



CITY OF SPRINGFIELD EMPLOYEE HANDBOOK

Policy Effective: April 25, 2019

Kevin A. Catlin, City Manager

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 Employee Handbook

Table of Contents

Employee Handbook Acknowledgment and Receipt	5
Chapter 1 – General	6
1.01 - Employee Handbook Administration	6
Chapter 2 – The Employment Relationship.....	6
2.01 – Pre-employment Inquiries	6
2.02 – Employee Classification Categories	8
2.03 – Department Heads	9
2.04 - Responsibilities of Managers and Supervisors	10
2.05 - Job Description Policy	10
2.06 – Employee Records	11
2.07 - Termination of Employment	12
2.08 - Return of City Property	12
Chapter 3 - General Employment Policies.....	12
3.01 - Equal Employment Opportunity and Antidiscrimination Policy	12
3.02 - Discrimination – Title IV Plan Policy	13
3.03 - Sexual Harassment Policy	18
3.04 - Harassment Policy	19
3.05 – Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) Policy	21
3.06 – Anti-Nepotism, Employment of Relatives, and Personal Relationships Policy	22
3.07 - Complaint and Investigation Procedure	22
3.08 - Violence in the Workplace Policy	23
3.09 – Code of Conduct Policy	25
3.10 – Business Ethics Policy	28
3.11 – Gratuity Policy	30
3.12 – Fraud Policy	31
Chapter 4 - Classification and Compensation Plan.....	34
4.01 – Classification and Compensation Plan Policy	34
Chapter 5 - Leaves of Absence	37
5.01 – General Leaves of Absence Policy	37

5.01a – Long-Term Sick Leave.....	38
5.02 - Military Leave Policy.....	39
5.03 - Jury Duty Leave Policy	40
5.04 – Personal Leave of Absence Policy	40
5.05 – Funeral Leave Policy	41
5.06 - Unpaid Medical Leave Policy.....	42
5.07 – Excessive Absenteeism/Tardiness Policy.....	43
Chapter 6 - Employee Benefits and Expenditure Reimbursement	44
6.01 - Health Insurance.....	44
6.02 – Health Insurance Costs and Reimbursements	44
6.03 – Health Insurance Opt-out Payments.....	44
6.04 - Life Insurance.....	45
6.05 – Retirement Benefits.....	45
6.06 - Workers' Compensation Policy	47
6.07 - Travel and Other Official Expenditures Policy.....	50
6.08 - Cellular Telephone Reimbursement Policy.....	50
Chapter 7 - Drug Free Workplace.....	53
7.01 – Drug Free Workplace Policy	53
7.02 – DOT Safety-Sensitive Alcohol and Controlled Substance Testing Policy	55
7.04 - Alcohol Misuse and Controlled Substance Use Training Policy	70
7.05 - Notification Regarding Driver’s License Sanctions Policy	71
Chapter 8 – Use of Technology	72
8.01 – Computer Network, Employer Issued Electronic Device, and Internet Usage Policy.....	72
8.02 – Social Media and Internet Policy.....	76
Chapter 9 – MIOSHA Inspections	82
9.01 – MIOSHA Inspection Policy	82
Chapter 10 – Personal Health Information Privacy Act.....	84
10.01 - Health Insurance Portability and Accountability Act (HIPAA) Policy.....	84
Chapter 11 – Credit Card Use.....	89
11.01 - Credit Card Policy.....	89
Chapter 12 – Social Security Privacy Act	92
12.01 - Social Security Privacy Act Policy	92
Chapter 13 – Smoke-Free Worksite	93

13.01 – Smoke-Free Worksite Policy..... 93

Employee Handbook Acknowledgment and Receipt

I received my copy of the Employee Handbook.

The Employee Handbook describes important information about the City of Springfield (“City”), and I understand I should consult the City Manager with any questions not answered in the handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. **Accordingly, absent a Collective Bargaining Agreement (CBA) that applies to my employment, either I or the City can terminate the relationship at will, with or without cause, at any time, so long as there is not a violation of applicable federal or state law.**

I understand and agree that, other than the City Manager, or designated representative of the City, no manager, supervisor, or representative of the City has any authority to enter into any agreement for employment other than at-will; only the City Manager has the authority to make any such agreement and then only in writing signed by the City Manager.

This Employee Handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements concerning the terms and conditions of my employment with the City. By distributing this Employee Handbook, the City expressly revokes any and all previous policies and procedures inconsistent with those contained herein. I understand that the policies and procedures contained within the Employee Handbook may be changed at any time by the City. All such changes will be communicated through official notices, and I understand revised information may supersede, modify, or eliminate existing policies or procedures. Only the City Manager has the ability to adopt any revisions to the policies and procedures in this Employee Handbook.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create a promise or representation of continued employment and that employment at the City, absent a CBA that applies to my employment, is employment at-will, which may be terminated at the will of the City or myself. Furthermore, I acknowledge this Employee Handbook is neither a contract of employment nor a legal document.

I reviewed the Employee Handbook, and I understand it is my responsibility to read and comply with the policies and procedures contained in this handbook and any revisions made to it.

Employee Signature

Date

TO BE PLACED IN PERSONNEL FILE

Chapter 1 – General

1.01 - Employee Handbook Administration

Purpose

To establish policies and procedures to guide administrative action on the various personnel activities of the City of Springfield (“City”).

Scope

The policies and procedures in this Employee Handbook apply to all regular and temporary full-time and part-time employees of the City as defined herein and others as indicated under the scope for each policy. In the event of a conflict between these policies and/or procedures and the provisions contained in any applicable Collective Bargaining Agreement, federal or state law, the Collective Bargaining 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.

Any situation, circumstance, or condition not covered by the Employee Handbook 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 the Employee Handbook unless specifically addressed herein.

Policy

The Employee Handbook shall be administered by the City Manager in conformance with the provisions of the City Charter and applicable federal, state, and local laws.

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

For the purpose of this Employee Handbook and all policies and procedures contained herein, "shall" is mandatory, “may” is permissive.

Chapter 2 – The Employment Relationship

2.01 – Pre-employment Inquiries

Purpose

To ensure employees hired can perform the essential functions of the job.

Scope

This policy applies to applicants for employment with the City or existing employees to the extent that an examination or pre-employment inquiry is sufficiently job related and/or in compliance with state or federal laws, rules or regulations.

Policy

Applicants offered a position with the City may be required to undergo either a skills or medical examination to the extent the examination is sufficiently job related. When a medical examination is required, any offer of employment an applicant receives from the City is contingent upon, among other things, satisfactory completion of this examination and a determination by the City that the applicant can perform the responsibilities of the position offered.

As a condition of continued employment, employees may also be required to submit to a skills or medical examination, or medical inquiries provided that any such examination or inquiry is job-related and necessary to perform the functions of the position, or in compliance with state or federal law. The City may ask an employee to undergo a medical examination:

- When an employee is having difficulty performing the job effectively;
- When an employee becomes disabled, either on or off the job;
- When an examination is necessary to determine a reasonable accommodation; or
- When examinations or medical monitoring are required by other laws.

The City shall collect and maintain medical information on separate forms and maintain medical information on applicants or employees as confidential and in a separate file. The City may reveal medical information to:

- Managers and supervisors when it is necessary for them to create restrictions on the work or duties of the employee as a reasonable accommodation;
- First-aid and safety personnel when they might need to perform emergency treatment on an individual;
- State or federal government officials when investigating compliance with the American's with Disabilities Act (ADA) or other disability related laws;
- Insurance companies for insurance purposes; and
- Attorneys for the purpose of internal investigation or legal advice.

Medical information may also be given to decision makers involved in the hiring process to make employment decisions consistent with the ADA and to medical professionals when crafting a reasonable accommodation.

All City required medical examinations are paid for in full by the City. Questions about City required medical examinations should be directed to the City Manager.

2.02 – Employee Classification Categories

Purpose

To comply with the Fair Labor Standards Act (FLSA) and to help employees understand employment classifications, employment status, and benefit eligibility.

Scope

This policy applies to all regular and temporary full-time and part-time employees of the City.

Policy

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. These classifications do not guarantee employment for any specified period of time. The right to terminate the at-will employment relationship at any time is retained by both the employee and the City, subject only to the terms of an applicable Collective Bargaining Agreement, federal or state law.

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally manager or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

The City has the following categories for both nonexempt and exempt employees:

- A. **Regular, full-time:** Employees not in a temporary status who are regularly scheduled to work forty (40) hours per week. Regular full-time employees may also work a thirty-eight (38) hour, four (4) day work week, as approved by the City Manager. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefit program.
- B. **Regular, part-time:** Employees not in a temporary status who are regularly scheduled to work less than the full-time schedule, but less than thirty (30) hours each week. Regular,

part-time employees are ineligible to receive employment benefits unless specifically designated herein.

- C. **Temporary, full-time:** Employees hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project who are temporarily scheduled to work full-time for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary, full-time employees are ineligible to receive employment benefits unless specifically designated herein.
- D. **Temporary, part-time:** Employees hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project who are temporarily scheduled to work less than a full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary, part-time employees are ineligible to receive employment benefits unless specifically designated herein.
- E. **Paid-on-call firefighters:** Paid on-call employees perform work of a non-continuous or irregular nature where the work schedule cannot be predicted in advance.

Paid-on-call firefighters are not eligible for City paid benefits, including credit for seniority, healthcare, retirement, paid vacation, sick, or personal leave. However, under certain circumstances, employees may qualify for certain types of leave by state or federal law, including: Leave under the Family Medical Leave Act (FMLA), Voting Leave, Jury or Witness Duty Leave, or Military Leave. Employees who believe they may qualify for any of the leave types listed should contact the City Manager for additional information, including eligibility criteria and leave specifics. The City Manager's decision regarding leave eligibility is final.

Paid-on-call firefighters are covered under the City's Worker's Compensation Insurance policy and are responsible to immediately report any and all work-related injuries to their supervisor and to fully cooperate with the City's insurance carrier in regard to Worker's Compensation claims.

2.03 – Department Heads

The City Manager selects the City Department Heads. Department Head positions include: Fire Chief*, Director of Public Services, and Director of Finance and Administrative Services.

All Department Heads are 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 create and enforce departmental rules and regulations consistent with City policies and procedures, the City Charter, ordinances, general law or applicable Collective Bargaining Agreements. Rules and regulations developed and implemented by Department Heads must first be approved by the City Manager.

* NOTE: The Fire Chief is not a regular full-time or part-time position, but rather a paid-on-call position and is not entitled to any employment benefits, including but not limited to health, vision, dental, pension, deferred compensation, etc.

2.04 - Responsibilities of Managers and Supervisors

Managers and Supervisors must not only adhere to City policies and procedures but are expected to enforce them. Managers and supervisors have a special obligation not to engage in discrimination, sexual harassment, harassment, or retaliation. All managers and supervisors have an affirmative duty and are required to promptly report discrimination, sexual harassment, harassment, or retaliation they observe, learn about from others, or reasonably suspect has occurred regarding an employee of the City. Managers and supervisors who knowingly allow discrimination, sexual harassment, harassment, or retaliation to continue will be subject to corrective or disciplinary action, up to and including discharge.

2.05 - Job Description Policy

Purpose

To comply with applicable laws and regulations, create a shared understanding regarding the job duties, authorities, responsibilities, essential functions, and measures of performance for each job, to provide the basis for performance evaluation and wage/salary review, and to ensure effective hiring practices that provide equal opportunity to all qualified individuals.

Scope

This Policy applies to all temporary and regular full-time and part-time City employees.

Policy

Job descriptions must be prepared for each City job. At a minimum, job descriptions must include:

- **Skills and Knowledge.** Identify the skills and knowledge needed to do the job.

- **Experience and Education.** Identify the minimum experience and education, or the equivalent needed to perform the job.
- **Physical Effort and Dexterity.** Indicate whether lifting, climbing, extended sitting or standing, or other physical efforts are normally required. Candidates whose disabilities make them unable to meet these requirements will still be considered fully qualified if they can perform the essential functions of the job with reasonable accommodation.
- **Visual Acuity, Hearing, and Speaking.** Candidates whose disabilities make them unable to meet these requirements will still be considered fully qualified if they can perform the essential functions of the job with reasonable accommodation.
- **Environment and Scheduling.** This covers aspects of the job with which some people may be uncomfortable. It includes aspects of the physical environment, such as exposure to heat, cold, dusty, noise, chemicals, and such matters as demands for frequent travel, overtime, or shift work.

Job descriptions are used as a basis to evaluate positions for the purpose of computing pay rates.

All job descriptions must be reviewed and approved by the City Manager. Employees receive a copy of their job description once it receives final approval. Employees are required to review and sign a copy of their job description. The signed job description is maintained in the employee's personnel file.

Supervisors are required to review the job descriptions for positions they supervise for accuracy and completeness at least every two years. Employees who believe their job description is inaccurate or out-of-date should raise the issue with their supervisor. Job descriptions are not intended to cover every task or responsibility an employee may be assigned, and do not limit management's right to assign additional duties as required.

2.06 – Employee Records

Employee records are maintained by the City Manager and are generally considered confidential, subject to any required disclosure under the Michigan Bullard-Plawecki Employee Right to Know Act or the Freedom of Information Act (FOIA).

Employee records access by current employees and former employees upon written request will generally be permitted, in accordance with the Michigan Bullard-Plewecki Employee Right to Know Act. All employees who want to review their personnel records should make a request in writing to the City Manager and schedule an appointment to review such records. Employee records may not be taken outside of the City Manager's designated review area. Representatives of government or

law enforcement agencies, in the course of their duties, may be allowed access to employee record information.

Employees must inform the City Manager's office immediately regarding any change in status, such as the following: 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.

2.07 - Termination of Employment

Employees desiring to terminate their employment relationship with the City 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 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 (2) week notice shall result in the forfeiture of accrued vacation benefits.

Employees who plan to retire are urged to provide the City with a minimum of a two (2) month 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. The purpose of these interviews is to review eligibility for benefit continuation and conversion, to ensure all necessary forms are completed, to collect all property belonging to the City, and to provide employees with an opportunity to discuss their job-related experience.

2.08 - Return of City Property

An employee who separates from employment with the City must return all City property at the time of separation, including cell phones, keys, City owned technology, and identification and access cards, if applicable. Failure to return City property may result in deductions from the employee's final paycheck, as permitted by law. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck.

Chapter 3 - General Employment Policies

3.01 - Equal Employment Opportunity and Antidiscrimination Policy

Purpose

To prevent discrimination and encourage fairness in hiring, promotion, and other workplace practices to encourage a diverse and multi-talented workforce.

Scope

This Policy applies to independent contractors, temporary or regular full-time and part-time employees of the City, all personnel working on City premises, and any person or firms doing business for or with the City.

Policy

The City provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, sex, height, weight, or status as a covered veteran in accordance with applicable federal, state, and local laws.

The City complies with applicable federal, state and local laws governing nondiscrimination in 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.

Any employee, supervisor, or other representative of the City who violates this Policy will be subject to corrective or disciplinary action, up to and including discharge.

3.02 - Discrimination – Title IV Plan Policy

Purpose

To comply with federal and state requirements that the City 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.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employees including independent contractors, student interns, and personal service contracts, for employees covered by an applicable Collective Bargaining Agreement, the terms stated therein control in the event of a conflict.

Policy

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

A. Plan

The City assures 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 further assures every effort will be made to ensure nondiscrimination in all its committees, programs and activities, regardless of the funding source.

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

The City Manager shall monitor and initiate Title VI activities, and all other responsibilities as required.

B. 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).

C. Coordinator Responsibilities

The City Manager shall implement and maintain the day-to-day administration of the City of Springfield Title VI Plan. The City Manager shall also implement, monitor and ensure City compliance with the Title VI regulations.

D. General Responsibilities

1. Public Dissemination

The City will disseminate Title VI Program information via this Employee Handbook to City employees. Sub-recipients, and contractors, and the general public will receive a copy of this Policy as a stand-alone document. 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.

2. Prevention of Discrimination

The City shall implement procedures to detect and eliminate discrimination where discrimination is 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, and public involvement and material acquisition.

3. Annual Reports

The City Manager shall prepare an annual report by August 1 of each year. The annual report must be submitted to MDOT by September 1st of each year. The report will review Title VI accomplishments and goals for the upcoming year.

4. Remedial Action

The City 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.

E. Filing a Complaint

1. Applicability

This complaint procedure applies to the beneficiaries of City programs and activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees and other sub-recipients of federal and state funds.

2. Eligibility

Any person who believes they have been excluded from participation in or denied benefits or services of any program or activity of the City 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.

3. Time Limitation on Filing Complaints

Title VI complaints may be filed with any of the following:

City of Springfield
Michigan Department of Transportation
Federal Highway Administration
U.S. Department of Transportation

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

Complaints must be filed no later than 180 days after: (1) The date of the alleged act of discrimination; or (2) The date the person became aware of the alleged discrimination; or (3) Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing, 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 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 from the City Manager.

F. Internal Complaint Processing

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

The City Manager, or his or her neutral designee, will then investigate the complaint. If the complaint is against the City Manager, then the City Administrator will investigate the complaint. If the complaint is against the City Administrator, a neutral outside third-party shall be identified by the Mayor to investigate the complaint.

If the complaint warrants a full investigation, the complainant will be notified in writing. 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 in writing as to the complaint. This letter will also include the investigator's name and will request that this person be available for an interview.

G. City Investigation Procedures

1. Investigation Plan

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

2. Conducting the Investigation

- a. The scope of the investigation shall be limited to those issues relevant to the allegations of the complaint.
- b. Confidentiality shall be maintained to the extent possible.
- c. Interviews shall be conducted with those persons involved and evidence shall be gathered as applicable.
- d. A chronological contact sheet shall be maintained as a part of the investigation file.

3. Investigation Reporting Process

- a. 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.
- b. 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.

4. Reporting Requirements to an External Agency

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

5. Records

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

H. 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 City Manager, by adoption and implementation of this Employee Handbook, and City Policy 3.02 is authorized to certify to this assurance on behalf of the Recipient.

3.03 - Sexual Harassment Policy

Purpose

To prohibit sexual harassment, intimidation, or exploitation in the workplace or in connection with City business.

Scope

This Policy applies to independent contractors, temporary or regular full-time and part-time employees of the City, all personnel working on City premises, and any person or firms doing business for or with the City.

Policy

The City is committed to a work environment where all individuals are treated with dignity, professionalism, and respect at all times. Sexual harassment is unlawful. It is the policy of the City that any form of sexual harassment of employees or applicants for employment is prohibited and will not be tolerated.

Sexual harassment is unwelcome sexual conduct, which may include one or more of the following: sexual advances or propositions; requests for sexual favors; verbal abuse of a sexual nature, including sexually explicit or degrading references to another person, or similar language; unwelcome touching; the display of sexually suggestive objects or pictures; sexually explicit or offensive jokes; or physical assault.

No independent contractor, temporary or regular full-time or part-time employees of the City, personnel working on City premises, or any person or firm doing business for or with the City shall engage in unwelcome sexual conduct.

The City has zero tolerance for threats or insinuation either explicitly or implicitly, that another employee's or an applicant's refusal to submit to sexual advances will adversely affect that person's employment, work status, evaluation, wages, advancement, assigned duties, shifts, or other condition of employment or career development. Unwelcome sexual conduct, which creates a hostile work environment for any employee is strictly prohibited.

Any employee who feels he is a victim of sexual harassment, including but not limited to any of the conduct listed above, by any supervisor, other employee, vendor, third-party, or representative of the City, or any other person in connection with employment with the City is expected to bring the matter to the *immediate* attention of his supervisor, the City Manager, or any other member of City management.

The City will promptly investigate and take appropriate action on all allegations of sexual harassment in accordance with Section 3.07 – Complaint and Investigation Procedure herein.

3.04 - Harassment Policy

Purpose

To support the City's efforts to maintain a workplace free of harassment.

Scope

This Policy applies to independent contractors, temporary or regular full-time and part-time employees of the City, all personnel working on City premises, and any person or firms doing business for or with the City.

Policy

Harassment is unlawful. It is the policy of the City that any form of harassment of employees or applicants for employment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability (or perceived disability), genetic information, marital status, sex, height, weight, or protected veteran status is prohibited and will not be tolerated.

Harassment is unwelcome verbal, physical, or written conduct directed toward, or differential treatment of, an employee because of his membership or perceived membership in any protected group or on any prohibited basis as noted above, which may include any of the following: offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group; racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols; unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands; physical assault or stalking; and/or displays or electronic transmission of derogatory, demeaning or hostile materials.

No independent contractor, temporary or regular full-time and part-time employees of the City, personnel working on City premises, or any person or firms doing business for or with the City shall engage in any form of harassment.

The City has zero tolerance for any form of harassment of employees or applicants for employment on the basis of any protected classification described above.

Any employee who feels he is a victim harassment, including but not limited to any of the conduct listed above, by any supervisor, other employee, vendor, third-party, or representative of the City, or any other person in connection with employment with the City is expected to bring the matter to the *immediate* attention of his supervisor, the City Manager, or any other member of City management.

The City will promptly investigate and take appropriate action on all allegations of harassment in accordance with Section 3.07 – Complaint and Investigation Procedure herein.

3.05 – Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) Policy

Purpose

To comply with the Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) and prohibit discrimination against people with disabilities in several areas, including employment, public accommodations, and access to federal, state, and local government programs and services.

Scope

This Policy applies to all independent contractors, temporary or regular full-time and part-time employees of the City, personnel working on City premises, or any person or firms doing business for or with the City who must comply with the ADA and the ADAAA.

Policy

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendment Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities who are qualified for a job and able to perform the essential functions of the position, with or without a reasonable accommodation.

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship on the City.

An individual with a disability should notify the City in writing of the need for accommodation within 182 days after the date the person with a disability knew or reasonably should have known that an accommodation was needed. Individuals should contact the City Manager with any questions or requests for accommodation.

3.06 – Anti-Nepotism, Employment of Relatives, and Personal Relationships Policy

Purpose

To avoid conflicts of interest, the possibility or appearance of favoritism, morale problems, and the potential for emotional interference with job performance.

Scope

This Policy applies to all Temporary and Regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts. This policy also applies to applicants for employment.

Policy

The City has an obligation to ensure City practices do not create situations such as an actual or perceived conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion, and transfer. Close relatives, partners, and those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to one another. Close relatives are defined as: spouse, parent, parent-in-law, grandparent, child, child-in-law, aunt, uncle, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, and cousins.

If any person, contemplates the creation of a contractual relationship that may implicate this Policy, whether directly or indirectly, the proposed contract shall be submitted to the City Manager for review to ensure compliance with this Policy.

If an employee begins a dating relationship or becomes relatives, partners, or members of the same household, and if one party is in a supervisory position, both employees are obligated to inform their direct supervisor and the City Manager of the relationship within thirty (30) days of the issuance of this Policy or creation of the relationship, whichever is sooner. The City Manager will attempt to resolve the issue through transfer of one employee to a new position or some other action which will correct the conflict or identified issue.

The City reserves the right to apply this Policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved. Employees who fail to disclose personal relationships covered by this Policy will be subject to disciplinary action up to and including discharge.

3.07 - Complaint and Investigation Procedure

If you believe you are the victim of any form of discrimination, sexual harassment, or harassment you should *immediately* report any violation of this policy to your direct supervisor or the City Manager. Although no fixed reporting period is established, early reporting and intervention are proven to be the most effective method to resolve actual or perceived incidents of harassment. Early reporting of potential violations allows the City to respond before conduct becomes severe or pervasive.

The City will promptly investigate all allegations of discrimination, sexual harassment, or harassment in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

The City strictly prohibits any retaliation against anyone who, in good faith, has registered a complaint or who cooperates with an investigation under any City policy.

Any employee, supervisor, or other representative of the City who, after investigation, has been found to have retaliated against any employee for using any City complaint procedure, or for participating in an investigation, will be subject to corrective or disciplinary action, up to, and including discharge.

3.08 - Violence in the Workplace Policy

Purpose

To comply with the City's obligation to furnish each employee with a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm to its employees.

Scope

This Policy applies to all Temporary and Regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts. This policy also applies to applicants for employment.

Policy

The City has a zero-tolerance policy toward workplace violence and is committed to compliance with Section 5(a) of the Federal Occupational Safety and Health Act of 1970 which requires the City furnish each employee with a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm to its employees.

The City will not tolerate words, acts, or behaviors that are likely to result in workplace violence and which may include but are not limited to, abusive language, hitting or shoving, threats of bodily harm,

threats of violence, verbal or physical assault, harassment, intimidation, weapons in the workplace, brandishing an object which may be used as a weapon, or the sending of threatening, harassing, or abusive e-mails, text message, or faxes.

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

All employees are responsible to minimize workplace violence. Any employee who observes any violation of this Policy must immediately report the violation to his or her supervisor. In cases where a supervisor or manager is alleged to have violated this Policy, the report shall be made to the City Manager. Failure to report this knowledge subjects the employee to corrective or disciplinary action, up to and including discharge.

A. Investigation and Sanctions

Managers and supervisors shall respond promptly to reports of any violation of this Policy through fair and objective investigation. The supervisor upon receiving a report of workplace violence shall:

1. Determine if an immediate threat to safety of employees or others exists. If yes, 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. Notify the City Manager of the issue. Based on a determination by the City Manager, determine whether notification to the Sheriff's Office Command Officer is necessary.
6. Initiate a fair and complete investigation.

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 City premises pending the outcome of an investigation. Such removal of any employee will be immediately reviewed by the City Manager.

The City reserves the right to use any lawful method of investigation deemed necessary to determine whether an employee has engaged in conduct which violates this Policy. Employees entering or

leaving City premises are subject to questions and search, including lockers, vehicles, and personal possessions. Any search will be undertaken as discreetly as possible and only after the City has formed reasonable suspicion a violation of this Policy has occurred. Failure to comply or violations of this Policy may result in corrective or disciplinary action, up to and including discharge.

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

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.

3.09 – Code of Conduct Policy

Purpose

To clarify the City's mission, values, and principles and link them with standards of professional conduct and create a policy for City employees to support day-to-day decision making.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts. This policy also applies to applicants for employment.

Policy

The City follows the highest code of conduct and ethics. It is the responsibility of each employee to:

1. Maintain relationships that are truthful, trustworthy, and honest.
2. Abide by all laws and regulations and adhere to City policies and procedures in all activities for the City.

3. Carry out all assignments, duties, and responsibilities in a reliable and exemplary manner.
4. Utilize City resources economically and efficiently.
5. Ensure oral communication and written statements are truthful and accurate.
6. Treat fellow employees with fairness and consideration and avoid discrimination based on race, color, religion, sex, age, national origin, marital status, height, weight, or qualifying physical disability.
7. Commit to customer satisfaction and serve the citizens of Springfield in a manner that is courteous, helpful, honest, and patient.
8. Avoid any type of relationship, association or contact with any customer, supplier, or resident which compromises or appears to compromise the City Code of Conduct or ethics.
9. Avoid any investment, arrangement, or other association, including work on a job assignment, which his/her own or that of an immediate family or household member, which could give the appearance of, or actually interfere with, the independent exercise of sound business judgment in the best interests of the City, or otherwise represents a real or apparent conflict of interest between the interests of the employee and those of the City. For purposes of this policy, "immediate family," means an employee's spouse, children, parents, or siblings, or any such step-relatives.
10. Know and comply with the applicable laws, regulations, policies and procedures set forth in this Employee Handbook.

The City considers the following to be violations of its work rules:

Number	Description
SECTION 1: MAJOR OFFENSES	
1.	Theft or dishonesty of any kind, related to a work activity.
2.	Knowingly falsifying personnel records or time cards, City records, or submitting false reports.
3.	Possession and/or use of alcoholic beverages and/or controlled substances while on duty.
4.	Absent three (3) consecutive days without notifying the City of the reason.
5.	Possession and/or use of weapons or explosives while on duty or on the City's property, whether owned or leased, at any time.

6.	The sale of controlled substances.
7.	Conviction of a felony.
8.	Flagrant disobeying of safety related procedures, refusal to do work assigned, or insubordination.
9.	Physical contact (fighting), and/or the use of obscene, abusive, or threatening language or gestures while on duty or on the City's property at any time.
10.	Being gainfully employed while on sick leave from the City, without written permission of the City.
11.	Unauthorized use of City equipment, vehicles, tools, or other property.
12.	Loss of license, including Commercial Driver's License, with necessary endorsements.
13.	Violation of the City Drug-Free Workplace Policy or DOT Safety-Sensitive Alcohol and Controlled Substance Testing Policy.
14.	Intentional conduct that results in injury to person or property.
15.	Providing false or misleading information to the City and/or its representatives during an internal investigation.
16.	Non-physical conduct (bullying), which includes intimidating, threatening, or coercive treatment of another employee.
17.	Failure to control how the City obtains, uses, disseminates, and disposes of records which contain Social Security Numbers in violation of the Michigan Social Security Privacy Act.
18.	Destruction of property of co-workers, customers, or the City.
19.	Failure to maintain the confidentiality of the City, customer, or client information, including the unlawful release of confidential information of the State of Michigan, Federal government, or City in a serious breach of duty.
20.	Abuse or fraudulent use of sick leave or any other benefit of employment.
21.	Admitting employees or other persons on City property not designated as public property without authorization.
22.	Permitting any non-employee to enter or ride in a City vehicle without express authorization of the City.
23.	Gambling or any other unlawful activity on City time or City property.
SECTION 2: MINOR OFFENSES	
1.	Engagement in horseplay of any kind or contributing to unsanitary, unsafe, or poor housekeeping/working conditions.
2.	Sleeping on duty during assigned, non-travel worktime or neglect of duty.
3.	Discourtesy to the public.
4.	Reporting late for work.
5.	Excessive absenteeism.

6.	Failure to notify his/her supervisor at least one-half (1/2) hour before his/her regular scheduled shift when unable to report to work.
7.	Failure to properly complete reports or time cards.
8.	Minor violation of safety rule or safety practice.
9.	Distributing or circulating literature, petitions or any written or printed matter of any description on the City's time and without permission from the City.
10.	Failure to report any equipment requiring maintenance, repair or safety attention, or failure to maintain such machines, tools, equipment, or vehicles.
11.	Posting, making, or publishing false, vicious, or malicious statements concerning the City or any City employee or operation.

For employees not subject to a Collective Bargaining Agreement, the City generally follows a progressive discipline approach which includes providing City employees with feedback, corrective action, and/or discipline the following manner:

1. First or Minor Offense – coaching and documentation of the incident in a supervisory file.
2. Second Minor Offense – oral reprimand and documentation of the incident in the employee record (personnel file).
3. Third Minor Offense – written reprimand and documentation of the incident in the employee record (personnel file).
4. Major Offense – suspension or discharge from employment.

The City reserves the right to apply corrective or disciplinary action commensurate with the level of the offense. Based on the severity of the offense, the City reserves the right to proceed to immediate discharge of employment. Employees subject to a Collective Bargaining Agreement will be issued corrective or disciplinary action in accordance with the terms of any applicable Collective Bargaining Agreement.

3.10 – Business Ethics Policy

Purpose

To clarify the City's expectations for business ethics and create a policy for City employees to support day-to-day decision making.

Scope

This Policy applies to all Temporary and Regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts. This Policy also applies to applicants for employment.

Policy

City employees shall conduct their employment activities with the highest principles of honesty, integrity, truthfulness, and honor. Employees are to avoid impropriety, but also the appearance of impropriety. It is the responsibility of each employee to:

1. Report to the City Manager known or suspected violations of law, regulations, or policy, including the Code of Conduct or Business Ethics Policies.
2. Not make, recommend, or cause to be made any expenditure of funds known or believed to be in violation of any law, regulation, or policy.
3. Not use their position in employment to force, induce, coerce, harass, intimidate, or in any manner influence any person, including subordinates, to provide any favor, gift or benefit, whether financial or otherwise, to themselves or others.
4. Not provide or offer to provide any gratuity, favor, or other benefit, or engage in any other activity which could improperly influence, or reasonably be interpreted as improperly influencing, their decisions or activities during the course of business dealings.
5. Conduct all business dealings strictly on an arms' length business basis.
6. Not allow themselves to be placed in a position in which an actual or apparent conflict of interest exists which may occur by reason of an employee's acceptance of gratuities, favors, or other valuable benefits which could improperly influence or reasonably be interpreted as improperly influencing sound business decisions when representing the City to third parties.
7. Exercise great care in situations in which there is a pre-existing relationship between an employee and an industry representative, City resident, or official of an agency with whom the City has an existing or potential business relationship.
8. Immediately report any pre-existing relationship referenced in number 7 above to his/her supervisor and, pending further direction by the City Manager, and take no further action associated with the business or work assignment in which the personal relationship exists. Discuss any such relationship with his/her supervisor where there is any doubt as to the propriety of the relationship to avoid even the appearance of impropriety.

9. Not engage in outside business activities, either directly or indirectly, with a customer, vendor, supplier, employee, or agent of the City, or engage in business activities which are inconsistent with, or contrary to, the business activities of the City.
10. Not use or disclose the City's confidential information, or any confidential information obtained in the performance of City duties, as a means for making private profit, gain, or benefit.

3.11 – Gratuity Policy

Purpose

To provide guidance to City employees about what is and is not acceptable to accept as a present, offering, advertisement, award, or token of appreciation from a customer, supplier, potential employee, or potential vendor or supplier and to define the acceptable value and type of gift permissible to employees and to avoid impropriety or the appearance of impropriety because of the existence and acceptance of a gift.

Scope

This policy applies to all temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts.

Policy

The City prohibits any employee from providing, or offering to provide, a gratuity of any value. In connection with this prohibition, the City will not reimburse an employee for any business expense found to be a gratuity. Gratuities give the appearance of impropriety or favoritism.

City employees, or members of their families, shall not solicit, accept or agree to accept, any gratuity or gift having a market value greater than twenty dollars (\$20.00), including but not limited to raffles, give-aways, door prizes, lavish entertainment, or other valuable benefits for themselves, members of their families, or others, either directly or indirectly, from an interest outside of the City that is engaged in or seeking business or financial relations with the City, or has business or financial interests which are affected by the performance or non-performance of the employees of the City.

No City employees shall accept any payments, fees, commissions or other form of remuneration from subcontractors, vendors, or other third parties because of transactions or business involving the City.

3.12 – Fraud Policy

Purpose

To provide reasonable protection to the revenue, property, information, and other assets of the City from attempts, either by members of the public, contractors, sub-contractors, agents, intermediaries, or its own employees, to gain, by deceit, financial or other benefits. To prevent fraud, waste, and abuse of resources of the City.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts.

Policy

Fraud and misuse of City assets are prohibited. Examples of fraud and misuse of City assets include, but is not limited to:

1. Embezzlement.
2. Misappropriation, misapplication, destruction, removal, or concealment of City property.
3. Alteration or falsification of documents.
4. Theft of any asset (money, tangible property, materials, equipment, supplies, inventory, etc.)
5. Intentional circumvention of procedures.
6. Authorization or receipt of compensation for goods not received or services not performed.
7. Authorization or receiving of compensation for hours not worked.
8. Misrepresentation of facts.

The City hereby adopts a zero-tolerance policy regarding fraud and misuse of City assets. No employee of the City, contractor, sub-contractor working for the City, or member of the public shall engage in fraud, embezzlement, misappropriation, theft or misuse of any City asset. An individual who violates this policy will be subject to any or all of the following: civil action, restitution and/or criminal charges. In addition to the above-listed remedies, employees who violate this Policy will be subject to disciplinary action, up to and including discharge.

A. Duty to Report

Employees are expected to read, understand, and comply with this Policy. Employees shall report any suspected or known fraudulent act(s) to their supervisor or to the City Manager. If an employee has reason to believe his or her supervisor may be involved in the suspected or known fraudulent act, the employee shall notify the City Manager directly, if the employee has reason to believe the City Manager is involved in the suspected or known fraudulent act, the employee shall notify the Mayor.

B. Duty of Supervisors and Department Heads

Supervisors and Department Heads shall:

1. Communicate the provisions of this Policy to all staff.
2. Report all complaints of suspected or known fraudulent activity to the City Manager or Director of Finance.
3. Take no action without consultation with the City Manager, unless such fraudulent conduct involves the City Manager, in which case, the report shall be made to the Mayor.
4. Recommend appropriate corrective or disciplinary action when there is evidence of wrongdoing.

C. Duty to Investigate

When made aware of a suspected or known fraudulent act, the City Manager or Director of Finance must initiate an internal investigation. The internal investigation may include, but is not limited to, review of cash receipts, documentation, ledges, and all accounting records.

D. Confidentiality

All participants in a fraud investigation shall maintain the details and results of the investigation as confidential as is reasonably possible under the circumstances.

The name or names of those communicating information about a fraudulent act and the name or names of those suspected of a fraudulent act will only be revealed when required by law in conjunction with the investigation or in legal action.

E. No Retaliation

There shall be no retaliation against any employee because the employee reports suspected or known fraudulent act or testified, assisted, or participated in an investigation under this Policy. Any such retaliation will result in disciplinary action, up to and including discharge.

F. Prevention

Every City Department shall design, implement and maintain a system of internal control to provide reasonable assurances the assets of the City are protected from fraud, waste, and abuse.

G. Violations and Consequences

Appropriate and timely action will be taken against anyone who commits a violation of this Policy. Remedial action may include, but is not limited to:

1. Disciplinary action, up to and including discharge. Termination may be immediate depending on the circumstances and severity of the violation.
2. Restitution for all losses, including investigation and legal expenses, to the fullest extent of the law.
3. Forwarding information to the appropriate law enforcement authorities for criminal prosecution.
4. Institution of civil action to recover losses.
5. Where the City elects to take corrective or disciplinary action, it will proceed under the procedures in place under any applicable disciplinary policy or under any Collective Bargaining Agreement for the respective employment classification.
6. The City may take corrective or disciplinary action without awaiting the resolution of criminal or civil proceedings arising from the fraudulent conduct.

Chapter 4 - Classification and Compensation Plan

4.01 – Classification and Compensation Plan Policy

Purpose

To establish the hours of work, holiday schedule, progression of salary increases and pay rate adjustments and the terms and conditions of overtime, longevity, and termination pay.

Scope

This Policy applies to all applicants for employment, temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts, to the extent not covered by an applicable Collective Bargaining Agreement.

Policy

To the extent not covered by an applicable Collective Bargaining Agreement, the following shall be the hours of work, holidays, progression of salary increases and pay rate adjustments as well as the terms and conditions of overtime, longevity and termination pay.

A. Hours of Work

A four (4) day, thirty-eight (38) hour week shall be the standard work week for employees unless otherwise approved by the City Manager. This should not in any way imply or be construed as guaranteeing any given number of hours of work per work week to employees. 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.

B. Holidays

Official City-observed holidays are:

City Holidays
New Year's Day, Martin Luther King, Jr. Day (Nonunion-only), President's Day, Good Friday (Union-only), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day,

Thanksgiving Day, Day After Thanksgiving (Union-only), 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 five (5) day (M-F) work week, holidays falling on a Friday will not be authorized for holiday pay since the regular four (4) day work week ends on Thursday for both forty (40) hour, ten (10) hrs./day, and thirty-eight (38) hour, nine and one-half (9 ½) hrs./day, regular full-time Employees.

In case of conflict with this schedule, holidays will be set by the City Manager.

All holidays 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 holiday equals eight (8) hours pay at the employee's straight time hourly rate for regular full-time employees working a forty (40) hour work week, 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 thirty-eight (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 forty (40) hour, four (4) day work week.

Overtime-eligible employees required to work on a holiday shall be paid holiday pay plus one and one-half (1 ½) hours for actual hours worked during the designated holiday.

C. Progression of Salary Increases and Pay Rate Adjustments

The progression of salary increases shall be determined by the City Manager subject to satisfactory performance reviews. With respect to pay rate adjustments on promotion or transfer, the following applies:

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.

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.

D. Overtime

Overtime means all time worked in excess of forty (40) hours in one (1) 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.

E. Longevity

Regular full-time employees and Department Heads 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.*

Employees 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.

F. Termination Pay

All regular full-time and part-time employees who leave the City's service by retirement, death, or voluntary resignation shall receive pay for unused and accrued personal leave, earned salary, and pro-rated longevity if eligible under the terms of this Employee Handbook. Employees terminated are not eligible for termination pay beyond earned salary. 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 5 - Leaves of Absence

5.01 – General Leaves of Absence Policy

Purpose

To provide a standard policy for administering and granting employee leaves of absence.

Scope

This Policy applies to all applicants for employment, temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts, to the extent not covered by an applicable Collective Bargaining Agreement.

Policy

It is the policy of the City to grant leaves to all employees on a consistent basis without regard to race, color, national origin, sex, religion, age, disability, or veteran status.

All leaves are to be requested by employees in writing and routed through the chain of command to the City Manager.

All Department Heads must record any absences from duty of their employees on the payroll sheet.

All employees must report their absence from scheduled work to their Department Head a minimum of one-half (1/2) hour before the start of their normal work shift. All Department Heads shall report their absences from work to the City Manager a minimum of one-half (1/2) hour before the start of their normal work shift.

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:

Years of Service	Full-Time Employees	Part-Time Employees
6 months	20 hours	0 hours

1 to 5 years	133 hours	0 hours
6 to 12 years	171 hours	20 hours
13 or more years	209 hours	25 hours

Years of Service	Department Heads
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. 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 fifty (50) hours of unused PTO into the City sponsored health care savings plan outlined in 6.05(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.

5.01a – 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 Department Head a doctor's certification that the employee is under the doctor's care and unable to perform his work responsibilities due to a non-work related illness or injury.

Eligible employees may have a maximum of nine hundred sixty (960) hours in their long-term sick leave 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 long-term sick leave, allowing an employee to return to work, or whenever an employee's ability to perform the essential functions of his job are in question.

The City may require periodic doctor certification of the continuing need for long-term sick leave. Long-term sick leave will not be paid for any day which the employee receives holiday pay.

5.02 - Military Leave Policy

Purpose

To meet the City's affirmative obligation to provide employees with leave to serve in the military and reinstate employees returning from military leave, and to train or to otherwise qualify returning employees in accordance with applicable state and federal law.

Scope

This Policy applies to all employees absent from work due to service in the uniformed services which includes service in the Armed Forces, the Army National Guard, and the Air National Guard when engaged in active duty training, inactive duty training, full-time National Guard duty, commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

Policy

The City grants employees leave for military service in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees must provide advanced notice of their military service obligations to the City. This notice may be oral or in writing and may be provided by the employee or by an officer of the military branch in which the employee is serving. The City will accept copies of employee military orders, training notices, or induction information. No advanced notice is required if military necessity precludes doing so or if it is otherwise impossible or unreasonable as defined by military regulations.

Employees on military leave are entitled to the same benefits provided to employees on other leaves. Employees on military leave are entitled to other benefits to the same extent as employees on other types of unpaid leave.

If an employee fails to report to work or to reapply for employment within the appropriate time frame under USERRA, the employee is subject to the City's Policy regarding un-excused absences.

5.03 - Jury Duty Leave Policy

Purpose

To comply with the City's obligations under MCL 600.1348 and to provide employees summoned for jury duty, who serve on a jury, a leave of absence.

Scope

This policy applies all temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts, to the extent not covered by an applicable Collective Bargaining Agreement summoned for jury duty who serve on a jury.

Policy

The City does not discriminate against an employee for taking time off to serve as a juror at trial or when the employee is a victim of a crime and required to appear as a witness. Employees notified of a summons for jury duty should immediately notify their direct supervisor. Any employee excused from jury duty with at least four (4) hours remaining on their shift shall report for work.

The City does not deduct for absences due to jury duty or attendance as a witness in compliance with 29 CFR 541.602(a). The City may however offset any jury or witness pay received by the employee against the salary due for the week in question in accordance with 29 CFR 541.602(b)(3). Time spent on jury duty shall not be counted as time worked in computing overtime eligibility.

5.04 – Personal Leave of Absence Policy

Purpose

To provide regular full-time employees of the City with unpaid leave of absence when justified by compelling personal circumstances.

Scope

This Policy applies to regular full-time employees of the City employed for a minimum of one-hundred and eight (180) days.

Policy

Any request for a leave of absence without pay shall be submitted in writing by the employee to the City Manager at least two (2) months in advance of the proposed commencement date for the leave, except under emergency (which may include medical reasons) circumstances. The request shall state the reason for and the length of the leave of absence requested.

The City Manager may grant regular full-time employees a leave of absence without pay for a period not to exceed six (6) months. The City Manager shall consider the City's operational needs, the employee's length of service, performance record, and leave of absence history in reviewing such requests for a leave of absence. Decisions under this provision shall not be arbitrary, discriminatory, or capricious.

The employee shall not receive any employment benefits during the period of such 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 discharge.

5.05 – Funeral Leave Policy

Purpose

To provide employees with time to attend the funeral of a family member and to handle personal affairs without disrupting employee income.

Scope

This Policy applies to all regular full-time employees.

Policy

Regular full-time employees shall be allowed up to three (3) working days with pay as funeral leave. Funeral leave shall be used by employees to make arrangements for and attend the funeral of a member of their immediate family. Immediate family is defined as follows: Mother, father, 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, present proof of death.

5.06 - Unpaid Medical Leave Policy

Purpose

To provide unpaid medical leave of absence for an employee's own serious health condition.

Scope

This Policy applies to regular full-time employees.

Policy

Any request for a medical leave of absence without pay shall be submitted in writing by the employee to the City Manager as soon as possible. The request shall state the reason for and the length of the leave of absence requested.

The City Manager may grant regular full-time employees a medical leave of absence without pay for a period not to exceed six (6) months without pay or benefits if he/she, because of illness or accident, is physically unable to report to work. Decisions under this provision shall not be arbitrary, discriminatory, or capricious. Before such absence is authorized, the employee must have exhausted all sick leave benefits.

The City Manager may require 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 provide the City Manager with a medical certification from their treating physician stating 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 leave of absence, but such leave will not constitute a break in continuous service.

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.

5.07 – Excessive Absenteeism/Tardiness Policy

Purpose

To minimize the impact on City operations, lost productivity of absent employees, and problems with employee morale created by excessive employee absenteeism or tardiness.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts, for employees covered by an applicable Collective Bargaining Agreement, the terms stated therein control in the event of a conflict.

Policy

An employee is deemed absent when he or she is unavailable for work as assigned and scheduled and such time off was not scheduled and approved in advance.

An employee is deemed tardy when he or she:

- Fails to report to work at the assigned/scheduled work time.
- Leaves work prior to the end of the assigned/scheduled work time without prior supervisory approval.
- Takes an extended meal or break period without approval.
- Arrives to work past his or her scheduled time.

An employee who is absent from duty for a day or part thereof when such absence is not authorized by specific grant or leave of absence under the appropriate provision of this Employee Handbook, is deemed to be absent without leave and will receive no pay for that period of time.

Any employee with three (3) such occurrences may be subject to disciplinary action, up to and including discharge. Three (3) occurrences of tardiness in a one (1) year period, or four (4) in a two (2) year period, may subject the employee to disciplinary action, up to and including discharge.

Chapter 6 - Employee Benefits and Expenditure Reimbursement

6.01 - Health Insurance

The City shall maintain a health insurance plan for all regular full-time employees. The plan year for any health insurance plan is January 1 – December 31. Information pertaining to this plan is available from the City Manager. The City reserves the right to switch health insurance providers and/or coverage at its discretion.

Health insurance terminates the last day of the last month of employment, unless an employee requests immediate termination of benefits. Information for continued health coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be provided. Employees are required to pay their share of dependent health and dental premiums through the end of the month.

6.02 – Health Insurance Costs and Reimbursements

Effective November 1, 2013, employees will contribute twenty percent (20%) of the cost of the healthcare premium. Effective January 1, 2016, the City will contribute one hundred percent (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.

6.03 – Health Insurance Opt-out Payments

Employees with 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 health insurance 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 with 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 to access the City’s policy as a single person. Employees who elect to participate in this partial 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 Person	\$50.00	\$2,600.00

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

6.04 - Life Insurance

The City at its discretion maintains a life insurance program that includes fifteen thousand dollars (\$15,000.00) for all regular full-time employees and fifty thousand dollars (\$50,000.00) for regular full-time Department Heads. Information pertaining to this plan is available from the City Manager.

6.05 – Retirement Benefits

A. Pension

The City 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 eligible employees 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 this Policy 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 prior to July 1, 2009 and must have completed a minimum of twenty (20) years of full-time service with the City. Employees hired by the City on or after July 1, 2009 shall be eligible for retiree health care per 6.05(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 nineteen (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 (\$200.00) 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 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 (\$10.00) per week. The Employer will match all employee contributions to such account, up to one thousand dollars (\$1,000.00) 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 5.01, employees may roll over up to fifty (50) hours of unused PTO into the City-sponsored HCSP.

Employees hired prior to July 1, 2009 shall participate in the Health Care Savings Plan and shall make mandatory weekly contributions to the plan of five dollars (\$5.00) per week. There is no employer match. Per 5.01, employees may roll over up to fifty (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 (\$5,000.00) dollar 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.

6.06 - Workers' Compensation Policy

Purpose

To provide a way to assure benefits are paid to City workers if they become injured while on the job and to ensure reasonable and necessary medical treatment is promptly provided in compliance with the City's obligations as an employer under MCL 418.115.

Scope

This Policy applies to regular full-time and part-time employees of the City.

Policy

The City complies with all state and federal laws on workers' compensation insurance for employees disabled by an injury or illness caused by the employment with the City. The conduct of an employee before and after sustaining an injury can affect the availability, amount, and duration of workers' compensation benefits.

A. Employee Responsibilities

No benefits are available for an injury resulting from the intentional misconduct of an employee in accordance with MCL 418.35. *Intentional misconduct* is defined by Michigan law as the knowing violation of any rule the City clearly and consistently enforces by sanctioning violators, even if the rule is not a safety rule or a rule that other employers have.

Any employee who engaged in criminal misconduct which results in jail will have his or her workers' compensation benefits suspended while the disabled employee is jailed pursuant to MCL 418.301(12).

Employees who refuse medical treatment for an injury shall have their weekly compensation suspended. There is no sanction for refusing medical tests or exploratory surgery, or a course of treatment with significant risk or that does not offer a reasonable expectation of relief.

Employees claiming a benefit must name the people who provided any treatment for the injury, give the City the records of that treatment, and undergo a physical exam when requested by the City.

An injured employee must seek, accept, and maintain work that remains available given the residuals of an injury sustained at work to establish disability and qualify for weekly compensation unless the employee suffered a physical loss or losses.

- An injured employee who does not seek work with comparable pay does not qualify as having a disability for which compensation is available pursuant to MCL 418.301(4)(b).
- An injured employee who seeks, but then refuses an offer of work is disqualified from further weekly compensation unless the employee has a good reason for the refusal pursuant to MCL 418.301(9)(a).

B. Benefits Available

The benefits for a qualifying employee or survivor are limited to wage loss, medical treatment, and rehabilitation. No benefits are available for suffering, disfigurement, or loss of companionship. Benefits are limited by a maximum dollar amount available for wage loss, medical treatment, and penalties and by duration, all tied to the date of injury.

1. Wage Benefits

No compensation is paid for an injury that does not result in wage loss for at least one (1) week. An employee is eligible for benefits as of the eighth (8th) day of the injury. For an injury or illness lasting two (2) weeks or longer, an employee's benefits extend back to the date of disablement. The seven (7)-day period resets when an employee resumes work within seven (7) days of an injury and earns the average daily wage working while injured.

A ratable amount of pay earned by an employee is available from the City each week for four conditions from an injury from work: disability, physical loss, multiple physical losses, and death. The amount of the weekly compensation is eighty percent (80%) of the after-tax average weekly wage of the employee when the injury was sustained, whether the resulting condition was disability, physical loss, multiple losses, disability after retiring, or death.

The City follows the tables published annually which establish eighty percent (80%) of the after-tax average weekly wage given the gross average weekly wage, tax-filing status, and the number of the City's dependents at the time of the employee's injury to calculate benefit payments.

2. Medical Benefits

Employees eligible for workers' compensation benefits may receive medical benefits that include: necessary and legal care, attendant nursing care, the cost of medical devices and appliances such as canes, braces, dentures to replace teeth lost in an injury or wigs to compensate for hair loss from a reaction to medication prescribed for an injury, the cost of obtaining medical care for the injury such as travel to and from a doctor.

3. Rehabilitation Benefits

Employees eligible for workers' compensation benefits may receive rehabilitation benefits that include: retraining, education, and job placement services at the City's cost when the employee cannot work because of an injury at work. The injured employee and the City must agree on the program and costs of vocational rehabilitation.

The duration of vocational rehabilitation is limited to fifty-two (52) weeks of service and may only be extended by appropriate order under state law.

4. Death and Burial Benefits

When an injury at work is the proximate cause of the death of an employee, the employee may receive the reasonable cost of care immediately before death such as hospice care and medicines to

relieve pain. The cost of the funeral and burial of a deceased employee is also available for the funeral and burial with a ceiling of six-thousand dollars (\$6,000.00) for the combined costs.

A weekly death benefit for survivors in a ratable amount of the employee's earnings at the time of injury is available for up to five hundred (500) weeks after the injury causing death. The amount of weekly compensation is eighty percent (80%) of the after-tax average weekly wage of the employee when the injury was sustained, determined by the same criteria used to calculate the weekly benefit for the injured employee. The benefit may not be more than ninety percent (90%), or less than fifty percent (50%) of the state average weekly wage established under Michigan law for the year of the injury pursuant to MCL 418.321.

A surviving spouse, child, parent, grandparent, sibling, or other members of the family may qualify for this weekly benefit, which is equally divided among all of the survivors who were totally dependent on the employee when the employee was injured. A survivor who was only partly dependent receives no weekly compensation after the death of the employee when there is a survivor who was totally dependent. The duration of the weekly compensation is limited to five hundred (500) weeks from the injury, not the death in accordance with MCL 418.321.

6.07 - Travel and Other Official Expenditures Policy

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 this Policy. 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 fifty dollars (\$50.00).

6.08 - Cellular Telephone Reimbursement Policy

Purpose

To establish a policy for cellular telephone use and compensation allowance.

Scope

This Policy applies to all City-issued cellular phones and City-reimbursed cellular phone expenses.

Policy

City employees whose job requires them to use a cellular telephone for City business, as outlined in this Policy, may use a personal cellular telephone for business use and will be eligible to receive a monthly allowance for that service. Employees may be provided a City-owned cellular telephone in lieu of receiving compensation for using a personal cellular telephone at the City's discretion.

A. Eligibility

The cellular telephone allowance or issuance must be approved by the employee's supervisor and the City Manager.

In general, the City may provide a cellular telephone allowance or cellular telephone to an employee if at least one of the following criteria are met:

1. The job requires considerable time outside the office or away from the employee's workstation (job need, travel, meetings, etc.) and use of the cellular telephone facilitates the effective conduct of business operations while the employee is away.
2. The job requires the employee to be immediately accessible to receive and/or make frequent business telephone calls outside of working hours.
3. Job duties away from the office may expose the employee or others to immediate harm or danger.

Eligibility for the cellular telephone allowance or issuance is subject to change or cancellation as determined by the employee's supervisor and/or the City Manager.

Supervisors, the City Manager, or his or her designee, may periodically request the employee provide a copy of the first page of their cellular telephone bill to verify the employee has an active cellular telephone plan for those receiving reimbursement from the City. Supervisors, the City Manager, or his or her designee may also periodically request documentation of business use to determine the appropriateness of eligibility and the reimbursement amount.

B. Employee Responsibilities

1. Employees shall sign a City of Springfield Cellular Telephone Request Form to certify the employee meets eligibility for cellular telephone reimbursement and has read and agrees to abide by the City Cellular Telephone Reimbursement Policy.
2. Employees shall inform the City to discontinue the reimbursement when the eligibility criteria are no longer met or when cellular service is cancelled. If such notification is not submitted within thirty (30) days of no longer meeting the criteria or service cancellation, the employee may be asked to repay any reimbursement received.
3. Employees shall comply with all applicable laws regarding the use of cellular telephones while driving and avoid cellular telephone use that may jeopardize the safety of the employee or others. Such use may include texting, emailing, or verbal communication.
4. Employees are prohibited from text messaging while driving a City owned vehicle, or while driving their own privately-owned vehicle during official City business, or from using a City-supplied electronic equipment to text message or email when driving.
5. Employees by using a cellular telephone for City business acknowledge cellular telephone transmissions are not secure and that employees should use discretion in relaying confidential information over cellular telephones. Cellular telephones may not be used to defame, harass, intimidate, or threaten any person. Employees are prohibited from using their cellular telephones in any illegal, illicit, or offensive manner.

C. Taxability

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

D. Cellular Telephone Reimbursement Amounts

Maximum reimbursements are as follows:

1. **Department Heads** - Standard reimbursement of eighteen dollars and fifty cents (\$18.50) per weekly pay period.

2. **Contract Workers** - Standard reimbursement of thirty dollars (\$30.00) per month for each building trade (max \$60/month): Building, Mechanical, Plumbing, and Electrical.
3. **Other Employees** - Standard reimbursement of nine dollars (\$9.00) per weekly pay period.

E. Replacement Cellular Telephones

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.

Chapter 7 - Drug Free Workplace

7.01 – Drug Free Workplace Policy

Purpose

To minimize workplace injuries, improve productivity, establish a safe and healthy work environment and comply with requirements for federal contracts under the Drug Free Workplace Act of 1988.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employment including independent contractors, student interns, and personal service contracts. For employees covered by an applicable Collective Bargaining Agreement, the terms stated therein control in the event of a conflict. Employees who hold Commercial Driver’s Licenses (CDLs) are subject to the federal regulations for alcohol and controlled substance use and testing pursuant to 7.02 0 DOT Safety-Sensitive Alcohol and Controlled Substance Testing Policy.

Policy

The City is a Drug-Free Workplace and prohibits the manufacture, distribution, dispensation, possession or use of a controlled substance in the City’s workplace or on any City worksite. Employees who violate this Policy are subject to disciplinary action, up to and including discharge.

To establish a Drug-Free Workplace, the City will provide ongoing education about the dangers of alcohol or controlled substance use in the workplace. The City maintains a list of approved drug and/or alcohol counseling services in the area. The City will work to connect and refer employees to

resources that can provide drug or alcohol counseling, rehabilitation, and/or employee assistance at the employee's cost.

Each employee or job applicant engaged in the direct or indirect performance of a federal contract shall be given a copy of this Policy and must sign and return to the City Manager an Acknowledgement and Agreement Form within ten (10) days.

An employee convicted of any drug statute violation in the workplace shall notify the City Manager within five (5) days after the conviction. The City will notify the contracting agency within ten (10) days of receiving such notice from the employee or other actual notice of conviction.

A. Non-CDL Employee Alcohol and Controlled Substance Testing

The City reserves the right to conduct pre-employment, "reasonable suspicion," and post-accident alcohol and controlled substance testing of non-CDL employees. All non-CDL employees shall sign a Consent to Alcohol and Controlled Substance Testing Form prior to the start of their employment.

All City Supervisors, Department Heads, and Directors shall be trained in the City's Drug-Free Workplace Policy and in their responsibilities in accordance with this Policy and are expected to:

- Understand the observations a supervisor must make to act on reasonable suspicion;
- To be able to identify the signs and symptoms of probable alcohol or controlled substance abuse;
- To know how to approach an employee in a reasonable-suspicion situation;
- To determine when to test and when not to test; and
- To know how to initiate reasonable suspicion testing.

B. Non-CDL Reasonable Suspicion

A Supervisor's, Department Head's, or Director's determination of reasonable suspicion must be based on detailed and documented observations. Supervisors, Department Heads, or Directors who believe an employee has violated the City's Drug-Free Workplace Policy or who believe an employee is impaired by alcohol or controlled substances at work shall:

1. Make a determination that reasonable suspicion exists to require an employee to undergo alcohol or controlled substance testing based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the

employee. Observations may include indications of chronic and withdrawal effects of controlled substances.

2. Make a written record of the observations leading to an alcohol or controlled substances reasonable suspicion test and sign it within twenty-four (24) hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier.
3. Order a reasonable suspicion testing within two (2) hours of the determination of reasonable suspicion for alcohol and within thirty-two (32) hours of the determination of reasonable suspicion for controlled substances. No reasonable suspicion testing shall be ordered outside of these timelines.
4. Prepare and maintain a written record stating the reasons for not administering testing if the testing is not ordered timely as described in number 3 above.

Non-CDL employees who test positive for alcohol or controlled substance use under the above reasonable suspicion testing may be subject to disciplinary action, up to and including discharge.

7.02 – DOT Safety-Sensitive Alcohol and Controlled Substance Testing Policy

Purpose

To save lives and prevent injuries, identify employees with substance abuse issues and facilitate their treatment, to assist employees in rejecting illegal drug use. To reduce City liability, and to operate fair and appropriate alcohol and controlled substance testing in compliance with the Federal Motor Carrier Safety Administration Act (FMSCA) and its applicable regulations for employees subject to the Commercial Driver's License (CDL) requirements, alcohol and controlled substance testing rules made applicable to the City by the State of Michigan's adoption of MCL 480.11a, Section 1a..

Scope

This Policy applies to any individual engaged in safety-sensitive job function as defined by the U.S. Department of Transportation.

Policy

It is the policy of the City to comply fully with the regulations mandating pre-employment, post-accident, random, and reasonable suspicion alcohol and controlled substance testing of CDL holders

and employees involved in the performance of safety-sensitive functions in accordance with regulations issued by the U.S. Department of Transportation.

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No driver may perform safety-sensitive functions while using alcohol or within four (4) hours thereafter. No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. No driver may report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No driver may refuse to submit to a required test.

The City is required to conduct the following types of alcohol and controlled substance testing of CDL employees performing safety-sensitive functions:

1. Pre-Employment Testing;
2. Post-Accident Testing;
3. Random Testing;
4. Reasonable Suspicion Testing;
5. Return-to-Duty Testing; and
6. Follow-up Testing

A. Definitions

For the purposes of this Policy, Safety-Sensitive Function and Refusal to Submit to an Alcohol or Controlled Substance Test are defined as follows:

“Safety-Sensitive Function”

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment or inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent driving the controls of a commercial motor vehicle in operation.

4. All time, other than driving time, in or upon a commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending to a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

“Refusal to Submit to an Alcohol or Controlled Substances Test”

1. Failure to appear for a test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with applicable federal regulations, after being directed to do so by the City.
2. Failure to remain at the testing site until the testing process is complete. However, an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
3. Failure to provide a urine specimen for any drug test required by the regulations. However, an employee who does not provide a urine specimen because he or she left the testing site before the testing process commences for a pre-employment test is not deemed to have refused the test.
4. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the driver’s provision of a specimen.
5. Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
6. Failure or declining to take a second test the City or collector directs the driver to take.
7. Failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) as part of the verification process, or as directed by the City. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.

8. Failure to cooperate with any part of the testing process (examples include: refusal to empty pockets when directed to do so by the collector, behavior that is confrontational in a way that disrupts the collection process, or failure to wash hands after directed to do so by the collector.)
9. For a directly observed collection, failure to follow the observer's instructions to raise his/her clothing above the waist, lower clothing and underpants, and to turn around to permit the observe to determine if he or she has any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possession of or wearing of a prosthetic or other device that could be used to interfere with the collection process.
11. Admission to the collector or the MRO that he or she adulterated or substituted the specimen; or
12. A report by the MRO that the employee is verified to have adulterated or substituted test results.

B. DOT Safety-Sensitive Random Testing Pool

The City shall maintain DOT safety-sensitive employees as a separate and distinct testing program. Prior to performing a random selection, the City shall refresh the pool to include all safety-sensitive employees subject to DOT random testing, and exclude those not subject to DOT random testing.

Every employee in the pool shall have an equal chance of being selected and tested in each selection period. 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.

C. DOT Safety-Sensitive Random Testing Rates

The City shall comply with the annual minimum drug and alcohol random testing rates established within DOT Agencies and the USCG as applicable.

D. DOT Safety-Sensitive Random Testing Frequency

The City shall perform random selections and testing at least quarterly, but may select and test more frequently at its discretion, however, such testing shall be equally distributed throughout the year.

Following each selection, the employee's name is returned to the same pool, and he or she becomes equally likely as anyone else to be selected next time.

E. Notice of Selection for Random Testing

An employee selected for testing shall be informed of the underlying reason why he or she is being ordered to submit a specimen. The reasons shall be documented in writing on a form designated by the City 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.

The supervisor requesting the testing shall fill out a City 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.

An employee notified of random selection for testing shall proceed immediately to the collection site. Immediately is defined as, "after notification, all the employee's actions must lead to an immediate specimen collection" to protect the integrity of the testing process.

F. Employee Testing Availability

If an employee selected for testing is known to be unavailable during the selection cycle for a legitimate extended absence, or long-term illness, the City shall document the reason and make-up the rate shortfall by making another selection, or make an extra selection during the next selection cycle.

An employee selected for testing, who has not received notice because it is his or her day off will be tested during his or her next shift within the same selection cycle.

No employee will be excused from testing because of operational difficulties, except for limited exceptions as permitted by law.

G. Employer Documentation

The City shall document the entire random testing process, including but not limited to: the numbers and employee names drawn, the dates and times of notification, dates and times of collection, why an employee was not tested during a selection cycle

H. Pre-Employment Testing

Prior to the first time an employee performs safety-sensitive functions for the City, the driver must undergo testing for controlled substances as a condition prior to being used. The City does not permit the performance of safety-sensitive functions unless the City has received a controlled substances test result from the MRO indicating a negative test result for the driver, except as follows:

1. The driver participated in a controlled substance testing program that meets the requirements of the federal regulations within the previous thirty (30) days; and
2. While participating in that program, either:
 - a. Was tested for controlled substances within the past six (6) months (from the date of application with the City); or
 - b. Participated in the random controlled substances testing program for the previous twelve (12) months (from the date of application with the City); and
 - c. The City ensures no prior employer of the driver of whom the employer has knowledge has record of a violation of the federal regulations.

The City may opt to conduct pre-employment alcohol testing. If the City elects to conduct pre-employment alcohol testing it shall comply with the following requirements:

1. The City will conduct pre-employment alcohol test before the first performance of safety-sensitive functions by every employee (whether a new employee or someone who has transferred to a position involving the performance of a safety-sensitive function.)
2. The City will treat all safety-sensitive employees performing safety-sensitive functions the same for the purposes of alcohol testing.
3. The City will conduct the pre-employment test *after* making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.
4. The City will conduct all pre-employment alcohol tests using the alcohol testing procedures of the federal regulations.
5. The City will not allow a covered employee to begin performing safety sensitive functions unless the results of the employee's test indicates an alcohol concentration of less than 0.04.

I. Post-Accident Testing

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road, the City shall test for alcohol, each of its surviving drivers:

1. Who performed safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Who received a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

If a post-accident alcohol test is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

If the post-accident alcohol test is not administered within eight (8) hours following the accident, the City must cease attempts to administer an alcohol test and must prepare and maintain the same record.

If the post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the City must cease attempts to administer a controlled substances test, and prepare and maintain a file on record stating the reasons the test was not promptly administered.

A driver subject to post-accident testing must remain readily available for such testing or may be deemed by the City to have refused to submit to testing. However, such requirement should not be construed to require the delay of necessary medical attention for injured people following an accident or prohibit the driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The City shall provide the driver with necessary information, procedures and instructions, prior to the driver operating a commercial motor vehicle, to allow them to comply with these requirements.

J. Reasonable Suspicion Testing

Drivers must submit to an alcohol test when the City has reasonable suspicion to believe the driver has violated the prohibitions of federal regulations concerning alcohol, state law, or other policies and procedures of the City. The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

Drivers must submit to a controlled substance test when the City has reasonable suspicion to believe the driver has violated the prohibitions of the federal regulations concerning controlled substances, state law, or other policies and procedures of the City concerning controlled substances. The City's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. Observations may include indications of the chronic and withdrawal effects of controlled substances.

The observations for alcohol and/or controlled substances reasonable suspicion testing must be made by a supervisor trained in alcohol misuse and controlled substances use. The person who makes the determination that reasonable suspicion exists to conduct the alcohol test may not conduct the testing of the driver. Supervisors must create a written record of the observations leading to an alcohol or controlled substances reasonable suspicion test, which must be signed by the supervisor who made the observations within twenty-four (24) hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

The City may only direct a driver to undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver performs safety sensitive functions, or just after the driver has ceased performing such functions.

If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City must prepare and maintain a file on record stating the reasons the alcohol test was not promptly administered.

If a reasonable suspicion alcohol test is not administered with eight (8) hours following the determination of reasonable suspicion, the City must cease attempts to administer an alcohol test and must state in the record the reasons for not administering the test.

K. Return-To-Duty Testing

All employee who wish to return to the performance of safety-sensitive functions following a test positive for alcohol or controlled substances shall take a return-to-duty test. The City's decision whether to return an employee to duty may be governed by the terms of an applicable Collective Bargaining Agreement.

The City will not conduct any return-to-duty testing until a Substance Abuse Professional (SAP) determines the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02, as determined by a SAP before they will be permitted to resume safety-sensitive functions.

L. Follow-Up Testing

Any required follow-up testing shall be in accordance with federal regulations.

M. Specimen Collection

The following steps apply to maintain collection site security and integrity:

1. Collection sites shall:
 - a. Pay careful attention to employees throughout the collection process.
 - b. Ensure there is no unauthorized access into the collection areas and that undetected access (through a door not in view) is not possible.
 - c. Ensure all employees show proper identification.
 - d. Ensure employees empty pockets, remove outer garments (coveralls, jacket, coat, hat), leave briefcases, purses, and bags behind, wash hands prior to collection.
 - e. Maintain personal control of the specimen and documentation at all times during the collection.
 - f. Secure any water sources or otherwise make them unavailable to employees (water inlets shall be off or handles taped to prevent opening faucets, and tank lids shall be secured.)
 - g. Ensure the water in the toilet and tank (if applicable) has bluing agent. Tape or otherwise secure/shut off any movable toilet tank top, or put bluing in the tank.
 - h. Ensure no soap, disinfectants, cleaning agents, or other possible adulterants are present.
 - i. Inspect the site to ensure no foreign or unauthorized substances are present.
 - j. Secure area and items (ledges, trash receptacles, paper towel holders, under-sink areas, ceiling tiles) that appear suitable for contaminants.

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

1. The employer shall escort the employee to a collection site.

2. The City shall ensure the collector of the specimen has the following information when conducting a urine specimen collection on its behalf: (a) the full name of the employee being tested; (b) employee SSN or ID number; (c) laboratory name and address; (d) employer name, address, phone number and fax number; (e) contact name and telephone number of the City Manager; (f) MRO name, address, phone number, and fax number; (g) if applicable, the DOT Agency that regulates the employee's safety-sensitive duties; (h) test reason – pre-employment, random, reasonable suspicion/reasonable cause, post-accident, return-to-duty, or follow-up.
3. All employees must provide appropriate identification to the collector at the outset of the collection process. The following are acceptable forms of identification: (a) a photo identification (driver's license, employee badge issued by the City, or other picture identification issued by a federal, state, or local government agency); or (b) identification by a City or City representative.
4. The collector provides to the employee or allows the employee to select the collection kit or collection container (if it is separate from the kit) from the available supply. Either the collector or the employee, with both present, then unwraps or breaks the seal of the kit or collection container.
5. The employee shall go into the room used for urination, provide a specimen of at least 45 mL, not flush the toilet, and return with the specimen as soon as possible after completing the void.
6. Collectors shall pay close attention to the employee during the entire collection process to note any conduct that clearly indicates an attempt to substitute or adulterate a specimen, and document same.
7. Collectors shall receive the specimen from the employee and check the temperature of the specimen, the specimen volume, and inspect the specimen for adulteration or substitution.
8. The specimen from the collection container shall be divided by the collector into two specimen bottles and appropriately measured, sealed, and labeled with tamper resistant seal centered over the lid/cap and down the side of the bottle to ensure the lid/cap cannot be removed without destroying the seal. The collector shall write the date on the seals and the employee shall initial the seals.
9. Following the sealing of the specimen bottles, the employee shall read, sign, and date a certification statement and provide their date of birth, printed name, and day and evening telephone contact numbers.

10. The collector shall then document his or her name, and record the date and time of the collection, sign, and enter the specific name of the delivery or courier service transferring the specimens to the laboratory.
11. The employee shall be given an opportunity to list any prescription and over-the-counter medications he or she may be taking *only* on the employee copy of the certification form. This form is not provided to the City or the collector. If there is a positive test, a MRO will contact the employee about prescription and over-the-counter medications.
12. The collector shall place the specimen bottles and the accompanying paperwork inside a leak-resistant plastic bag and then inside a pouch and seals both. The collector shall inform the employee that he or she is free to leave the collection site.

A. “Shy Bladder” Procedures

If an employee does not provide a sufficient amount of urine (45 mL), or advises the collector upon arrival at the collection site that he or she cannot provide a specimen, the employee will still be subject to the collection procedures regardless of any reason given. The following procedure shall apply:

1. The collector shall advise the employee that most individuals can provide 45 mL of urine and direct the employee to attempt to provide the specimen.
2. If the employee provides an initial insufficient specimen, the collector shall discard the insufficient specimen and document the time when the employee provided the insufficient specimen.
3. The collector shall advise the employee to drink up to forty (40) ounces of fluids, distributed reasonably through a period of up to three (3) hours, or until the employee can provide a sufficient specimen, whichever occurs first.
4. If an employee refuses to make the attempt to provide a new urine specimen or leaves the collection site before the collection process is complete, the collector shall discontinue the collection, document the occurrence, and immediately notify the City Manager. This is considered a refusal to test.

5. If the employee does not provide a sufficient specimen within three (3) hours of the first unsuccessful attempt to provide the specimen, the collector shall discontinue the collection, document the occurrence, and immediately notify the City Manager.

B. Directly Observed Collections

A *directly observed collection* procedure is the same as a routine collection procedure with the additional requirement that the observer *directly watches the urine go from the employee's body* into the collection container. The observer shall be the same gender as the employee.

A directly observed collection is required when:

1. The City directs the collector (or collection site) to conduct collection under direct observation.
2. When a laboratory reports an invalid specimen and the MRO reports no adequate medical explanation for the result.
3. The split specimen test could not be performed (split was lost or inadequate volume).
4. The MRO reports a negative-dilute result with creatinine concentration greater than or equal to two (2) mg/dL but less than or equal to 5 mg/dL.
5. The test is a return-to-duty or follow-up test.

7.03 - Testing Procedure

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

1. Incoming specimens must be inspected to determine whether a flaw exists. The inspection shall confirm:
 - a. There is a documentation form present.
 - b. The specimen is submitted with the documentation.
 - c. There is a printed collector's name and signature for the specimen.
 - d. There are two separate collections with one documentation form.
 - e. The specimen ID numbers on the bottle and the documentation form match.
 - f. The specimen bottle seal remains unbroken and shows no evidence of tampering.
 - g. There is a sufficient amount of urine in the primary bottle for analysis.

2. The laboratory shall document the results of the initial specimen inspection.
3. The laboratory shall test for:
 - a. Marijuana metabolites;
 - b. Cocaine metabolites;
 - c. Amphetamines (methamphetamines, MDMA, and MDA);
 - d. Opioids (codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone); and
 - e. Phencyclidine (PCP).
4. The laboratory will conduct a screening test. Specimens that test positive on the screening test will be analyzed again using a different testing methodology.
 - a. If the specimen tests negative in either test, the result will be reported as negative.
 - b. Only if the specimen tests positive under both methods will the specimen be reported as a positive test.
5. The following are the established cutoff concentrations for controlled substance tests.

Drug	Initial Test Cutoff Concentration*	Confirmatory Test Cutoff Concentration*
Marijuana metabolites (THCA)	50 ng/mL	15 ng/mL
Cocaine metabolites	150 ng/mL	100 ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL
AMPHETAMINE		
Amphetamines	500 ng/mL	250 ng/mL
Methamphetamine	500 ng/mL	250 ng/mL
MDMA/MDA	500 ng/mL	250 ng/mL
OPIOIDS		
Codeine/Morphine	2000 ng/mL	2000 ng/mL
6-Acetylmorphine (6AM or Heroin)	10 ng/mL	10 ng/mL
Hydrocodone	300 ng/mL	100 ng/mL
Hydromorphone	300 ng/mL	100 ng/mL
Oxymorphone	100 ng/mL	100 ng/mL
Oxycodone	100 ng/mL	100 ng/mL

**Test cutoff concentrations may be updated annually for both initial and confirmatory tests and are subject to change. The City follows the Department of Transportation (DOT) drug panel and cutoff levels.*

6. The laboratory shall store both specimen bottles for any reported positive, adulterated, or substituted result for at least twelve (12) months.
- A.** 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.
- B. 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.
- C. Use of Results**

Employees found to have a verified positive alcohol or controlled substance test may be subject to disciplinary action up to and including discharge.

Upon receipt by the City of notification that:

1. An employee has a verified positive drug test result the City will immediately remove the employee from the performance of safety-sensitive functions.

2. An employee has a verified adulterated or substituted drug test result, the City will consider this a refusal, and immediately remove the employee involved from performing safety-sensitive functions.
3. An employee has an alcohol test result of 0.04 or higher, the City will immediately remove the employee from performing safety-sensitive functions.
4. An employee has an alcohol test result of 0.020 – 0.39, the City will temporarily remove the employee involved from performing safety-sensitive functions.
5. An employee who has a verified positive, adulterated, or substituted test result, or has otherwise violated drug and alcohol regulations, will not be returned to the performance of safety-sensitive functions until or unless the employee successfully completes the return-to-duty process.
6. An employee has a drug test result indicating the employee's urine specimen was cancelled because it was invalid, the City will immediately direct the employee to provide a new specimen under direct observation. The City shall not attach any consequences to the finding that the test was invalid other than collecting a new specimen under direct observation.

D. Employee Assistance Program (EAP)

Every employee whose specimen tests positive for alcohol or controlled substances will be referred to an Employee Assistance Program (EAP) at the employee's cost. The counselors employed by the EAP will assist the employee to obtain 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.

E. Duty Assignment after Treatment

When an employee tests positive, and is a driver subject to federal regulations, the driver must comply with all requirements of the federal regulations prior to returning to work. The employee may not take a return-to-duty test or return to the performance of safety-sensitive functions until cleared to do so as required by federal regulations.

Employee reassignment, to non-safety-sensitive functions during treatment in an outpatient program shall be determined in the sole discretion of the City.

Any employee who, under this policy, tests positive for alcohol and/or controlled substances a second time will be discharged. 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.

F. Conflict with Other Laws

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

7.04 - Alcohol Misuse and Controlled Substance Use Training Policy

Purpose

To educate and train persons designated as supervisors of drivers on how to maintain a safe, healthy, and efficient work environment free from employees under the influence of alcohol and controlled substances and to avoid the serious safety and health risks posed to the user and all those who work with the user.

Scope

This Policy applies to persons designated to supervise drivers and employees who hold CDLs or employees identified by the City as involved in safety-sensitive functions on behalf of the City.

Policy

All persons designated to supervise drivers shall receive at least sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes of training on controlled substances use. The training must include the physical, behavioral, speech, and performance indicators of probably alcohol misuse and the use of controlled substances.

The City shall provide, and employees are responsible for, understanding educational materials regarding the requirements of the alcohol and controlled substance testing regulations and the City policies and procedures with respect to meeting these requirements. City training materials shall cover at a minimum:

1. The identity of the person designated by the City to answer driver questions about the materials;
2. The categories of drivers' subject to alcohol and controlled substance testing;

3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with the regulations.
4. Specific information concerning driver conduct that is prohibited by the regulations;
5. The circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing;
6. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures, and instructions;
7. The requirement that a driver submit to alcohol and controlled substances tests in accordance with the regulations;
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences;
9. The consequences for drivers found to have violated the regulations, including the requirement that the driver be removed immediately from safety-sensitive functions;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04; and
11. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem (driver or co-worker); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, or referral to management.

Each driver shall sign a statement certifying that he or she received a copy of the training materials described above in 1 – 11. The original will be maintained in the employee's personnel file.

7.05 - Notification Regarding Driver's License Sanctions Policy

Purpose

To ensure employees of the City maintain a valid license and good driving record when employee job duties require the operation of City vehicles or equipment or who must travel by motor vehicle in the course of City business.

Scope

This Policy applies to all temporary, regular, full-time and part-time employees of the City with job duties that require the operation of City vehicles or equipment or who must travel by motor vehicle in the course of City business.

Policy

Applicants for a position that requires a valid driver's license must possess a valid driver's license and required endorsements at the time of hire. Applicants must furnish copies of motor vehicle records (less than thirty (30) days old) when they apply for positions that require a valid driver's license.

Employees required by the nature of their job to possess a valid driver's license are required to notify their supervisor and the City Manager immediately upon the receipt of a notice of suspension, revocation, or cancellation of a driver's license, or disqualification from driving. Once such notification is given, the City may not knowingly use a driver whose license is suspended, revoked, cancelled, or disqualified from driving. Failure to notify the supervisor or City Manager within twenty-four (24) hours of the suspension, revocation, cancellation, or disqualification will result in corrective or disciplinary action, up to and including discharge.

The City shall annually audit the driving records of each employee, regarding the preceding twelve (12) months to determine whether the employee meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle.

Chapter 8 – Use of Technology

8.01 – Computer Network, Employer Issued Electronic Device, and Internet Usage Policy

Purpose

To inform all city employees, elected officials, volunteers, and other potential users of the City's computer network, City issued electronic devices, and City provided internet of the legal guidelines, expectations, and prohibitions in the use of the City computer network, City issued electronic devices, and City provided internet.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employees including independent contractors, student interns, and personal service contracts, for employees covered by an applicable Collective Bargaining Agreement, the terms stated therein control in the event of a conflict.

Policy

Use of the computer network, electronic devices, Internet and electronic mail systems of the City is restricted to communications for City purposes.

The purpose of the City's electronic network is to provide connection to the Internet, and to support research and communication. The use of any other organization's network and/or computing resources for City business must comply with the rules and policies appropriate to that network. Transmission of any material in violation of any U.S. or state laws or regulations is strictly prohibited. This includes but is not limited to, all copyrighted materials, threatening or obscene material, and material protected by all laws governing trade secrets. Use for commercial activities (including product advertisement) is prohibited. Any services accessed that require a monetary charge or financial commitment are the responsibility of the individual user. Use for political lobbying is prohibited.

The use of the City's network is a privilege not a right, and inappropriate use of that connection will result in cancellation of that privilege. Employees accessing the Internet represent the City. All communications shall be for professional reasons, and employees are responsible to see that the Internet is used in an effective, ethical, and lawful manner.

Each employee is responsible for the content of all text, audio, or images placed or sent over the Internet. Fraudulent, harassing, or obscene messages are prohibited. No abusive, profane, or offensive language is to be transmitted through the system, and information published on the Internet by employees shall not violate or infringe on the rights of others.

To prevent computer viruses from being transmitted through the system, no software shall be downloaded through the Internet by an employee without authorization of the City network administrators, or City Manager.

The electronic mail and other information systems of the City are not to be used in a way that may be disruptive, offensive to others, or harmful to morale. There is to be no transmission of sexually explicit images, messages, or cartoons, nor any transmission or use of e-mail or voicemail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, height, weight, age,

disability, or religious or political beliefs. Employees are expected to abide by the generally accepted rules of computer network etiquette, which include but are not limited to the following:

1. All conduct shall be polite and shall not be abusive to other.
2. Use appropriate language. Do not swear or use vulgar, obscene, or inappropriate language. All communications deemed illegal by any or all federal, state, or local ordinances are strictly prohibited.
3. Do not reveal your own personal address or the addresses and/or phone numbers of other employees or colleagues without their permission.
4. Be advised all messages created, sent, or retrieved over the Internet, including e-mail, are deemed to be public and that the City has the right to access and monitor all messages created, sent, or retrieved over the Internet or the City computer network. All communications including text and images, may be reported or disclosed to the proper authorities without the prior consent of the sender or receiver.
5. Do not use the network in a way that would disrupt the use of the network by others.
6. Do not seek to obtain unauthorized copies of or deliberately modify any files or other data (including passwords) belonging to any other system users without their explicit permission.
7. As rules in network use and etiquette change, users are responsible for understanding and abiding by those generally accepted rules of the network.

Employees should immediately notify the City Manager of any unsolicited offensive material received by any employee on City electronic mail or other information systems.

Employees should not open suspicious e-mails, click on pop-ups, or run downloads without City approval.

Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation or disclosure under the Freedom of Information Act (FOIA).

Violation of this Policy will result in disciplinary action, up to and including discharge.

A. Privacy and Access

All e-mail, computers, internet, and voice mail systems are property of the City. Anything created by an employee within these systems becomes City property. Employees have no expectation of privacy when using City technology.

All electronic and voice mail messages are City records. The City reserves the right to access, monitor, copy, review, download, and disclose all messages, communications, and files created or maintained on these systems, at any time and for any business purpose, without prior notice to the employee.

All users of City information systems are required to maintain the security and integrity City systems and information. A workspace must not be left unattended in a manner that could permit any unauthorized person to obtain access to data. Users shall *A*Log-out@ if they are away from their computer for any length of time.

Users may not share passwords with any other person, except when business needs require and an appropriate supervisor has given authorization. Employees are prohibited from communicating trade secrets and/or proprietary confidential information via letter, text, email, or any other electronic or Ahard copy@ means. Employees must treat this information at all times in a secure manner

B. 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.

C. City Issued Electronic Devices

The purpose of a City issued electronic device (laptop, cellular telephone, camera, or otherwise) is to enhance, enrich and facilitate the employees' ability to perform the duties of their position with the City. Devices are to be used for City-related business, research, communications, or other business-related purpose. Internet activities on issued devices must be consistent with 8.01 - Computer Network, Employer Issued Electronic Device, and Internet Usage Policy.

City issued electronic devices are property of the City and there is no expectation of privacy regarding an employee's use of any such device. This includes, but is not limited to: hardware, software, files (current or deleted), portable media, portable storage devices, mobile devices, and the Internet, e-mail, and attachments.

If the device is lost, stolen or damaged while on or off City property, the incident must be reported with twenty-four (24) hours to the City Manager and/or local police. If the lost, stolen, or damaged device and/or accessories are determined to be caused by negligence or intentional misuse, the employee may be asked to assume full financial responsibility for repair costs or fair market value of assessed equipment.

Violations of this Policy by an employee may result in disciplinary action up to and including discharge.

8.02 – Social Media and Internet Policy

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 social media resources the City deems fit to satisfy the residents and visitors of the City of Springfield.

Scope

This policy applies to all temporary and regular, full-time and part-time employees, and contractual employees including independent contractors, student interns, and personal service contracts, for employees covered by an applicable Collective Bargaining Agreement, the terms stated therein control in the event of a conflict.

The User Conduct provisions within this Policy apply to all users of the City’s Facebook page, including City Council members, and members of City Boards and Commissions.

Policy

All City employees shall use social media and the City website in a responsible, legal, ethical, effective, and productive manner.

A. Facebook

The City uses Facebook to increase communication with the residents it serves.

B. 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 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.

C. User Conduct

1. Comments shall relate to the topic being discussed in the original post and should be intended to further a civil discussion.
2. Comments are made with the understanding they reflect only the opinion of the poster and publication of a comment does not imply endorsement or agreement by the City.
3. 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 policies contained herein in Chapter 3.
4. Comments shall not encourage illegal activity.
5. Comments shall not violate a legal ownership interest; such as a copyright or trademark.
6. Comments shall not contain personal or defamatory attacks.
7. Comments shall not contain random or unintelligible text.
8. 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.
9. Comments shall not advertise commercial products or services.
10. Comments shall not direct users to other websites or Facebook pages.
11. There is no right to privacy on the City's Facebook page as the page is a public forum.
12. The City reserves the right to block or remove any comments that violate this policy, or are illegal, threatening, or contain defamatory comments.
13. Comments may be retained by the City and they may be subject to requests under the Freedom of Information Act (FOIA).

14. Anonymous postings or multiple postings by the same user or individual using a fictitious or different name is not permitted.
15. The City reserves the right to ban users that continually violate this code of conduct.
16. The City Manager or his/her designee is hereby empowered as the moderator of all comments and posts to the City's Facebook page.

D. 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 may result in corrective or disciplinary action, up to and including discharge. Employees are permitted to use City computers and personal electronic equipment for personal matters, only to the extent that such use is de minimis and occurs during the employee's regular breaks (subject to Chapter 4).

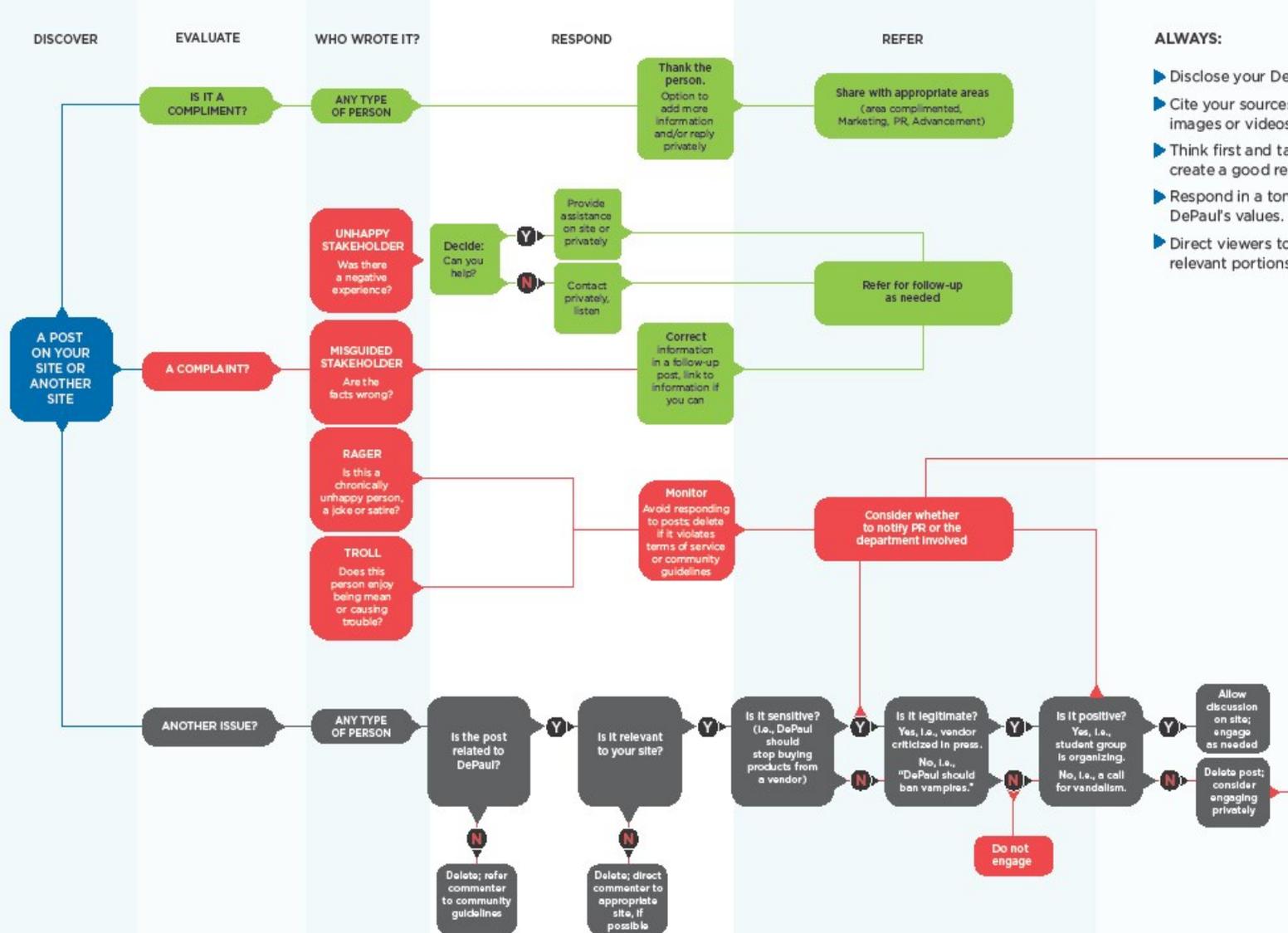
E. Conduct

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 one (1) week of the date of their approval.
4. Public Hearing notices are to be posted as required by law.

F. 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 FLOWCHART¹



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.

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

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 9 – MIOSHA Inspections

9.01 – MIOSHA Inspection Policy

Purpose

The purpose of this Policy is to inform appropriate personnel of the actions they must take to assure the municipality's rights during a MIOSHA or OSHA inspection process.

Scope

This Policy applies to all operations of the City.

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

A. Supervisors' Responsibilities

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.

A. 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.

B. Report Processing

The City receives an official report from MIOSHA (OSHA) within four to five (4 – 5) weeks of the inspection.

1. Upon receipt of the official MIOSHA report, stamp the report 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, 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 City will take.

Chapter 10 – Personal Health Information Privacy Act

10.01 - Health Insurance Portability and Accountability Act (HIPAA) Policy

Purpose

This policy is enacted in compliance with the Health Insurance Portability and Accountability Act (HIPAA) which outlines the employer's responsibility, the employee's responsibility, and the rights of the employee with respect to the protection of Private Health Information (PHI.) PHI is individually identifiable information created or received by a health plan and health care provider among other things.

Scope

This Policy applies to all operations of the City the extent Private Health Information (PHI) is involved.

Policy

The Health Insurance Portability and Accountability Act (HIPAA) was enacted by Congress in 1996. One of the provisions of the Act provides for privacy in transactions of health information. Privacy regulations were finalized in 2002 and became effective April 14, 2003. The protection of PHI is regulated.

Personal health information, whether transmitted electronically, orally, photographically, or written is strictly confidential and protected by law and this policy. 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.

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 and take all steps necessary to avoid inadvertent use or disclosure of PHI.

A. Privacy Officer and Contact Person

The Privacy Officer and Contact Person for the City is the City Manager.

The City Manager shall develop and implement the policies and procedures necessary to achieve and maintain the City's HIPAA compliance.

The City Manager shall receive complaints regarding the use or disclosure of PHI, receive requests for information regarding the City's notice of privacy practices, and provide information regarding the City's notice of privacy practices.

B. Employer Responsibility

The City is required to comply with HIPAA because the City has employees covered by a health plan. Additionally, the Public Safety Department provides some health care in its role as a First Responder unit. The City shall:

1. Prevent the use or disclosure of PHI without the authorization of the affected individual. Employees must specifically indicate whether they want information transmitted to or withheld from family members.
2. Protect all medical records and other individually identifiable health information held or discovered in any form whether electronic, paper, or verbal.
3. 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.
4. Afford employees the right to review the City's records of their PHI.

The City may use or disclose PHI for the purposes of:

1. Treatment, payment or health care operations.
2. Transmission to the insurance carrier of record.
3. Making determinations of employee fitness for duty, promotion, and absences related to performance.
4. Conferring with doctors and health providers when the issue is job related or an on-the-job injury.
5. The exchange of patient information needed for the treatment of the patient, billing, or essential health care operations.

C. 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 shall:

1. Keep the information confidential. In addition to the confidentiality requirements of the City, a person with the intent to sell, or who sells, or transfers or uses individual identifiable health information for commercial advantage, personal gain or malicious harm, is subject

to a fine up to two-hundred and fifty thousand dollars (\$250,000.00) and/or a prison term of ten (10) years.

2. Re-file any information when not under direct observation or use.
3. Refrain from discussing with any other employee or supervisor knowledge of PHI without obtaining consent of the employee.
4. Prevent the sending by mail, or electronic transfer, or by in-person discussion or by telephone or radio waves any PHI without the consent of the individual except that which is necessary for providing immediate health care.
5. 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.

Injured employees shall 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.)

Employees involved with dissemination of Public Safety Department reports containing PHI shall ensure such reports are reviewed and PHI is redacted from the reports prior to delivery to any third party.

Employees shall file an authorization form with the City Clerk before any assistance by the administration provided to rectify problems with insurance carriers or doctors.

D. Minimum Necessary Standard

The requirements of Section D. do not apply to:

1. Disclosures to or requests by a health care provider for treatment purposes;
2. Disclosures made to the individual;
3. Uses or disclosures made pursuant to an authorization;
4. Disclosures made to the Secretary of the United States Department of Health and Human Services;
5. Uses or disclosures that are required by law; and
6. Uses or disclosures that are required for HIPAA compliance.

Except as provided in Section D, items 1 – 6 above, whenever the City uses or discloses PHI or requests PHI from a covered entity, it shall make reasonable efforts to limit the PHI to the minimum amount necessary to accomplish the intended purpose of the use, disclosure, or request.

E. Workforce Access to PHI

The following categories of the City's workforce may need access to PHI to carry out their duties: (1) Finance Director; (2) Finance/Payroll/HR Clerk; and (3) City Manager.

Each category of the above named City employees shall have access to the minimum amount of PHI necessary to perform the job function.

F. Routine Disclosures

For any disclosure the City makes on a routine basis, the PHI disclosed will be limited to that which is reasonably necessary to achieve the purpose of the disclosure.

The Privacy Officer shall develop and implement standard protocols to ensure that routine and reoccurring disclosures are limited to the amount of PHI reasonably necessary to achieve the purpose of the disclosures.

G. Non-Routine Disclosures

The Privacy Officer shall review in advance any non-routine request for PHI the City intends to make. The Privacy Officer shall consider the following criteria when making a determination whether the City should fulfill the non-routine request:

1. Whether HIPAA permits the request;
2. Whether HIPAA requires the request; and
3. Whether the amount of information requested is the minimum necessary to accomplish the purpose of the request.

H. Uses and Disclosures of, and Requests for, Entire Medical Record

The City may not use, disclosure, or request an entire medical record, except when the entire medical record is specifically justified as the minimum necessary to accomplish the purpose of the use, disclosure, or request.

I. Reasonable Reliance

The City may reasonably rely that a request for a disclosure meets the minimum necessary standard when:

1. The information is requested by a public official who represents the information requested is the minimum necessary for the stated purpose.
2. The information is requested by another covered entity.
3. The information is requested by a professional who is a member of the City's workforce or is a business associate of the City for the purposes of providing professional services to the City, if the professional represents that the information requested is the minimum necessary for the stated purpose; or
4. Documentation or representations comply with the applicable requirements of 45 C.F.R Section 164.512(i) have been provided by a person requesting the information for research purposes.

J. Verification Requirements

Prior to disclosure of PHI, the City must:

1. Verify the identity of the person requesting PHI and the authority of such person to access PHI, if the identity or authority of such person is not already known by the City; and
2. Obtain any documentation, statements, or representations, whether oral or written, from the person requesting the PHI when such documentation, statement, or representation is a condition of the disclosure under HIPAA.

K. Freedom of Information

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

L. Complaint Procedure

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

1. Employee shall immediately or as soon as practical notify the City Manager of the circumstances.
2. The City Manager shall investigate the complaint and respond in writing within ten (10) business days with the following:
 - a. Unsubstantiated – the action was within the parameters of the City policy and necessary activity.
 - b. Substantiated Without Intent – Error was accidental or inadvertent, disclosure was a violation of the City policy, and correction action was taken.
 - c. Substantiated with Intent – Corrective action taken and disciplined imposed.
3. A copy of the City Manager’s disposition will be filed in:
 - a. The Complaint file;
 - b. The Aggrieved employee record; and
 - c. The “Violator’s” file

M. Training

This Policy is both notice and training in compliance with HIPAA. Questions are to be directed to the City Manager.

N. Violation/Discipline

Violations of this Policy subject the violator to disciplinary action, up to and including discharge. Malicious use will result in discharge.

Chapter 11 – Credit Card Use

11.01 - Credit Card Policy

Purpose

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.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employees including independent contractors, student interns, and personal service contracts, for employees covered by an applicable Collective Bargaining Agreement, the terms stated therein control in the event of a conflict.

Policy

A. Issuance of Credit Cards

The City Manager, or designee is responsible for the City's credit card issuance, accounting, monitoring, and retrieval and generally for overseeing compliance with the City's Credit Card Policy. Credit cards may be issued to City Department Heads. Cards may be used by an officer or employee of the City for the purchase of goods or services for the official business of the City.

The total combined authorized credit limit of all credit cards issued by the City shall not exceed five percent (5%) of the total budget of the City for the current fiscal year in compliance with MCL 129.244, Section 4(1).

The City recognizes that when applicable, after a hearing conducted under the administrative procedures act of 1969, Act Number 306 of the Public Acts of 1969, Sections 24.201 to 24.328, the Department of Treasury may issue an order limiting or suspending the authority of the City to issue and use credit cards under Michigan law for any failure to comply with the requirements of MCL 129.245 or with the requirements of the City's Credit Card Policy in accordance with the authority of MCL 129.245, Section 5.

B. Card Holder/User Responsibilities

1. Only authorized employees of the City may use the municipal credit card.
2. The municipal credit card may only be used for the purchase of goods and services for the official business of the City.
3. The authorized employee using the credit card shall submit to the Finance Director documentation that includes the details of the goods and services purchased, the cost of the goods or services, the date of the purchase, and the official business for which purchased.
4. The employee to whom the card is issued is responsible for its protection, custody, and use and shall immediately notify the Finance Director if the card is lost, stolen, or misused.
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.
7. The card must be surrendered upon termination of employment. The City 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.

C. Card Holder and Card Holder Supervisor Internal Control Responsibilities.

1. All credit card invoices shall be reviewed by first by the employee who made the purchases and matched with the credit card purchase log maintained by the employee.
2. Following review by the employee to confirm date of purchase, item purchased, official City business purpose, amount of purchase, and agreement with charges invoiced, the employee shall submit the invoice and the credit card purchase log maintained by the employee to his or her supervisor for review and approval.
3. Once the credit card purchase log maintained by the employee has been reviewed and approved by the employee's supervisor, the credit card purchase log and the invoice should be signed, dated, and submitted to the City Finance Director for review, authorization, and payment.

D. 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 balance due including interest due on an extension of credit under a credit card arrangement shall be paid for within not more than sixty (60) days of the initial statement date.
5. Maintain compliance with the City's document retention schedule.

Violations of this Credit Card Policy, unauthorized use of City credit cards, fraud, misrepresentation, or failure to adhere to internal control procedures shall result in disciplinary action up to and including discharge.

Chapter 12 – Social Security Privacy Act

12.01 - Social Security Privacy Act Policy

Purpose

The City is required by the Michigan Social Security Privacy Act to control the privacy of Social Security Numbers (SSNs). It also requires the establishment, publication, and enforcement of a policy regarding control and privacy.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employees including independent contractors, student interns, and personal service contracts, for employees covered by an applicable collective bargaining agreement, the terms stated therein control in the event of a conflict.

Policy

It is the policy of the City to protect the confidentiality of Social Security Numbers obtained in the ordinary course of business. The City restricts the access to information or documents containing SSNs to employees of the City who have a legitimate business reason to access such information or documents. No employee of the City shall knowingly obtain, store, transfer, use, disclose, or dispose of a SSN the City obtains or possesses except in accordance with the Act and this privacy policy. Each City department having access to records containing SSNs shall determine which personnel within their departments have legitimate reason in the City's ordinary course of business to access such SSNs. Employees using records containing SSNs shall take appropriate steps to secure such records when not in immediate use.

A. Obtaining Social Security Numbers.

SSNs 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

A. Retention of and Access to Social Security Numbers.

Records containing SSNs will be maintained in secured files.

1. Only personnel who have a legitimate business reason to know will have access to records containing SSNs.
2. Records containing SSNs 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 SSNs shall not be casually observed by others and access shall be limited to these records by passwords.
5. Inactive records containing SSNs will be retained in accord with the retention schedule and still protected from casual access.
6. Destruction of records containing SSNs 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 SSN may be used. Any other combination of numbers is authorized as long as it is not tied to a SSN for reference.

4. Unauthorized Use or Disclosure

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

Chapter 13 – Smoke-Free Worksite

13.01 – Smoke-Free Worksite Policy

Purpose

To protect the public health and wellbeing of all employees of the City and to bring the City's policies in line with the Calhoun County Clean Indoor Air Regulation, smoking is prohibited in all enclosed public and private worksites and public places owned, rented, leased, or otherwise within the jurisdiction of the City.

Scope

This Policy applies to all temporary and regular, full-time and part-time employees, and contractual employees including independent contractors, student interns, and personal service contracts, for

employees covered by an applicable collective bargaining agreement, the terms stated therein control in the event of a conflict.

Policy

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. 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.

B. 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.calhouncountymi.gov/government/health_department/tobacco1/ for information on local smoking cessation services.

C. Policy Enforcement

Employees found to be in violation of this Policy will be subject to corrective or disciplinary action up to and including discharge. 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 City Manager.

Employees who observe individuals, not associated with the City, 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 the City Manager who receive a 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.