locker, etc.)

- ii. As a part of a routine twelve (12) month testing program instituted as a result of prior drug or alcohol related disciplinary penalties against the employee.

3. Randomly in accordance with the Employer's plan. Selections will be accomplished using a scientifically valid, computer-based random number generator in which all employees active in the pool are assigned a random index number between A1" and the number of individuals in the pool (the number of their place in the overall pool).

- C. An employee ordered to submit for testing shall be informed of the underlying reasons why he or she is being ordered to submit the specimen. The reasons shall be documented in writing prior to the test results being known with a copy furnished to the employee within forty eight (48) hours. In situations covered by collective bargaining agreements, individuals shall have the right of representation consistent with the applicable collective bargaining agreement. If the employee refused or fails after a three (3) hour period to submit to testing, he shall be informed that this refusal constitutes failure to obey a direct order and that this is grounds for termination.
- D. The supervisor requesting the testing shall fill out the designated form. The form shall include space for the employee to indicate any prescribed or over the counter medications currently being taken by the employee.
- E. The cost of testing for substance abuse will be the responsibility of the City. The cost of any treatment and/or rehabilitation for an employee that tests positive for illicit substances and/or alcohol that is not covered by the employee's existing medical coverage will be the responsibility of the employee.

#### **7.04 - Specimen Collection:**

- A. For urine testing, the urine specimen shall be obtained from the employee as follows:

1. The employee shall be escorted to a medical facility.
2. Medical personnel shall hand the employee a specimen bottle, labeled with the employee's name or patient identification number, the date, name of staff witness, and any other relevant identifying information. The information shall be typed or written in indelible ink.
3. Designated medical personnel shall personally watch the employee to insure that the employee submits an unadulterated urine specimen in the specimen bottle provided, by witnessing the employee urinate into the bottle or take other precautions. The foregoing shall be conducted by staff of the same sex, in private, and outside the presence of others. Employees will be required to indicate the types of prescribed or over the counter medications they are taking prior to the test.
4. If the employee is unable to provide a urine specimen immediately, he shall be detained until he is able to provide a urine specimen. Employees unable to provide a urine specimen

within three (3) hours of being ordered to do so shall be considered to be refusing to submit the specimen.

5. After the sample is obtained, the designated medical personnel must not lose sight of it or compromise such other precautions as may have been taken to protect the specimen until he obtains it from the employee.

B The designated medical personnel witnessing the collection of the sample by the employee shall make a notation on the designated form. If the employee is unable within three (3) hours of being ordered or if the employee refused to submit to the test, this fact shall be noted.

For the testing of alcohol, an alternative method of testing (e.g. breathalyzer or blood sample) will be utilized.

### 7.05 - Testing Procedure:

The specimen shall be forwarded to a contract laboratory for testing and processed as follows:

- A. The specimen shall be placed in a secured freezer, if it is not to be tested immediately. All persons handling the specimen shall make an appropriate notation. The number of persons handling the specimen should be minimized.

All specimens shall be tested for CHEMICAL ADULTERATION, NARCOTICS, CANNABIS, PCP, COCAINE, AMPHETAMINES, AND SEDATIVES. The following standards are applicable for the substances indicated.

Drug	Screening Test	Confirmation
Amphetamines	300 ng/ml Amphetamine	500 ng/ml GC/MS
Barbiturates	200 ng/ml Barbiturate	500 ng/ml GC/MS
Benzodiazepine	300 ng/ml Oxazepam	500 ng/ml GC/MS
Cannabis	50 ng/ml Delta-THC	100 ng/ml GC/MS
Cocaine	300 ng/ml Metabolite	500 ng/ml GC/MS
Narcotics	100 ng/ml Morphine	500 ng/ml GC/MS
PCP	25 ng/ml PCP	100 ng/ml GC/MS

Note: A nanogram (ng) is one millionth of a milligram. A milliliter (ml) is one thousandth of a liter.

- B. For applicants, the Thin Layered Chromatography (TLC) test shall first be performed. The results obtained from the TLC testing shall be noted on the form. If a positive result is obtained on an applicant, a second test shall be performed on the same specimen using the alternate scientific method Enzyme Multiplied Immunoassay Technique (EMIT). In the event that both tests are positive, an applicant may request at applicant's cost, the sample be tested using the Gas Chromatography/Mass Spectrometry (GC/MS) method. If this is negative, the applicant will be reimbursed by the Employer.

C. For employees, the Thin Layered Chromatography (TLC) test shall be performed first. If a positive result is obtained on the employee, the Gas Chromatography/Mass Spectrometry (GC/MS) shall be performed.

D. For all tests, the contract laboratory shall be instructed:

1. To freeze all specimens yielding positive results.
2. To return the request form, the laboratory report, and any printouts showing positive results from employee specimens.
3. All positive test results are to be evaluated by the laboratory's Medical Director prior to being forwarded to the City Manager.

E. Confidentiality:

1. The City Manager is designated to receive any positive reports. The Manager will notify medical and other employees of the City strictly on a need-to-know basis, in compliance with the HIPAA laws and City policy.
2. No laboratory reports or test results shall appear in a personnel folder. Information of this nature will be included in the medical file with a marker to appear on the inside cover of the personnel folder to show that this information is contained elsewhere.

F. Use of Results:

1. Any action to be taken on receipt of a positive report which has been confirmed by the GC/MS method will be taken by the Department Head only after receiving a report from the City Manager.
2. The detection of the use of any illicit drug may be grounds for immediate dismissal. The employee, however, should have every opportunity to explain the presence of any drug in his system, and if need be, substantiate his explanation with medical evidence.
3. The use of prescribed medications could be an indication of a possible health problem and a review will be made of the employee's job responsibilities and whether the use of these medications poses a potential hazard to himself, his fellow employees, or the general public.

G. Chemical Dependency Program:

Every employee whose specimen tests positive for illicit drugs or alcohol will be referred to the Employee Assistance Program (EAP). The counselors employed by the EAP will assist the employee in obtaining counseling or treatment in a rehabilitation program. In addition, at any time an employee may voluntarily enter a chemical dependency program without fear of disciplinary action against him or her for doing so. Details concerning treatment any employee receives shall remain confidential and shall not be released to the public.

H. Duty Assignment after Treatment:

Once an employee successfully completes a rehabilitation program, he may be returned to his regular duties. Employee reassignment during treatment in an outpatient program shall be determined in the sole discretion of the Employer. In making such determination, the Employer shall consider each individual's circumstances and any recommendation as received from the employee's outpatient

program counselors. Any employee who, under this policy, is returned to duty assignment after treatment, may as a condition of employment be required to submit to periodic retesting as directed by the Employer. Any employee who, under this policy, tests positive for illicit drugs and/or alcohol a second time will be terminated. Two (2) years from the date the treatment and any follow-up care is completed, the records of treatment and positive test results shall be retired to a closed medical record.

I. Conflict with Other Laws:

This article is not intended to supersede an employee's federal/state constitutional rights.

## **Chapter 8 Workplace Violence**

### **8.01 - Purpose:**

The City of Springfield is complying with Section 5(a), the Federal Occupational Safety and Health Act of 1970. Therefore, the City of Springfield will not tolerate threats, threatening behavior, or acts of violence against employees, visitors, guests or other individuals by anyone on the city's property. This includes physical attacks, verbal or physical threats, destruction of property, sexual harassment, intimidation or abusive language.

### **8.02 - Definitions:**

*Workplace violence* includes but is not limited to harassment, threats either overt or veiled, physical attack or property damage.

*Threat* is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to the ability to carry out the threat and without regard as to whether the threat is contingent, conditional, or future.

*Physical Attack* is unwanted or hostile physical contact such as hitting, fighting, pushing shoving, biting, spitting, blocking the path of another, or throwing objects. Any assault or attempt to assault as defined by pertinent laws is included.

*Property Damage* is intentional or inadvertent damage to the property of the City or of another due to inappropriate response to situations.

### **8.03 - Prevention:**

Prevention efforts include, but are not limited to, informing employees of this policy, communicating the sanctions imposed for violating this policy and providing a reporting procedure to report incidents of violence without fear of reprisal.

### **8.04 - Prohibited Actions and Sanctions:**

It is a violation of this policy to engage in any act of workplace violence.

No employee or third party, excluding law enforcement personnel, is permitted to bring weapons or firearms into the workplace, or onto the city's property, or within city owned vehicles.

Any person who, in the opinion of the immediate supervisor, poses a threat to himself or others shall be removed from the premises and shall remain off the city's premises pending the outcome of an investigation. Such removal of any employee will be immediately reviewed by the City Manager.

The City Manager will initiate an immediate response which may include, but is not limited to, reassignment of job duties, suspension or termination of employment, termination of any business relationship, and/or criminal prosecution of the individual(s) involved.

## 8.05 Employee Responsibility

Employees will be given a copy of this policy.

In the workplace, an employee witnessing violence against another or the target of the violence shall call a supervisor or 9-1-1 as necessary. Erring on the side of caution is preferred. The employee should also observe the situation and attempt to get information such as the name and description of the perpetrator but only as it can be accomplished safely.

Any employee having knowledge of workplace violence must report the act to a supervisor immediately. Failure to report this knowledge subjects the employee to disciplinary action.

All employees who apply for or obtain a protective or restraining order which lists the city's property or facilities as being protected areas must provide this information to the immediate supervisor. It is highly recommended that any application for a protective order be communicated to co-workers to alert them to the potential for problems.

All personnel shall cooperate fully with the police in the investigation and prosecution of violent acts. The administration and all other employees will respect the privacy of the reporting employee. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for, or actual occurrence, of workplace violence.

Suggestions for improved safety are encouraged and may be channeled through supervisors to the City Manager.

All employees shall refrain from demeaning other employees either publicly or privately.

**Indicators:** Obsessions, especially with weapons  
Repeated or veiled threats  
Obsessive job involvement  
Paranoid or aggressive behavior (angry outbursts) Unwanted romantic interest from or toward a co-worker  
Overreaction to city policy  
Refusal to accept criticism  
Increased mood swings  
Damage or destruction of city property  
Poor workplace relationships  
Decreased productivity  
Inconsistent work performance.

## 8.06 - Supervisor's Responsibility:

A. The supervisor upon receiving notification of work place violence shall:

1. Determine if an immediate threat to safety of employees or residents exists. Call 911.
2. Separate personnel from the point of threat or anger.
3. Attempt to calm the aggressor if it can be done safely.
4. If an employee is the aggressor, suspend them pending an investigation.

5. Advise the employee to report to the City Manager's office the next work day at 8AM.
6. Notify the City Manager of the issue.
7. Initiate the investigation listed below.

B. If there is no immediate threat, Initiate an investigation by:

1. Interviewing the target.
2. Document the interview.
3. Obtain a written complaint from the target.
4. Interview the aggressor and advise them of the complaint; If it's an employee, review policy.
5. Document the interview.
6. Obtain a written statement from the suspected aggressor.
7. Notify the City Manager

The immediate supervisor shall notify the Sherriff's Office Command Officer and the City Manager. In the event either is unavailable notify a Sheriff's Office Deputy.

### **8.07 - Interpersonal Relationships**

No employee or supervisor shall demean nor argue with another worker or a citizen. Swearing at or use of vulgar language toward another shall be considered demeaning. These actions are considered counter-productive. Contentious incidents can be best handled by:

1. Listening
2. Agreeing where appropriate
3. Calm responses with an effort to resolve
4. Asking pertinent questions
5. Addressing problems as early as possible

Any criticism of work shall be done one-on-one, with the goal of improved performance. Any criticism shall be done without malice or personal vendetta.

### **8.08 - Safety**

In the event of serious threat retreat to a safe area would be appropriate. Examples of safe areas:

1. The men's hall bathroom has a lockable steel door and cement block walls.
2. The hall leading to the garage has a room with a steel door and cement block walls.
3. The treasury bathroom has a lockable steel door and cement block walls.
4. The treasury storage/furnace room has a steel door and cement block walls.
5. If possible, evacuation should be considered.



### **8.09 - Weapons**

Except for law enforcement personnel, the City of Springfield prohibits the possession of firearms or explosives in city vehicles, on city property, or within city facilities whether or not the bearer is licensed to possess or carry such articles.

### **8.10 Searches**

The city reserves the right to conduct searches of any person, vehicle or object that enters onto city property.

### **8.11 - Privacy**

No employee shall have any expectation of privacy in lockers, desks, city owned or leased vehicles, on computers, or any other areas of city property. (See also 9.03)

## **Chapter 9**

### **Internet and E-Mail Use Policy**

#### **9.01 - Purpose**

The purpose of this policy is to inform all city employees, elected officials, volunteers, and other potential users of the city's computer equipment about the legal guidelines, expectations, and prohibitions in the use of Internet and e-mail.

#### **9.02 - Policy**

The policy of the city is to use the Internet and e-mail systems in a responsible, legal, ethical, effective, and productive manner.

#### **9.03 - Privacy (See also 8.11)**

This policy is to inform all employees that e-mail is never private, is subject to the Freedom of Information Act, and is subject to disclosure in litigation. It is also possible to recover "deleted" e-mail. E-mail and the Internet are the employer's property and the City of Springfield reserves the right to monitor the e-mail, Internet, and computer system without notice. Therefore, the following procedures and requirements are provided:

1. Internet use is for the purpose of conducting city business. Any other use is a privilege which shall not be abused.
2. Computers shall not be left unattended in a state which will allow unauthorized access to city records or compromise security.

#### **9.04 - Business Communication**

E-mail which is business related is considered to be an official document and is subject to the same record keeping requirements as written documents. Therefore, words must be professionally and prudently used, and an e-mail back-up or folder shall be kept for all business related communication. Business communication includes but is not limited to progress reports on projects, information requests and responses, and memos related to projects and issues. Business communication shall be professional and not include personal items.

#### **9.05 - Personal Communication**

The prohibition of personal communication is practically impossible to enforce even though it may be considered a waste of city time. Therefore, personnel are expected to keep such activity to a minimum. Blatant wasting of time through personal e-mail or use of the Internet shall subject the employee to the discipline policy.

Personal communication includes anything that is not business related. This too is subject to disclosure and therefore must be free from offensive language and jokes, profanity, obscenities, or other language which

may be offensive, sexual images or references, either specific or implied (See also, Chapter II, 2.02: Sexual Harassment), and ethnic jokes, intimidation, or derogatory remarks.

#### **9.06 Prohibited Acts**

1. Additionally the following acts are prohibited. The list is both specific and exemplary.
2. Violation of copyright laws
3. Re-posting personal communications without the original author's permission
4. Uses resulting in or designed for commercial gain
5. Creating a breach of security such as downloading programs which contain viruses.
6. Sending confidential information to locations which have no rights to the information.
7. Solicitation of employees for contributions or purchases.
8. Chain letters
9. Gambling

#### **9.07 - Complaints**

Any employee may file a complaint with the City Manager or direct supervisor regarding noncompliance with this policy.

#### **9.08 - Discipline**

Offensive communication which includes derogatory remarks about any race, ethnic group, religious group, class of people, supervisors, subordinates, or governmental leaders, shall be subject to the discipline process. The discipline shall start at the level of offense. For example, an inadvertent comment which causes someone concern will result in lesser discipline than a clearly derogatory remark directed toward an individual.

## Chapter 9.5 Social Media and Website Policy

### 9.5.01 – Purpose

The purpose of this policy is to inform all city employees, elected officials, volunteers, and other potential users of the City’s social media resources about the legal guidelines, expectations, and prohibitions in the use of City run Facebook pages, Twitter, websites, and any other social media resource the City deems fit to satisfy the residents and visitors of the City of Springfield.

### 9.5.02 – Policy

The policy of the city is to use social media and the city website in a responsible, legal, ethical, effective, and productive manner.

### 9.5.03 – Facebook

As a means of increasing communication with the residents it serves, the City of Springfield maintains ~~two Facebook pages. The first is the City’s official Facebook page. The second is a Facebook page for the Springfield Farmer’s Market.~~

#### A. City Employee Conduct

The lines between public and private, personal and professional are blurred in online social networks. By virtue of identifying oneself as an employee of the City of Springfield online, the employee carries an obligation to conduct themselves in a professional and civil manner. To that extent employees should use disclaimers on personal sites that reflect the content contained therein is in no relation to their professional duties as an employee of the City of Springfield.

#### B. User Conduct

1. This code of conduct shall apply to all users of the City’s Facebook page, including City staff, City Council members, and members of City Boards and Commissions.
2. Comments are the opinion of the poster only, and publication of a comment does not imply endorsement or agreement by the City of Springfield.
3. Comments shall relate to the topic being discussed in the original post and should be intended to further a civil discussion.
4. Comments shall not contain profanity, racial slurs, or other derogatory terms. Conducting oneself in such a manner would also put the user in violation of the City’s antidiscrimination policy (Section 13).
5. Comments shall not encourage illegal activity.
6. Comments shall not violate a legal ownership interest; such as a copyright or trademark.
7. Comments shall not contain personal or defamatory attacks.
8. Comments shall not contain random or unintelligible text.

9. Comments shall not endorse candidates seeking office or advocate a stance regarding a ballot proposal unless that proposal is a Council-approved City-initiated referendum.
10. Comments shall not advertise commercial products or services.
11. Comments shall not direct users to other websites or Facebook pages.
12. There is no right to privacy on the City's Facebook page as the page is a public forum.
13. The City reserves the right to block or remove any comments that violate this policy, or are illegal, threatening, or contain defamatory comments.
14. Comments may be retained by the City of Springfield, and they may be subject to requests under the Freedom of Information Act.
15. Anonymous postings or multiple postings by the same user or individual using a fictitious or different name is not permitted.
16. The City reserves the right to ban users that continually violate this code of conduct.
17. The City Manager or his/her designee is hereby empowered as the moderator of all comments and posts to the City's Facebook page.

C. City Employee use of Facebook

Employees may not log into their personal Facebook pages while on City time. This includes logging onto personal Facebook pages with cell phones or personal tablets. Doing so will result in disciplinary action. Employees are permitted to use City computers and personal electronic equipment for personal matters (subject to Chapter 9) during their regular breaks.

~~D. City Website~~

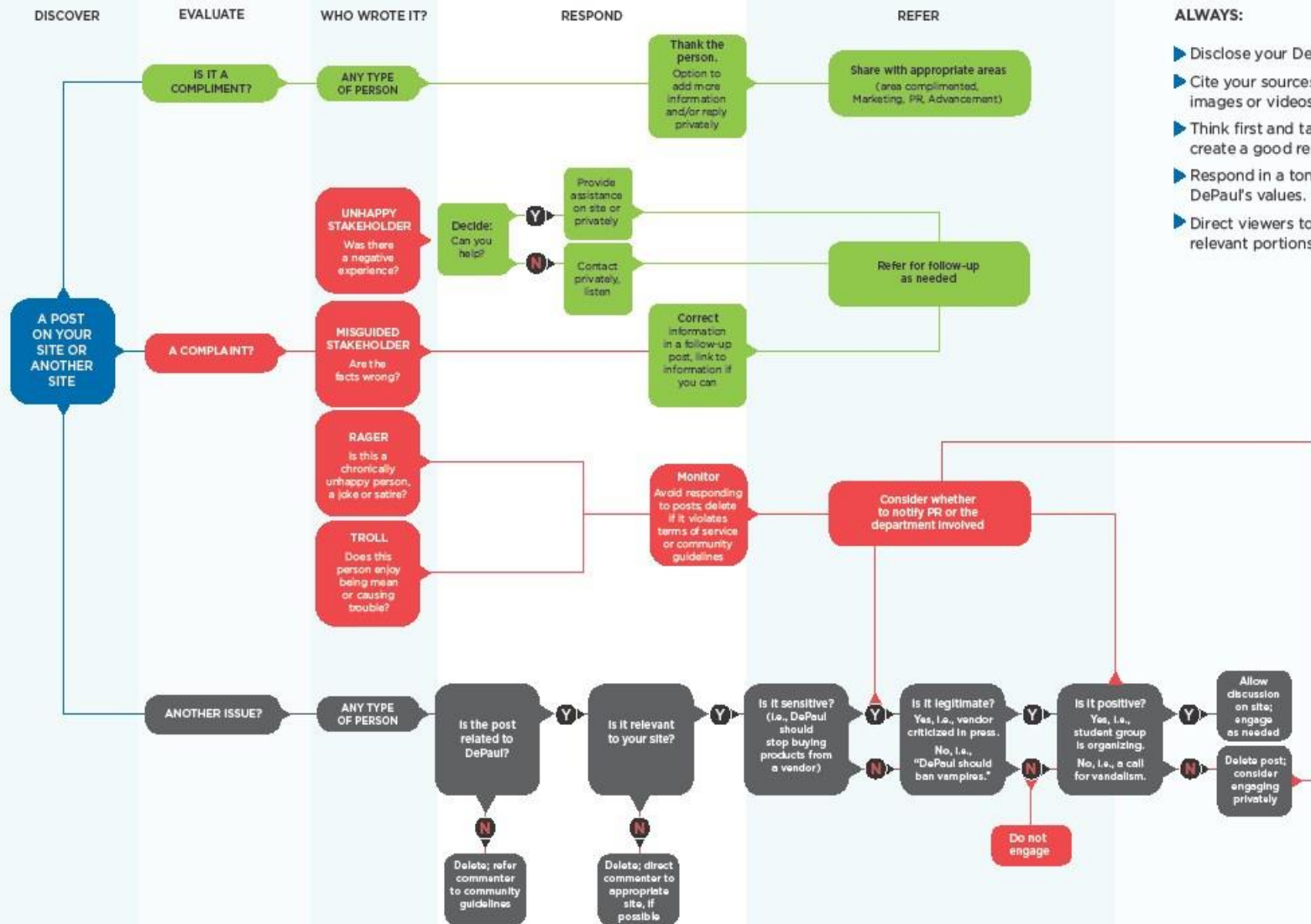
D. Content

1. The City Manager shall have the sole authority to administer the content of the City's website unless specifically directed to modify the website per a majority of the City Council.
2. The City's website shall not link to candidate sites, sites advocating a position on a ballot proposal, or the personal blogs, social media sites, or homepages of staff, Council members, or Board/Commission members.
3. Approved meeting minutes are to be posted within 1 week of the date of their approval.
4. Public Hearing notices are to be posted as they become available.

E. Responding to Comments

When responding to comments on the City's social media outlets, the moderator is directed to process comments per the "Post Response Flowchart" provided by DePaul University, which is attached.

# POST RESPONSE FLOWCHART<sup>1</sup>



## ALWAYS:

- ▶ Disclose your DePaul connection.
- ▶ Cite your sources using links, images or videos.
- ▶ Think first and take time to create a good response.
- ▶ Respond in a tone that reflects DePaul's values.
- ▶ Direct viewers to the most relevant portions of depaul.edu.

<sup>1</sup> Adapted in part from two public resources, the Air Force Web Posting Response Assessment and David Armano's Community Management Scenario.

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## Chapter 10

### MIOSHA Inspection Procedures

#### 10.01 - Purpose

The purpose of the City of Springfield's MIOSHA inspection procedure is to inform appropriate personnel of the actions they must take to assure the municipality's rights.

#### 10.02 - Scope

This procedure applies to the entire operations of the City of Springfield.

#### 10.03 - Policy

When a MIOSHA (state) or OSHA (federal) inspector arrives, the employee greeting the inspector shall be courteous. The employee shall:

1. Tell the inspector to have a seat in the reception area. Do not let the inspector leave the reception area until appropriate personnel arrive.
2. Notify the following key personnel immediately:  
Appropriate Department Head  
Public Services Director, Safety Coordinator  
City Manager, Employer Representative
3. Inform the inspector that someone will be with him or her shortly

#### 10.04 - Supervisor's Responsibility

1. Ask the inspector for his or her credentials and document the inspector's name, office address, and phone number.
2. Ask the inspector the reason for the inspection and document it.
3. Help the inspector to get necessary information after determining the reason for the visit. If the inspector requests copies of programs, procedures, etc., the representative should provide them to him or her for viewing. Do not duplicate any records or allow the inspector to take records with him or her.
4. Accompany the inspector throughout the visit. Never allow the inspector to inspect the premises alone.
5. Document any pictures the inspector takes, any conversations he or she holds with employees, or any violations the inspector discovers.



6. If the inspector finds a violation, never admit guilt or knowledge of the condition. Remember, the inspector is not there to help with internal safety efforts but to issue fines for violations.

### **10.05 - Closing Conference**

After completing the inspection, the inspector will hold a closing conference. The municipal representative should:

1. Take notes on all findings. The documentation may help for future litigation.
2. Document all violations of regulations and exactly what would constitute abatement.
3. Discuss with the inspector and establish a reasonable time within which to abate the situation.
4. Write a summary of the visit after the inspector leaves. The report shall contain the inspector's name, the address and phone number of the servicing office, and the reason for the inspection. It shall also discuss records the inspector reviewed, the operations he or she observed, and the employees with whom he or she consulted. The report shall list citations, if any, that the issued, indicate the duration of the visit, and provide any other pertinent information.

### **10.06 - Report Processing**

The municipality receives an official report from MIOSHA (OSHA) within 4-5 weeks of the inspection.

1. Stamp it with the date it was received.
2. Copy all reports and appropriate data collected and submit to: Appropriate Department Head  
City Manager, Municipal Offices, City Attorney, John Macfarlane, 68 E. Michigan, Battle Creek, MI 49015.
3. Review the inspection report thoroughly to determine an appropriate course of action.
4. Inform all essential personnel of the actions the municipality will take.

## **Chapter 11**

### **Personal Health Information Privacy Act**

#### **11.01 - Introduction**

The Health Insurance Portability and Accountability Act (HIPAA) was enacted by Congress in 1996. One of the provisions of the act (which is longer than the Bible) provides for privacy in transactions of health information. The commercial value of private health information and the technological ability to target people with specific health needs is resulting in added privacy issues throughout the U.S. Privacy regulations were finalized in 2002 and became effective April 14, 2003. The protection of Personal Health Information (PHI) is now regulated.

#### **11.02 - Purpose**

This policy is enacted in compliance with the act which outlines the employer's responsibility, the employee's responsibility, and the rights of the employee in protecting PHI. PHI is individually identifiable information created or received by a health plan and health care provider among other things.

#### **11.03 - Employer Responsibility**

The City of Springfield is required to comply with the act because we have employees covered by a health plan. Additionally, the Public Safety Department provides some health care in its role as a First Responder unit.

- A. The City of Springfield may not use or disclose PHI without the authorization of the affected individual. Employees must specifically indicate whether they want information transmitted to or withheld from family members.
- B. The City of Springfield may use or disclose PHI for treatment, payment, or health care operations.
- C. Dissemination of information is limited by the act and this policy to the "minimum necessary" to accomplish the purpose.
- D. We are required to protect all medical records and other individually identifiable health information held or discovered in any form whether electronic, paper, or verbal.
- E. We are also required to keep records of use of the information, must receive written authorization prior to the disseminate of the information, must train employees on privacy protection, and establish a grievance process.
- F. The City of Springfield will use employee PHI in determination of fitness for duty, promotion, and absences related to performance.
- G. We will also use PHI in conferring with doctors and health providers when the issue is job related or an on-the-job injury.
- H. Information will also be transmitted to the insurance carrier of record.

#### **Privacy Officer:**

The privacy officer of the City of Springfield is the City Manager who will make sure that violations are tracked, corrected, and that PHI is secure.

#### **11.04 - Employee Responsibility**

Any employee who by reason of authority, opportunity, accident, or error has knowledge of PHI of any other employee, employee's family, or customer of the City of Springfield shall:

- A. Keep any information confidential. In addition to confidentiality requirements of the City of Springfield, a person with the intent to sell, or sells, or transfers or uses individual identifiable health information for commercial advantage, personal gain or malicious harm, is subject to a fine up to \$250,000 and/or a prison term of 10 years.
- B. Re-file any information when not under direct observation or use.
- C. Not discuss with any other employee or supervisor knowledge of PHI without obtaining consent of the employee.
- D. Not send by mail, or electronic transfer, or discuss in person or by phone or radio waves any PHI without the consent of the individual except that which is necessary for providing immediate health care.
- E. Make a record of, or copy of, information disseminated to show that only the minimum necessary information was divulged. The record will include the reason, and the recipient's information.
- F. Injured employees will designate either their supervisor or the city manager as the recipient of pertinent information. (This information will also be available to the worker's compensation carrier.)
- G. Public Safety Department reports containing PHI must be deleted from the reports prior to being delivered to any third party.
- H. File an authorization form with the City Clerk before any assistance by the administration will be delivered in rectifying problems with the insurance carriers or doctors.
- I. Afford employees the right to review the city's records of their PHI.

#### **11.05 - Violation/Discipline**

Violations of this policy subject the violator to the progressive discipline policy as outlined in the Personnel Policy of the City of Springfield. Carelessness will not be a mitigating factor. Malicious use will result in termination from employment.

#### **11.06 - Acceptable Uses**

Acceptable uses include but are not limited to exchange of patient information needed for the treatment of the patient, billing, or essential health care operations.

#### **11.07 - Privacy**

Personal health information, whether transmitted electronically, orally, photographically, or written is strictly confidential and protected by law and these policies. Even verbal transmission is to be of such voice level to prevent being overheard by others. The provision of health care is not intended to be impeded by privacy laws.

### **11.08 - Freedom of Information**

Neither the routine insurance requests nor Freedom of Information requests shall include PHI. This includes photographs, comments in reports, and codes on reports.

### **11.09 - Role Based Access**

Access, use, and disclosure shall be based on the role of the employee and only to the extent that PHI is necessary to accomplish the job function.

### **11.10 - Grievance Procedure**

The grievance procedure of union contracts will be used by those covered under collective bargaining agreements. The grievance procedure in section 6.05 of these Personnel Policies will be used by nonunion personnel.

### **11.11 - Complaint Procedure**

If an employee has reason to believe that any PHI has been improperly secured or wrongfully disclosed the procedure for complaints is:

- A. Employee shall immediately or as soon as practical notify the City Manager of the circumstances.
- B. The City Manager shall investigate the complaint and respond in writing within 10 business days with the following:
  1. Unsubstantiated
    - a. Action was within the parameters of the policy b. Necessary activity
  2. Substantiated without intent
    - a. Error was accidental or inadvertent b. Disclosure was a violation of policy c. Corrective action taken
  3. Substantiation without intent
    - a. Corrective action taken b. Discipline imposed
- C. Copy of the City Manager's disposition will be filed in;
  1. Complaint file
  2. Aggrieved employee's file
  3. "Violator's" file

### **11.12 - Training**

This document shall serve as both notice and training in compliance with the HIPAA law. Questions are to be directed to the Privacy Officer. (P.36)

### **11.13 - Summary**

The fundamental principle is that all employees are to be sensitive to and make effort to maintain the security of all PHI which comes to our attention. Take whatever steps are necessary to avoid inadvertent disclosure.

## **Chapter 12**

### **Credit Card Policy**

#### **12.01 - Purpose**

The purpose of this policy is to comply with Public Act 266 of 1995 which requires certain controls and responsibilities be adopted by the local agency when the use of credit cards is authorized.

#### **12.02 - Issuance of Credit Cards**

Cards will be issued to department heads. Cards may be used only for the purchase of goods and services for the City of Springfield. Department heads may send their employees on a specific mission with the card but must retrieve the card and documentation of use immediately upon return.

#### **12.03 - Card Holder/User Responsibilities**

1. Only authorized employees of the City of Springfield may use the municipal credit card.
2. The municipal card may only be used for the purchase of goods and services for the official business of the City of Springfield.
3. The employee using the card must immediately submit receipts and documentation detailing the purchase to the Finance Director's attention.
4. The employee to whom the card is issued is responsible for its protection, custody, and use and shall immediately notify the Finance Director of loss, theft, or misuse.
5. Users of the card are to notify Michigan vendors of the city's tax exempt status.
6. The credit card may not be used for cash advances, personal use, or any purchase not specific to the needs of the City of Springfield.
7. The card must be surrendered upon termination of employment. The City of Springfield will withhold final payroll and accrued leave checks pending the surrender of the card.
8. The card user will be held personally liable for using the card for unauthorized purposes. Violation of these responsibilities subjects the user to discipline up to and including termination. The user is also subject to the appropriate civil and criminal sanctions as allowed by law.

#### **12.04 - Internal Control Procedures**

The City Manager is the administrator of this policy and is responsible for the issuance and retrieval of assigned municipal credit cards and for general oversight of compliance with the policy.

#### **12.05 - Finance Director Responsibilities**

1. Assist with the maintenance of records regarding the use, issuance, and retrieval of the municipal credit card.
2. Notify the City Manager of any discrepancies in the use of the cards
3. Accounting and payment of expenses. Ensuring documentation is received prior to payment.
4. The payment shall be made in a timely manner to avoid interest and past due penalty.
5. Compliance with the city's document retention schedule.

**Chapter 13**  
**Discrimination - Title VI Plan**

**13.01 - Purpose**

This policy is issued in compliance with the Federal and State Requirements to have a plan to avoid discrimination. Although it is never appropriate to discriminate state contracts call for a specific plan to avoid it and to provide for a system of complaint. The requirement is called the Title VI Plan based on the chapter of the law which authorizes the Michigan Department of Transportation to monitor compliance.

**13.02 - Policy**

It is the policy of the City of Springfield to comply with the requirements as indicated in the Title VI Plan which has been approved and is attached.

**13.03 - Council Adoption**

The Council of the City of Springfield adopted the attached Title VI Plan per resolution 15-05 on April 18, 2005.

**13.04 - Plan**

The City of Springfield assures that no person shall, on the grounds of race, color, national origin, religion, sex, disability or age as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Springfield further assures every effort will be made to ensure nondiscrimination in all of its committees, programs and activities, regardless of the funding source.

The City of Springfield will include Title VI language in all written agreements and bid information packets and will monitor compliance.

The City Manager of the City of Springfield will be responsible for initiating and monitoring Title VI activities, and all other responsibilities as required.

**Title Authorities**

TITLE VI OF 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, religion, sex, disability or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 S.557 March 22, 1988).

### **Coordinator Responsibilities**

The City Manager is responsible for ensuring the implementation and the day-to-day administration of the City of Springfield Title VI Plan. The City Manager is also responsible for implementing, monitoring, and ensuring the City's compliance with the Title VI regulations.

### **General Responsibilities**

#### Public Dissemination

The City of Springfield will disseminate Title VI Program information to City employees via personnel policies, sub-recipients, and contractors, as well as the general public. Public dissemination will include posting public statements, inclusion of Title VI language in contracts, and announcements of hearings, and notices of vacancies in boards and committees and meetings. These notices will be posted in newspapers as well as in the Springfield Municipal Building and, depending on the time of announcement, this will be posted in the City newsletter and referred to on the city's website.

#### Prevention of Discrimination

Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to issues to accessibility of training to all qualified City employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement and material acquisition.

#### Annual Reports

An annual report will be prepared by August 1<sup>st</sup> of each year. The City Manager will be responsible for preparing this annual report. The annual report must be submitted to MDOT by September 1<sup>st</sup> of each year. The report will review Title VI accomplishments and goals for the upcoming year.

#### Remedial Action

The City of Springfield will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administration requirements. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

### **Filing a Complaint**

#### Applicability

The complaint procedures apply to the beneficiaries of the City of Springfield programs and activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees and other sub-recipients of federal and state funds.

#### Eligibility

Any person who believes that they have been excluded from participation in or denied benefits or services of any program or activity of the City of Springfield or its sub-recipients, consultants, and contractors on the basis of race, religion, color, national origin, sex, age, or disability may bring forth a complaint of discrimination under Title VI and related statutes.

## Time Limitation on Filing Complaints

Title VI complaints may be filed with: City of Springfield

Michigan Department of Transportation

Federal Highway Administration

U.S. Department of Transportation

In all situations, City of Springfield employees must contact the City Manager immediately upon receipt of Title VI or related statutes complaints.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint to a City of Springfield employee, or other person authorized to receive complaints on behalf of the City, that person shall interview the person. If necessary, the authorized person shall assist the person in writing out the complaint for the person, or the person's representative, to sign.

A person may also request a copy of the City of Springfield Title VI complaint form. These forms are available at the Springfield Municipal Building during normal business hours.

## **Internal Complaint Processing**

The City Manager acting as the Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180-day filing deadline and meets jurisdiction.

The City Manager will then investigate the complaint, unless it is withdrawn. If the complaint is against the City Manager, then the City Administrator will investigate the complaint. If the complaint is against the City Administrator, then the Mayor will investigate the complaint.

If the complaint warrants a full investigation, the complainant will be notified in writing by mail. This notice will give the name of the investigator and/or investigating agency. The City will also notify MDOT of the investigation to determine if the City shall proceed with the complaint with or without the assistance of MDOT.

The alleged perpetrator shall also be notified by mail as to the complaint. This letter will also include the investigator's name and will request that this person be available for an interview.

## **City of Springfield Investigation Procedures**

Investigation Plan



- The investigator shall prepare a written plan, which includes, but is not limited to:
- Name(s) of the complainant(s)
- Basis for the complaint
- Any additional information needed
- Criteria and sources needed to obtain additional information
- Identify key people
- Estimated investigation time-line
- Remedy sought by the complainant(s)

#### Conducting the Investigation

- The investigation will address only those issues relevant to the allegations of the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted with those persons involved and evidence will be gathered.
- A chronological contact sheet will be maintained in the case file.

#### Investigation Reporting Process

- Within 30 days of receiving the complaint, the investigator prepares a report and submits it and any supporting documentation to the Title VI Policy Committee for review.
- The Title VI Policy Committee will review the file and a determination will be made as to “probable cause” or “no probable cause” and prepares a final decision letter.

#### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and the Police Committee’s final decision letter will be forwarded to the Michigan Department of Transportation within 60 days of the date the complaint was received.

#### **Records**

All records will be kept in a confidential manner and be on file for a period of three (3) years.

#### **13.05 - Title VI Assurances**

The City of Springfield (hereinafter referred to as the “recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the civil Rights Act of 1964 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation. Effectuation of the Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, religion, sex, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received federal financial assistance; and

HEREBY GIVES ASSURANCE THAT, it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal Highway or Transit Program, and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

### 13.06 – Title VI Complaint Form

This form may be used to file a complaint with the City of Springfield based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint.

***If you need assistance completing this form, please contact us by phone at 269-441-9271, by fax at (269) 965-0114 or by e-mail at [kcatlin@springfieldmich.com](mailto:kcatlin@springfieldmich.com)***

**Only the complainant or his/her designee should complete this form.**

Name:

Date:

Street Address:

City:

State:

Zip:

Telephone:

(home)

(work)

Individual(s) discriminated against, if different than above (use additional pages if needed). Name:

Date:

Street Address:

City:

State:

Zip:

Telephone:

(home)

(work)

Please explain your relationship with the individual(s) indicated above:

Name of agency and department or program that discriminated:

Agency or department name:

Name of Individual (if known):

Address:

City:

State:

Zip:

Date(s) of alleged discrimination:

Date discrimination began

Last or most recent date

Alleged discrimination:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

Race/Color

Religion

National Origin

Age

Sex

Disability

Explain:

Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written materials pertaining to your case).

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Signature:

Date:

*Note: The City of Springfield prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by the policies of the City. Please inform the City Manager if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

## **Chapter 14**

### **Social Security Privacy**

#### **14.01 - Purpose**

The City of Springfield is required by the Michigan Social Security Privacy Act to control the privacy of social security numbers. It also requires the establishment, publication, and enforcement of a policy regarding control and privacy.

#### **14.02 - Policy**

It is the policy of the City of Springfield that social security numbers whether employees, vendors, or customers shall be confidential and handled according to law and this policy. Whenever there is a question, confidentiality shall be the controlling action.

#### **14.03 - Procedure**

- A. Obtaining social security numbers. Social security numbers may be obtained for legitimate business reasons and as allowed or required by federal or state law. They include but are not limited to:
  - 1. Applications for employment for the purposes of background investigations.
  - 2. Verifying employee eligibility for employment under the Immigration Reform and Control Act.
  - 3. Tax reporting or enrollment in benefit plans
  - 4. Tax reporting by employers and taxpayers
  - 5. Establishing verification of customer specific records
  
- B. Retention of and access to social security numbers.
  
- C. Records containing social security numbers will be maintained in secured files.
  - 1. Only personnel who have a legitimate business reason to know will have access to records containing social security numbers.
  - 2. Records containing social security numbers shall have those numbers rendered unreadable prior to dissemination to others.
  - 3. While such records are not in immediate use they will be protected from casual access, preferably in a locked desk or file.
  - 4. Computerized records of social security numbers shall not be casually observed by others and access shall be limited to these records by passwords.
  - 5. Inactive records containing social security numbers will be retained in accord with the retention schedule and still protected from casual access.
  - 6. Destruction of records containing social security numbers shall be done in a manner which protects the information from recovery. These methods include, but are not limited to, commercial shredding or obliteration, cross-cut shredding, burning, or chemical destruction.

7. In the event a unique identifier is needed then no more than the last four digits of the social security number may be used. Any other combination of numbers is authorized as long as it is not tied to a social security number for reference.

#### **14.04- Unauthorized Use or Disclosure**

Any employee, who knowingly obtains uses or discloses social security numbers for unauthorized purposes, or in violation of the requirements of this Policy, shall be subject to discipline up to and including discharge.

## **Chapter 15**

### **Smoke-Free Worksite Policy**

#### **15.01 - Statement of Policy**

To protect the public health and wellbeing of all employees of the City of Springfield and to bring the City's policies in line with the Calhoun County Clean Indoor Air Regulation, Section 106, all worksites owned, leased, or rented by the City of Springfield are smoke-free, effective January 8, 2008.

Smoking is prohibited in all enclosed areas within this worksite without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms, garages, employer owned or leased vehicles, and all other enclosed facilities located on the City's property. Smoking is also prohibited within 25 feet of any window, ventilation system, or access or entry point to any City building or vehicle. This policy applies to all employees, clients, contractors, and visitors.

#### **15.02 - Assistance to Smokers**

Employees who smoke and would like to take this opportunity to quit may contact the Calhoun County Health Department, Health Education Division at 269-969-6393 or visit their website at [www.calhouncancer.org/cleanair.php](http://www.calhouncancer.org/cleanair.php) for information on local smoking cessation services.

#### **15.03 - Enforcement of this Policy**

Employees found to be in violation of this policy will be subject to the same disciplinary actions outlined in Chapter VI of the City of Springfield Personnel Policy. All employees share in the responsibility of adhering to and enforcing this policy.

**Complaints:** Violations of this policy should be brought to the attention of a supervisor or other designated personnel.

Employees observing individuals, not associated with the City of Springfield, violating this policy, should ask the individual to extinguish smoking materials or leave the premises. If the individual refuses, contact the City Manager or the nearest available Department Head for assistance.

For further assistance, or to register a complaint, call the Health Education Division at the Calhoun County Public Health Department at 269-969-6393.

**Investigations:** Supervisors or designated personnel receiving the complaint will investigate and take action to resolve the issue as soon as possible.

**Violations:** Violations of the Calhoun County Clean Indoor Air Regulation that are investigated by the Calhoun County Health Department may be subject to fines as outlined in the regulation.

**Chapter 16**  
**Cell Phone Reimbursement Policy**

The following policy shall be applied to all city-provided cellular phones and employer-reimbursed cellular phone expenses. Questions and clarifications should be directed to the City Manager.

**Taxability:**

All cellular phone benefits are subject to applicable federal, state, and local income tax withholdings.

**City Reimbursement:**

*All City reimbursements for cell phone usage must be approved by the City Manager.*

Maximum reimbursements are as follows:

Department Heads:

Standard reimbursement of \$18.50 per weekly pay period.

Contract Workers:

Standard reimbursement of \$30.00 per month for each building trade (max \$60/month):

Building, Mechanical, Plumbing, and Electrical.

Other Employees:

Standard reimbursement of \$9.00 per weekly pay period.

**Replacement Phones**

The cost to purchase, replace and/or upgrade phones shall be the sole responsibility of the employee, and shall not be reimbursed or otherwise funded by the City.