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**PERSONNEL POLICY**  
of the  
**CITY OF ESSEXVILLE**

(Adopted by resolution of the Essexville City Council May 13, 2008)

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With August 9, 2011 Revisions

## INTRODUCTION

It is the goal of the City Council that the City of Essexville maintains clearly defined personnel policies. This Personnel Policy ("Policy") is intended to facilitate effective employee performance with minimum administrative complexity. However, the Policy is not intended to be all inclusive of every work-related circumstance that may arise and which administrators may be required to apply administrative decisions and actions.

It is also the goal of the City Council that employees be informed of policies, programs, problems and developments in the workplace and to encourage constructive ideas and suggestions from all City employees as a component of the implementation and administration of the Policy.

The City strives to attain maximum employee productivity by fully utilizing the skills, abilities and efforts of both supervisory and non-supervisory employees. The City Manager is responsible for the direction of all employees and for administering and implementing the Policy. Employees are expected to conduct themselves as responsible persons engaged in public service to the residents of the City of Essexville.

The Policy has been prepared to acquaint employees with personnel policies and practices which have been adopted and/or amended by the City Council from time to time.

It is acknowledged and understood that over time circumstances change and employees sometimes leave the City's employment because they move, find themselves in different situations, or simply want to make a change or take advantage of other opportunities. Likewise, the City Council in its sole discretion retains the right to maintain a workforce consistent with the needs and resources of the City.

Copies of the Policy and/or amendments thereto will be distributed to all regular full-time employees of the City of Essexville.

## EMPLOYMENT AT WILL

Employment with the City is "at will" permitting either party to end the employment relationship at that party's discretion with or without cause or notice. No one other than the City Council has any authority to enter into an agreement for employment for a specified period of time or to make any agreement that is contrary to this statement. No such agreement with the City Council is binding unless it is written, properly authorized and executed.

The Policy is not intended to supersede the provisions of any collective bargaining agreement or any other employment agreement entered into by the City Council nor is it intended to deny any rights that may be afforded employees under law or the City Charter.

The Policy should be read and kept available for reference.

**SECTION I**  
**CONCEPTS OF THE PERSONNEL POLICY**

1. PURPOSE - The Policy is intended:
  - A. To assist the City Council in developing personnel policies and the City Manager in administering such policies.
  - B. To help employees better understand what is expected of them and inform them of the City's general personnel practices, rules and procedures.
  - C. To establish and maintain uniform time keeping and payroll practices with regard to hours worked, deductions, application of leave regulations, salary increases and rate adjustments.
2. AUTHORITY - The Policy and all amendments are effective upon adoption by the City Council of the City of Essexville. Should any of the provisions contained herein conflict with previous policies, procedures, practices or wage or benefit schedules the Policy as amended from time to time shall control. The City Manager is designated to interpret and to administer the Policy.

The City Manager may delegate authority to Department Heads to make limited exceptions to the Policy on a case by case basis except as the Policy pertains to wages, paid leave, fringe benefits of any kind or to retirement. The Department Head is expected to consult with the City Manager prior to granting exceptions and to advise the City Manager in writing of all exceptions proposed to be granted prior to granting such exceptions.

The City Council in its sole discretion reserves the right change, amend or otherwise modify all or any portion of the Policy at any time.

The fact that the Policy may have been interpreted or applied differently at any time in the past does not in anyway constitute a precedent for the present or future interpretation, application or enforcement of the Policy.

Nothing contained in this handbook is intended to limit the right of the City Council to exercise any authority given to it under the City Charter and law, including, but not limited to, the right to create departments, abolish departments, merge departments, to add to or subtract from the staffing levels, or to change the duties and content of any or all jobs.

3. SCOPE OF POLICY – The Policy applies to all full-time and part-time employees of the City of Essexville working in all departments, offices, and positions. The Policy does not cover members of the City Council or the City Attorney. Where the Policy conflicts with an approved collective bargaining agreement, a personal employment contract or the City Charter; the provisions of the collective bargaining agreement, employment contract or Charter shall control with respect to the affected employee or group of employees.

4. AMENDMENT OF POLICY - The Policy, in the sole discretion of the City Council, is subject to periodic review and amendment. Employee ideas and comments are encouraged in the form of written suggestions to the City Manager. The City Manager and/or the Municipal Relations Committee may from time to time recommend amendments to the Policy subject to approval by the City Council.

Amendments shall become effective five (5) days following approval by the City Council unless noticed in the amendment otherwise. The City Manager will attempt to provide each affected employee with a copy of the amendment before its effective date; however, the amendment shall be effective as approved by the City Council regardless of such delivery of notice.

## **SECTION II RESPONSIBILITY FOR PERSONNEL MANAGEMENT**

1. CITY COUNCIL AND CITY MANAGER - The personnel policies are set by the City Council, upon recommendation by the City Manager and/or the Municipal Relations Committee. The City Manager is responsible for the administration of the Policy.
2. DEPARTMENT HEADS AND SUPERVISORS - The department heads and supervisors are responsible for the day-to-day management of the employees who work in various departments of the City. No aspect of their job is more important. They are expected to devote appropriate attention to the development and supervision of these employees. The exercise of such authority is delegated to them by the City Manager who shall be available to them for advice and assistance on all personnel matters.

Each City Department Head is expected to establish work rules and regulations that apply to the day-to-day performance of work in his or her department. Such work rules and regulations shall be consistent with the provisions of the Policy and/or collective bargaining agreements where applicable. In the event of a conflict between such work rules and regulations and the Policy and/or the collective bargaining agreement, the terms and conditions of the Policy and/or collective bargaining agreement where applicable shall prevail. The Policy contains general provisions that apply to all City employees, regardless of the departmental requirements.

3. EMPLOYEES - It is expected that each employee will become informed about the City's business, keep up with developments in his or her field of work, make suggestions for increased productivity, and perform their assignments as part of an effective working group in accordance with established standards. Employees are also expected to bring their problems and suggestions to their supervisor's attention promptly so that disrupting conditions can be corrected promptly rather than be allowed to become of a greater magnitude of concern.

**SECTION III  
EMPLOYEE STATUS**

1. REGULAR FULL-TIME EMPLOYEE - Employees of the City that are classified as regular full-time employees are those employees who are regularly scheduled to work forty (40) hours per week and are eligible for all City benefits.
2. REGULAR PART-TIME EMPLOYEE - Employees that are classified as regular part-time employees are those employees who are regularly scheduled on an annual basis to work less than forty (40) hours per week. Such employees will be covered only by those benefits required by law.
3. TEMPORARY EMPLOYEE - Employees who are appointed for definite but limited time periods to fill special needs are considered temporary employees. Continuation beyond the expiration date of such appointments will be only as a result of specific personnel action authorized by the City Manager. Temporary employees are covered only as by required by law. These employees may work either full-time or part-time hours, involving tasks that would not normally be performed by the City on a year-round basis, but generally in relation to the needs of a specific City program or activity. They may be hired to cover a temporary increase in workload, or to replace an employee on a leave of absence.

Temporary employees who are later hired to fill a regular position without a break in service of over thirty (30) days between the temporary employment and the regular appointment shall keep their date of hire into the temporary position as their service date for the regular appointment (for purposes of vacation leave accrual). However, the date of the regular appointment shall be used for purposes of pension and insurance. At no time shall retroactive vacation or personal leave be credited for the period of temporary appointment. If the employee fills a regular position in the same classification and at the same pay grade and step, their anniversary date shall remain the same for purposes of step increase, otherwise the anniversary date shall be changed in accordance with the Compensation Plan.

**SECTION IV  
WAGE AND SALARY STRUCTURE**

1. WAGE AND SALARY SCHEDULE - A wage and salary schedule shall be established by the City Council each year upon recommendation of the City Manager and the Municipal Relations Committee.
2. INITIAL WAGES OR SALARIES - New appointments are generally at the starting step of the wage scale for that classification and/or position. The new employee will receive adjustments as set forth in the wage scale.

Increases may be granted before the scheduled time in exceptional cases in which the employee's productivity or rate of development warrants special recognition to stimulate continued growth or as a reward for specific accomplishments of major value to the City. Such actions require approval of the City Manager.

Appointments above this starting rate may be authorized if approved by the City Manager in his or her sole discretion. The department head must submit his or her reasons in writing to the City Manager. Approval will be based, among other things, on the exceptional qualifications of the appointee, extensive past service, or the inability to employ eligible candidates at the minimum rate of the class, as well as the availability of budgeted funds.

Training steps may be used for temporary or on-call employees. In addition, training steps may be used for new employees who do not meet the minimum requirements of the job, but whom the City has hired for such reasons as a lack of fully qualified applicants, or pending a degree or certification that is expected shortly. In such instances the new employee will be moved to the starting minimum of the grade as soon as the minimum qualifications of the classification are met.

3. PAY INCREASES - Increases in wages or salary approved for each position by the City Council shall not be automatic, but shall be dependent upon a positive formal recommendation of the department head with submission of a written evaluation to the City Manager who shall make such determination.
4. PAY RATES IN TRANSFER, PROMOTION, DEMOTION, RE-EMPLOYMENT - If an employee is transferred, promoted, demoted, or re-employed, his or her pay for the new position shall be determined as follows:
  - A. Transfer: Employee's transferring to a different classification shall be placed at step in the wage scale of the new classification that is closest to his or her rate of pay before the transfer. If the employee's rate of pay before the transfer is more than the rate in the new class, it shall be reduced to the rate for the class.
  - B. Promotion: If the current pay rate is less than the rate for the new class, it shall be adjusted to the starting rate for the new class, or an increase of five percent (5%), whichever is greater.
  - C. Demotion (requested by employee or by department head action): If the current pay rate is more than the rate of the new class, it shall be reduced to the authorized rate for the new class that is closest to the employee's rate of pay before the demotion.
  - D. Re-employment: If an employee is re-employed or reinstated within one year in his or her original position or in another position with the same pay rate, the employee shall be paid at the authorized rate for that classification and/or position. If the employee is re-employed or reinstated more than one year later in his or her original position or in another position with the same authorized pay rate, the employee shall receive the starting pay rate for that position.
5. TRAVEL AND OTHER OFFICIAL EXPENDITURES - The prescribed rates of pay do not include allowances for official travel or other expenditures incurred in City business or allowances made to employees for the official use of privately owned automobiles. Employees will be reimbursed for reasonable out-of-pocket expenses for meals (not including alcoholic beverages), lodging, and other expenses related to conferences, training, or other official City business where the employee's attendance is approved by the City Manager.

Employees who use their own automobiles for City approved conferences, training, or other official City business will be reimbursed mileage at the then effective mileage rate accepted by the Federal Internal Revenue Service for business expense.

The employee's department head shall review and approve all requests for reimbursement. Employees must provide itemized receipts for all (non-mileage) expenditures that are claimed for reimbursement.

## **SECTION V VACANCIES, RECRUITMENT, SELECTION, AND ORIENTATION**

1. **RECRUITMENT** - Candidates for positions are sought without residential limitations or other arbitrary recruitment limitations that restrict the recruitment of the best available person for the job. The City Manager shall provide general oversight and administration of employee recruitment. When seeking applicants to fill positions within individual departments, the applicable department head is responsible for conducting recruitment's utilizing a variety of sources to attract qualified and highly capable candidates.
2. **APPLICATIONS** - All persons desiring employment with the City, including employees interested in applying for a different position within the City, must complete City employment application form. Additional information specific to the position may be requested. All applications for employment received in response to the City soliciting such applications will be kept on file for one year from the date the application was submitted by the applicant.

All other applications for employment received by the City shall be maintained as required by the City's record retention policy and law. Applicants will not be notified when their applications are removed from the City's files.

3. **FILLING A VACANCY** - Whenever a department head or supervisor determines he or she has a vacancy and would like to fill the position he or she shall submit a written request to the City Manager. If the City Manager approves the request to fill a vacancy, the department head or supervisor shall follow the established procedures for recruitment and hiring.
4. **SELECTION** Vacancies shall be filled by one of the following methods:
  - A. **Promotion** - It is expected that any employee who requests to be considered for a promotion to fill an internal vacancy will be able to demonstrate competence and qualification to fill such vacant position. Where, in his or her sole judgment the City Manager determines that qualified applicants exist and it is in the best interest of the City, an attempt shall first be made to fill a vacancy with a present employee prior to seeking outside candidates.

Employees must submit a written letter of application to the City Manager and/or the applicable department head for each vacancy for which they wish to be considered. The employee will be required to complete a new employment application form if they do not have the most recent version on file. The application shall not be kept confidential from the employee's current supervisor or department head. The employee's personnel file shall also be open to review by the supervisor or department head that is filling the vacancy.

Factors taken into consideration in determining an employee's eligibility for promotion include, but are not limited to:

- i. Written supervisory evaluation.
  - ii. Supervisory recommendation to support the promotion of an employee within a department.
  - iii. Length of Service.
  - iv. Results of testing administered for the position (including the interview process).
  - v. Qualification evaluation - the weight placed on education and experience in original appointments may be offset by motivation, judgment, adaptability, working relationships, demonstrated aptitudes, and potential.
  - vi. Upon the request of the applicable department head, or under other circumstances, the City Manager may demote said employee back to his or her former classification. Employees may also exercise the right to voluntarily return to their former classification.
- B. Transfer - A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications and approximately the same pay scale.
- C. Demotion - A position may be filled by the demotion of an employee in accordance with the procedure for demotion as outlined in Section XII. The rate of pay shall be established in accordance with Section IV, paragraph 4.
- D. Outside Employment - Appointments of persons not presently employed by the City may occur when the City Manager determines that it is in the best interest of the City.
- E. Temporary Appointment - Occasionally an employee may be appointed on a temporary basis to fill a vacancy of limited duration or as an interim measure until a regular appointment is made. Employees who are temporarily assigned to a higher class shall receive the rate of the higher class for all hours worked in that class.
- F. Re-Employment - Any person may be re-employed in a position of the same class as the position he or she held at the time of his or her separation in accordance with Section IV, paragraph 4.
5. EMPLOYEE ORIENTATION - All newly appointed employees will receive orientation in their new position. This orientation is intended to provide the employee and supervisor with an opportunity to become acquainted with each other and for the employee to become fully familiar with the responsibilities and demands of their new position. All employees are encouraged to address their immediate supervisor with any questions or comments that they may have concerning any aspect of their employment with the City of Essexville.

6. PERSONNEL FILES - A personnel file is maintained for each employee. Employees are responsible for notifying the City Clerk of any change in tax status, address, and number of dependents, name, telephone number, or any other pertinent information to insure that employee data is complete and accurate at all times.

It is the employee's responsibility to keep current all certifications required by their job. Failure to do so may result in the employee's termination of employment.

Access to personnel files is strictly limited to the City Manager, the employee's department head and/or supervisor (limited information), the employee, and others only where required by law. The employee may review his or her personnel file by making an appointment with the City Clerk.

## **SECTION VI GENERAL EMPLOYMENT POLICIES**

1. EQUAL OPPORTUNITY - It shall be contrary to the policy of the City of Essexville to discriminate in hire, promotion, tenure, terms or conditions of employment because of race, color, religion, national origin, sex, marital status, as well as any other criteria prohibited by law.
2. EDUCATION - Applicants should have the minimum education or equivalent attained through work experience as stated in the job description. Although education is important, it is secondary to skill or competency, personality, desire to work, and ability to learn.
3. MINIMUM AGE REQUIREMENTS - The City shall comply with all State and Federal Child Labor Laws.
4. NEPOTISM - The City shall not engage in nepotism as prohibited by the City Charter<sup>1</sup> or by State law.
5. CODE OF ETHICS - The City Council, with adoption of the Policy, has adopted a Code of Ethics, set forth in Appendix A attached hereto, for all City employees and appointed officials. This has been included in the appendix and signing the receipt for the Policy will verify that the employee has received the Code of Ethics.
6. EMPLOYMENT PHYSICALS - All applicants, including present employees applying for another position within the City, shall be subject to a physical examination, inclusive of pre-employment drug and alcohol screening, by a physician selected by the City and at the City's expense. This examination is in no way to be considered a complete physical for the detection of disease.

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<sup>1</sup> Section 3.10 of the City Charter states that "A person shall not be eligible to serve as an official, officer or employee of the City who is related in any of the following ways to a person then holding a position as an official or officer of the City, unless the Council shall approve eligibility by a majority vote of the full Council, and shall determine it to be in the best interests of the City. The relationships are: parent, spouse, child (either natural born or adopted), grandparent, grandchild, brother, sister, half brother, half sister, or the spouses of any of them. This provision shall not prevent a person from seeking an elective position through the electoral process."

Record of the examination shall be kept in a confidential file by the doctor, who will report to the City Manager in the event that he or she is of the opinion that the applicant is not fit for the position for which he or she has applied. The examination shall be done after a conditional offer of hire has been made but prior to starting work.

## **SECTION VII EMPLOYMENT CONDITIONS**

1. UNLAWFUL DISCRIMINATION - Employees are prohibited from engaging in unlawful discrimination of any kind or harassment of other employees or applicants for employment, whether based on a person's race, sex, religion, national origin, age or handicap, or any other criteria prohibited by law.

Employees are prohibited from sexually harassing other employees or applicants for employment. The law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature such as uninvited touching or sexually related comments when either:

- A. Submission to or rejection of such conduct or communications by an individual is used as a factor in decisions affecting such individual's hiring or employment; or
- B. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.

No supervisor or other employee shall threaten or insinuate, either explicitly or implicitly that another employee's or applicant's refusal to submit to sexual advances will adversely affect that person's employment, work status, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Similarly, no employee shall promise, imply or grant any preferential treatment in connection with another employee or applicant engaging in sexual conduct.

Sexual harassment also includes unwelcome sexual flirtations, propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display in the work place of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault.

Any employee who feels that he or she is a victim of unlawful discrimination or sexual harassment, including but not limited to any of the conduct listed above, by any supervisor, management official or any other employee of the City should bring the matter to the immediate attention of their supervisor, department head, or the City Manager.

Every effort will be made to promptly investigate all allegations of unlawful discrimination or sexual harassment in as confidential a manner as possible and to take corrective action deemed appropriate by the City following such investigation. Any employee who is determined, after an investigation, to have engaged in unlawful discrimination or sexual harassment in violation of the Policy will be subject to appropriate disciplinary action, up to and including termination.

2. HOURS OF WORK - The normal work week for “non-exempt” and “exempt” employees shall be defined by the federal Fair Labor Standards Act (“FLSA”). The normal workweek for non-exempt and exempt employees shall be forty (40) hours. For exempt employees, which normally include all administrative and supervisory personnel, it is expected that such employees will work beyond their normal work day and/or work week from time to time without overtime compensation for such work.
3. OVERTIME WORK AND PAY - If requested to work overtime, an employee will be expected to do so unless he or she is excused for good cause.

Only the City Manager or individual department heads have the authority to approve overtime. For those employees who are eligible for compensation (pay or compensatory time) under FLSA, this approval must be received in advance of working the overtime.

- A. Non-exempt Employees. Non-exempt employees who actually work in excess of forty (40) hours in any one work week shall be compensated at the rate of one and one-half (1½) times the employee's regular hourly rate for hours worked in excess of forty (40) in one week.

All overtime worked shall be paid unless otherwise mutually agreed between the employee and the department head in writing prior to working the overtime. If compensatory time off in lieu of payment for overtime worked is approved, such compensatory time off shall be calculated at one and one-half times the number of overtime hours worked if the work performed is in excess of forty (40) hours in any one work week.

Compensatory time off shall have a maximum accumulation of twenty (20) hours after which payment shall be in wages. When overtime is recorded as compensatory time, it may be used as needed by the employee and as approved by the department head.

Time spent traveling to conferences, seminars, or other training shall be compensated as required by the Fair Labor Standards Act for “non-exempt” employees.

When a conference or other training is available during the employee's regular work schedule and where the conference/seminar is not required, but is of mutual benefit to the employee and to the City, the supervisor may release the employee from their regular duties to attend. In such case the employee shall be compensated only up to their normally scheduled hours.

- B. Exempt Employees. The following classes are exempt from compensation for overtime: Executive, administrative, and professional employees as defined by the Fair Labor Standards Act, and as identified on the job description.

Employees who are exempt under the Fair Labor Standards Act may travel on approved business during normal work hours without loss of salary.

Exempt employees may accumulate compensatory time off, on an hour for hour basis, for time worked in excess of forty (40) hours per week with a maximum accumulation of twenty-four (24) hours. Compensatory time off may be taken upon approval of the City Manager. In no case will an exempt employee receive payment for accumulated compensatory time and use of compensatory time is limited to time off without lost pay subject to the limitations set forth above.

4. PAYDAYS - The City provides for a weekly pay period that will end at midnight every Sunday. For third shift employees, the weekly pay period will end in the a.m. every Monday. Payday will be every Friday.

An employee wishing to receive an advance payment for a paycheck due during their vacation may apply in writing to the City Clerk no later than one week prior to their last day worked.

Any questions relative to payment of wages should be directed to the City Clerk's Office.

5. RELEASE OF EMPLOYEE LISTS - The City shall not release lists of employee names or other personal information to private profit making corporations except as specifically approved by the City Council.
6. SOLICITATION - The solicitation of City employees during working hours is prohibited except as specifically approved by the City Council for an item approved for payroll deduction.
7. MEDICAL EXAMINATION - The City may require a medical examination by a physician designated by the City at any time during the employment whenever there is reason to believe that the employee cannot perform the essential functions of the job. Such medical examination shall be at the City's expense.
8. SMOKING Policy - In the interest of providing a safe and healthy environment for employees and the public and in accordance with the Michigan Clean Indoor Air Act, smoking is prohibited throughout all City facilities except in designated smoking areas.
9. SEAT BELTS - With the safety and well being of City employees in mind and with the cost of insurance based on experience, all employees and passengers driving or riding in City vehicles or on City business in personal vehicles shall be required to wear a seat belt as provided whenever the vehicle is in motion.
10. USE OF CITY PROPERTY AND PRIVACY RIGHTS - The use of personal or real property owned by or in the care of the City of Essexville is strictly limited to uses authorized by the City Council, the City Manager and law. Employees are prohibited from using any personal property owned by or under the care of the City of Essexville for any purpose not expressly authorized by the City Council and/or the City Manager.

Employees have no expectation of or right to privacy related to an employee's use of any personal or real property owned by or under the care of the City of Essexville.

11. HAZARDOUS MATERIAL NOTIFICATION - In accordance with law the City maintains Material Safety Data Sheets (MSDS) for those hazardous chemicals either produced or used in the work area. MSDS are available for employee review and may be obtained by contacting the Department Head or the City Clerk.

Employees should immediately contact their department head if they have any question or concern about the safety or health impact of chemicals or materials in use, or if they believe that any of the MSDS are missing.

As an alternative to contacting the department head, an employee may obtain a copy of the Material Safety Data Sheet from the Michigan Department of Public Health whose address and telephone number may be obtained from the local Department of Public Health and which is also contained in the "Right-to-Know" posters posted at various places throughout the City's facilities.

12. DRUG FREE WORK PLACE - The City of Essexville is committed to maintaining a workplace free from alcohol and drugs. The City requires all employees to report for work able to fully perform their job duties free from such substance abuse. Employees whose actions suggest they are under the influence of alcohol and/or drugs will not be allowed to remain in the workplace. Manufacturing, selling, distributing, dispensing, purchasing, possessing or consuming alcohol or illegal drugs and/or misusing prescribed drugs in the workplace are prohibited and grounds for immediate termination.

If at anytime an employee admits to being under the influence of illicit drugs and/or alcohol or misusing prescription drugs during anytime the employee is at work, the employee shall be subject to immediate termination.

Employees, suspected of being under the influence of illicit drugs and/or alcohol or misusing prescription drugs during anytime the employee is at work, will be immediately relieved of his or her duties without pay except as provided below and directed to submit to drug and/or alcohol testing at a testing facility of the City's choosing. The employee shall be escorted to the drug testing facility by a department head or supervisor. The cost of such drug and/or alcohol tests will be at the City's expense.

Once relieved of duty for the suspicion of being under the influence of illicit drugs and/or alcohol or the misuse of prescription drugs, the employee shall receive his or her normal pay only for the time required for the employee to provide sample(s) for testing.

If an employee refuses to submit to such drug and/or alcohol testing when directed the employee shall be subject to immediate termination.

If, as a result of such testing, the employee is found to have been under the influence of illicit drugs and/or alcohol or misusing prescription drugs the employee shall be subject to immediate termination.

If, as a result of such testing, the employee is found not to have been under the influence of illicit drugs and/or alcohol or misusing prescription drugs the employee shall be allowed to return to work.

Employees are required to notify the City Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction.

13. HEALTH AND SAFETY - While the City will provide reasonable accommodation absent undue hardship for those employees with impairments, it is also committed to maintaining the safety and health of its employees. It is therefore a requirement for employment by the City that an employee not pose a direct threat to the health or safety of other individuals in the workplace.

By "direct threat" it is meant that the employee poses a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. For a person with a currently contagious disease or infection, this would mean that the person must pose a significant risk of transmitting the infection to others in the workplace that cannot be eliminated by reasonable accommodation.

Determinations as to whether an individual poses such a threat will be done on a case-by-case basis and will not be based on generalizations, misperceptions, perceptions, ignorance, irrational fears, etc. To the contrary, such a determination will, instead, be based on objective factual evidence and will include a review of such factors as:

- A. Duration of the risk;
- B. Nature and severity of the potential harm;
- C. Likelihood that the potential harm will occur;
- D. The imminence of the potential harm.

## **SECTION VIII FRINGE BENEFITS AND PAID LEAVES**

1. VACATIONS - An employee is eligible for his or her first vacation when twelve (12) months have elapsed dating from his or her first day of employment. Subsequent vacations may be taken any time after January 1 of each year, subject to provision listed below.

One (1) year's service	five (5) days
Two (2) year's service	ten (10) days
Five (5) year's service	fifteen (15) days
Ten (10) year's service	twenty (20) days
Sixteen (16) year's service	twenty-one (21) days
Seventeen (17) year's service	twenty-two (22) days
Eighteen (18) year's service	twenty-three (23) days
Nineteen (19) year's service	twenty-four (24) days
Twenty (20) year's service	twenty five (25) days

Vacation may be taken all at one time or spread over the year, provided that in either instance, it is planned well in advance with the employee's supervisor, and does not interfere with the efficient operation of the City. Department heads will clear their vacations with the City Manager.

If during the time an employee is on vacation, a holiday, for which he or she ordinarily would be paid even though no work occurs, that day shall not be counted as a day of vacation.

When an employee is laid off for lack of work or quits with at least two (2) week's notice, he or she will be paid for any unused portion of the vacation to which he or she was entitled on January 1 of that year. If an employee is terminated for cause or quits without giving the required notice, no vacation pay will be allowed. If an employee retires, the employee will be paid for any unused vacation to which the employee was entitled at the time of retirement. In no case shall employees receive pay in lieu of vacation.

A week of vacation shall be interpreted as a forty (40) hours and a day of vacation shall be interpreted as eight (8) hours. Up to two (2) weeks of vacation may be carried over through June of the following year subject to approval by the City Manager.

2. HOLIDAYS - The following paid holidays shall be observed, provided they occur during the normal work week, or on days legally celebrated in lieu thereof<sup>2</sup>:

Full Paid Holiday (straight-time pay)

New Year's Day	Day following Thanksgiving
Good Friday	Day before Christmas
Memorial Day	Christmas Day
Fourth of July	Day before New Year's
Thanksgiving Day	Employee's Birthday
Labor Day	Veteran's Day
President's Day	

An employee's birthday shall be celebrated by the employee on one of his or her regular scheduled workdays that occurs within two (2) calendar weeks prior to or after his or her birthday. The City and department shall arrange said time off in keeping with the efficient operation of the department.

3. SHORT TERM DISABILITY<sup>3</sup> - January 1 of each year each employee shall be credited with eighty (80) hours of paid sick leave that the employee may use for the employee's non-work related illness or injury. New employees shall receive a prorated amount of sick leave depending on their date of hire.

The first pay period in December of each year each employee shall be paid for one-half (½) of all unused sick leave that the employee was credited with on January 1 of that calendar year, or as prorated for new hires during the calendar year.

Instead of the first pay in December, an employee may, with notice to the City, elect to be paid for unused sick leave in the first pay period in January of in which case such payment shall be based on sick leave that was credited to the employee on January 1 of the previous calendar year.

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<sup>2</sup> President's Day added by resolution of the City Council on November 17, 2008

<sup>3</sup> Short-Term Disability revised by resolution of the City Council on November 17, 2008 and December 14, 2010

Provided however, if an employee does not use any of the eighty (80) hours of paid sick leave which were credited to the employee on January 1 of the that calendar year, the employee shall be paid a total of forty-eight (48) hours for the employee's unused sick leave. Sick leave may not be accumulated or carried over from year to year.

The City shall provide each employee with short-term disability insurance coverage that will provide benefits to the employee for time lost from work due to a non-work related illness or injury. Such benefit shall be in the amount of two-thirds of the employee's non-overtime normal gross pay for the time lost from work and for a period of up to twenty-six (26) weeks per individual occurrence beginning with the 8<sup>th</sup> calendar day of the non-work related illness or injury. The employer agrees to make the employee's contribution to the Municipal Employees Retirement System based on the benefit the employee receives while on "Short Term Disability" so that the employee does not lose service credit.

The City reserves the right to require an employee to provide medical documentation that the employee was ill and sought medical attention during any absence. For purposes of continuing health insurance benefits an employee who is off work and drawing short-term disability benefits shall be considered working.

4. FUNERAL LEAVE - Eligible employees shall receive paid funeral leave subject to the following limitations:

- A. Immediate Family

Paid funeral leave under this subsection shall be for a period of not more than three (3) consecutive days with choice of days being at the option of the employee, and to be used within seven (7) days commencing with the date of death. Pay shall be for time lost from scheduled work by the employee during said period of time. Immediate family is defined as the employees then current spouse, child, brother, sister, parents, grandparents, mother or father of current spouse, sister or brother of current spouse, son-in-law, or daughter-in-law. Relatives other than those herein designated shall not be considered members of the immediate family.

- B. Other Relatives

Paid funeral leave under this subsection shall be for one (1) day, to attend the funeral of a relative. Relatives under this subsection are defined as the employees' grandson, granddaughter, grandparents-in-law, niece, nephew, first cousin, aunt, or uncle.

Nothing herein contained shall be construed to prohibit the employee from requesting additional time off for funeral arrangements, with the additional time to be deducted from eligible vacation or personal leave days.

5. PERSONAL BUSINESS DAYS - All full time employees shall be allowed a maximum of four (4) paid days each year for the purpose of transacting personal business. Such days are not accumulative from year to year.

6. HOSPITALIZATION - The City will provide health insurance coverage for its employees as determined and approved from time to time by the City Council. Certain provisions effective September 1, 2011 are:

In the event an active employee is eligible to receive health insurance thru the City and has available coverage they deem adequate thru a spouses employer or other means and elects to utilize this alternative coverage then they shall be eligible to receive payment from the City equal to (20%) of the net monthly premium the City would otherwise be paying.

Should an employee's service with the City terminate for any cause other than a qualifying retirement event they shall be required to repay to the City any unearned pro rata share of any employer funded and advanced Health Savings Account payment that may have been made for that relevant time period.

7. POST RETIREMENT HEALTH INSURANCE BENEFITS – The City is not required to provide post retirement health benefits but presently provides such benefits as set forth herein subject to modification or elimination of such benefits at anytime in the sole discretion of the City Council and without notice to affected employees, retirees or others.

The City will make available post retirement health insurance benefits to all eligible employees hired before January 1, 2005 and as set forth below.

A. Definitions.

For purposes of this Section the following definitions shall apply:

- i. Eligible Employee – a regular full-time employee of the City of Essexville who participates in the City's retirement plan.
- ii. City's Retirement Plan – the retirement plan properly adopted by the City of Essexville and administered by the Municipal Employee's Retirement System.
- iii. Spouse – the husband or wife of the eligible employee who is legally married to and living with the eligible employee on the date of the employee's retirement from the City of Essexville.
- iv. Retirement – to be considered to have retired under the City's retirement plan the eligible employee must have applied for and must have been granted retirement benefits from the City's retirement plan prior to the eligible employee's last day of work for the City. Employee's who are otherwise eligible to receive retirement benefits but leave the employ of the City of Essexville for any reason other than retirement as defined above shall not be eligible for post retirement health insurance benefits even if the eligible employee is "vested" at the time the eligible employee leaves the employ of the City.
- v. Credited Service – the amount of service time that the eligible employee is credited with at the time of the eligible employee's retirement from the City and

that is used in calculation of the eligible employee's retirement benefit from the City's retirement plan.

- vi. Post Retirement Health Insurance Benefit – the health insurance benefits provided by the City for its eligible employees and/or their spouses following the eligible employee's retirement from the City with such benefits subject to modification by action of the City Council from time to time.

**B. Eligible Persons.**

The City shall pay premiums for post retirement health insurance benefits for the following persons:

- i. An eligible employee who retires from service to the City.
- ii. The spouse of an eligible employee who retires from service to the City.

**C. Length of Service and Premium Paid.**

The portion of the premium for post retirement health insurance benefits that will be paid by the City shall be prorated based on the eligible employee's credited service at the time of the eligible employee's retirement from the City as follows:

<b>Length of Credited Service At Time of Retirement</b>	<b>Portion of Non-Medicare or Medicare Supplemental Insurance Premium Paid By Employer</b>
Less than 10 years	0%
At least 10 Years	50%
At Least 15 Years	65%
At Least 20 Years	80%
At Least 25 Years	100%

**D. Payment of Post Retirement Health Insurance Benefits.**

The maximum amount of time that the City will pay the premium for the post retirement health insurance benefits shall be limited as follows:

	<b>Maximum Length of Time Non-Medicare Insurance Benefit</b>	<b>Maximum Length of Time Medicare Supplemental Insurance Benefit</b>
Eligible employee	120 Months	Life of Employee
Spouse	120 Months	Life of Spouse

**E. Continuing Eligibility for Post Retirement Health Insurance Benefits.**

An eligible employee's spouse may continue to participate in the City's post retirement health insurance plan except the City shall no longer pay any of the

premiums for such post retirement health insurance benefit under the following circumstances:

- i. If the eligible employee predeceases his or her spouse following the eligible employee's retirement and the spouse remarries; or
- ii. If the eligible employee is divorced from his or her spouse following the eligible employee's retirement; or
- iii. Should an eligible employee's spouse at any time following the eligible employee's retirement from the City receive post retirement health insurance benefits from his or her employer.

At no time will the City be responsible to pay the premium for health insurance benefits of any kind for the husband or wife of an eligible employee if such husband or wife was not legally married to and living with the eligible employee on the date of the eligible employee's retirement and last day worked for the City.

F. Duty Related Disability.

If an eligible employee becomes disabled due to a work related illness or injury and retires from the City as a result of such disability and the eligible employee has less than 10 years of credited service the eligible employee's post retirement health insurance benefit will be determined as though the eligible employee had 10 years of credited service.

G. Payment of Premiums for Post Retirement Health Insurance Benefits.

The amount that the City shall pay toward the premium for post retirement health insurance benefits for an eligible employee or spouse shall be subject to paragraph C above and the following limitations:

	<b>Non-Medicare Insurance Benefit</b>	<b>Medicare Supplemental Insurance Benefit</b>
Eligible employee or spouse - employee retired prior to 1/1/2002	Premium amount limited to the City's obligation to pay the cost of the "Base Plan" for active employees	Actual Cost of Benefit
Eligible employee or spouse - employee retired after 1/1/2002	Capped at premium amount in effect at time of eligible employee's retirement	Actual Cost of Benefit

The eligible employee or his or her spouse shall be responsible to pay to the City any difference between the actual premium paid by the City for the post retirement health

insurance benefits for the eligible employee and/or his or her spouse and the limitations on the payment by the City for such benefit as set forth in this Section.

Such payment must be made to the City not later than the 10th of the month in which the premium is due and paid by the City. Failure to make timely payment to the City, as set forth above will result in termination of the post retirement health insurance benefit for the eligible employee or his or her spouse.

H. Employees hired after January 1, 2005.

The City shall not pay any part of the premium or other expenses related to post-retirement health insurance benefits for employees hired after January 1, 2005.

Subject to insurance provider rules and law; employees upon their retirement, may continue such coverage at the employee's sole expense.

Subject to availability, applicable regulation and law, the City may establish a mechanism to allow employees hired after January 1, 2005 to contribute, through payroll deduction, to a plan that the employee could use to pay toward his or her post-retirement health insurance benefits.

8. RETIREMENT - The City participates in the Michigan Municipal Employees Retirement System ("MMERS") that requires mandatory participation by all regular full-time employees of the City.

The City Council has adopted Plan B-4 with the FAC-3 rider and F55/25 waiver. Part time employees are not covered under the retirement plan.

Employees shall be responsible to contribute, by payroll deduction, 3% of their first \$4,200 in gross earnings and 5% of all gross earnings in excess of \$4,200 each year toward the cost of the pension plan.

9. LIFE INSURANCE - The City will provide life insurance coverage for its employees as determined and approved by the City Council.

10. JURY DUTY - Employees absent from employment to serve on jury duty shall be reimbursed by the City pursuant to the following schedule and procedure.

A. Employees shall give the City at least three (3) days notice of the date of required jury duty commencement and shall keep the City advised of anticipated dates of jury duty services as soon as such are known to the employee.

B. Employees shall be reimbursed at their regular rate then applicable to them if time is lost from actual employment on the following reimbursement schedule:

i. The first ten (10) days lost shall be reimbursed by the City.

ii. The second ten (10) days lost shall be paid by the City if requested by the employee but accumulated sick leave shall be reduced for each day absent between ten (10) and twenty (20) days.

- iii. After the first twenty (20) days, no reimbursement by the City will occur.
  - C. Employees serving on jury duty receiving reimbursement shall pay to the City all moneys received by any governmental agency for jury duty service for days for which reimbursement is to occur.
  - D. Employees released from jury duty during the course of any day during the time of their regular day shall report to work for assignment by the City.
  - E. Second and third shift employees shall have their schedules adjusted to the day shift to accommodate jury duty but their days off shall remain the same.
  - F. Employees not following all of the procedures set forth above shall not receive reimbursement for absence from work for jury duty.
11. EVALUATION - All administrative employees shall be subject to evaluation annually by the City Manager.
  12. EMPLOYER APPROVED CONTINUING EDUCATION – The City agrees to reimburse the cost of tuition, lab fees and required text books for approved courses which are not payable by any other organization and that are taken at any accredited college or university. In order to qualify for such reimbursement, the employee must be a full-time employee of the City, the employee must receive prior approval from the City Manager to take the course(s), the course(s) must be job related as determined by the City Manager and the employee must document that they have successfully completed the course(s) attaining at least a "C" grade.
  13. JOB RELATED PROFESSIONAL AFFILIATIONS – Subject to the City Manager's approval and his or her determination that such membership is a benefit to the City of Essexville, the City shall pay the annual dues or fees for an employee's membership in local, state or national professional organizations where such organizations are specifically related to the employee's job.

**SECTION IX  
LEAVE OF ABSENCE**

1. GENERAL CONSIDERATIONS - Any time an employee is absent from work and not receiving pay from the City, including partial days, shall be considered a leave of absence without pay. Requests for leaves of absence without pay must be submitted in writing to the Department Head and require the approval of the City Manager. Such leave shall be without pay unless otherwise provided for in the Policy and may be granted or denied in the sole discretion of the City Manager. If granted, the terms and conditions of the leave of absence without pay shall be specified in writing signed by the employee and the City Manager.

Employees failing to return on the agreed date or written extension thereof shall be considered to have voluntarily resigned employment with the City. The employee shall not return prior to the expiration of his or her leave unless authorized in writing by the City Manager.

Employees who are granted a leave of absence without pay in excess of thirty (30) calendar days shall not accrue seniority for any time the employee is on such leave beyond thirty (30) calendar days.

The employee's service and anniversary dates used for purposes of calculating seniority, wage and/or salary scales, benefits or other reasons expressly referenced in the Policy shall be adjusted to deduct the period of time the employee was not accruing seniority during such leave. To the extent permitted by law and the City's insurance providers; employees granted a leave of absence without pay in excess of thirty (30) calendar days will be allowed, at the employee's sole expense, to continue City provided insurance coverages for the time the employee is on such leave beyond thirty (30) calendar days.

Such payment for continuation of insurances must be made to the City not later than the 10<sup>th</sup> of the month in which the premium is due and paid by the City. Failure to make timely payment to the City, as set forth above will result in termination of such insurance coverages and subject to the insurance carriers rules for reinstating the insurance coverages upon the employee returning from the unpaid leave of absence.

2. NON-DUTY DISABILITY LEAVE - Leaves requested due to illness or medical disability (including maternity) must be accompanied by a medical doctor's certificate that the employee is unable to work and the reason therefore. Employees returning to work shall submit to their department head a doctor's statement indicating the employee's physical ability to return to the job. In each case, a copy of the doctor's statement shall also be forwarded to the employee's personnel file.

The employee may use accumulated sick leave or personal leave for this purpose under the guidelines set forth in the Policy.

If, at any time during pregnancy, an employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make that fact known in writing to her department head.

3. MILITARY LEAVE – Leave and return to work for any employee who enters active service of the Armed Forces of the United States shall be governed by law.

An employee who is a member of the National Guard or Reserves who is called for defense training shall be entitled to a leave of absence in addition to his or her vacation not to exceed two calendar weeks. During this leave, and upon presentation of documentation of their gross wages with the Reserves, they may receive pay for the difference between their regular gross pay, such pay not to exceed two (2) calendar weeks.

4. WORKERS' COMPENSATION LEAVE - While on workers' compensation leave, the employee may use accumulated sick or vacation leave to supplement workers' compensation payments in an amount necessary to provide the employee with his or her regular pay.
5. TEMPORARY LIGHT DUTY – Except in extraordinary circumstances, as determined in the sole discretion of the employer, employees who have been off work for any extended period of time due to injury or illness will not be permitted to return to work without a certification by a physician that the employee is able to return to work “full duty without restrictions”.

6. EMPLOYEE ASSISTANCE - The City of Essexville understands that all employees are individuals and occasionally have unique personal problems that sometimes affect their job performance. These problems may be related to marriage, family, finances, stress, alcohol or drugs. In most cases these conditions can be effectively treated and controlled. Therefore, the City encourages employees to seek assistance with difficulties that may be affecting their job performance.

Employees having such problems are encouraged to discuss them privately with their supervisor before any such problems or issues begin to affect the employee's job performance.

However, it should be understood that seeking counseling or other assistance is not intended to replace normal performance appraisals or disciplinary procedures. The fact that an employee seeks such assistance will not excuse continued poor job performance.

7. EMPLOYEE TRAINING AND DEVELOPMENT - In order that employees may perform their work more efficiently and be able to qualify for positions of increasing difficulty and responsibility, the City Manager will determine necessary educational and training programs for employees. While the responsibility for training rests with the supervisory personnel under the direction of the City Manager, special developmental programs may be approved by the City Council to deal with major problems, new processes, or other specific areas. From time to time it may be deemed necessary to offer programs conducted by consultants or educational institutions. The extent of staff participation in these programs will be determined by the City Manager.

## **SECTION X DISCIPLINARY ACTION**

1. GENERAL Policy - The City expects employees to follow rules and regulations of the City and its Departments in effect at the time. Such rules and regulations are necessary for the orderly and efficient operation of City business. The failure to follow these rules and regulations may result in discipline. Whether to impose any discipline, and if so, the degree of discipline is a discretionary decision which management will make based on the nature of the offense, the employee's history and other facts and circumstances deemed relevant. Although the City prefers to utilize a progressive discipline approach, the City reserves the right to impose, at its sole discretion, a more severe form of discipline, including immediate termination.
2. PERSONNEL FILE - Whenever a notice of disciplinary action is placed in the personnel file, the employee will be promptly notified in writing of the action taken. The employee shall have the opportunity to respond in writing and have the response placed in his or her personnel file.
3. SUSPENSION - A department head may suspend a regular employee without pay for disciplinary reasons provided that such suspension shall be subject to the Alternative Dispute Resolution process. Within twenty-four (24) hours of the time a suspension becomes effective, a written statement of reasons for the suspension shall be submitted to the City Manager and furnished to the employee affected.

## **SECTION XI**

## ALTERNATIVE DISPUTE RESOLUTION

1. GENERAL Policy - A dispute is a written claim or complaint filed by the employee. Disputes are limited to matters of interpretation or application of express provisions of the Policy. Each step outlined in the Policy must be followed or the dispute shall be considered resolved. This procedure is the sole and exclusive remedy through which to address such complaints.

All disputes must be filed in writing within five (5) working days after occurrence of the circumstances giving rise to the dispute or five (5) working days from when the employee should reasonably have known of the occurrence, otherwise the right to file a dispute is forfeited and no dispute shall be deemed to exist.

### 2. ALTERNATIVE DISPUTE RESOLUTION PROCEDURE

Step 1: Any complaints shall first be taken up with the department head or his or her designated representative. If no satisfactory resolution is received within one (1) working day, the employee has three (3) working days to proceed to step 2.

Step 2: The employee shall within three (3) working days after the discussion with the department head or his or her designated representative, put the dispute in writing on forms provided by the City stating all facts in detail and submit the same to the department head or his or her designated representative.

If no satisfactory resolution is received within five (5) working days, the employee has five (5) working days to proceed to step 3.

Step 3: The employee shall contact the City Manager or designated representative in writing to arrange a meeting between the employee and the City Manager to discuss the dispute. This meeting shall be scheduled at a mutually agreeable time, which time shall not exceed five (5) working days from the time the employee contacts the City unless a longer time is mutually agreed upon. The decision of the City Manager shall be final.

Any and all disputes resolved at any step of the procedure shall be final and binding on the City and any employee involved in the particular dispute.

Disputes shall be processed from one step to the next within the time limit prescribed in each of the steps unless a time limit is mutually extended in writing. Any dispute upon which a disposition is not made by the City within the time limits prescribed, or any extension which may be agreed to, may be referred to the next step in the dispute procedure, the time limit to run from the date when time for disposition expired.

Any dispute not carried to the next step by the employee within the prescribed time limits or such extension which may be agreed to, shall be automatically closed upon the basis of the last disposition.

Saturdays, Sundays, and holidays shall not be counted under the time limits

established in this section.

2. LOST WAGES OR SALARY – All claims for lost wages or salary shall be limited to the amount of base wages or salary that the employee would otherwise have earned from City of Essexville during that period of time used to calculate the amount of lost wages or salary less any unemployment compensation that the employee may have received during the same period.
3. TERMINATION - Disputes involving a termination shall commence at step three of the dispute procedure and must be filed within three (3) days of the date the employee was terminated.

## **SECTION XII SEPARATION**

1. RESIGNATION - Any employee resigning employment with the City shall submit said resignation in writing to his or her department head stating the effective date of the resignation and the reason for leaving the City's employment. The department head shall immediately file the employee's resignation with the City Manager. Once submitted, resignations shall be considered accepted and may not be withdrawn. An unauthorized absence from work for a period of three (3) or more consecutive days shall be considered a resignation from employment.
2. LAYOFF - Whenever it becomes necessary to reduce the work force, employees shall be laid off in an order determined by the nature of their job and classification, the quality of their job performance, and the length of their service. Employees concerned shall be given notice of the layoff at least seven (7) days prior to the effective date. The names of any regular employees laid off for any of the above reasons shall be placed on a re-employment list for consideration of rehire and for a period of one year.
3. RETIREMENT - In order to assure timely receipt of retirement benefits, employees who wish to retire under the Municipal Employees' Retirement System should notify their department head in writing, with a copy to the City Clerk, approximately ninety (90) calendar days prior to their final day of work. The employee should also contact the City Clerk so that proper forms can be completed.
4. DISMISSAL OR DEMOTION - Any employee may be dismissed or demoted by the department head subject to concurrence of the City Manager prior to the effective date of the action.
5. EXIT INTERVIEW - Every employee being separated from City employment for any reason shall participate in an exit interview. The interview will include an explanation of benefit coverage and turning in city property. With the exit interview the City hopes to get suggestions to make employment conditions more enjoyable and productive for other employees. Only the City Manager and/or the applicable Department Head will review the exit interview.
6. FINAL PAYCHECK - The final paycheck shall contain all earnings owed to the employee, including time worked in the final pay period, accumulated leave and prorated longevity where applicable and subject to the employee's eligibility for such payments as set forth in

the Policy. If an employee is terminated from employment the employee's final paycheck will be issued on the date of termination.

If an employee quits or is laid off from employment with the City; the employee will receive his or her final paycheck on the normal pay date.

7. DATE OF TERMINATION - Where an employee's service with the City has been voluntarily or involuntarily terminated, the last day actually worked will be considered the last day employed. In cases of a leave of absence where the employee decides not to return to work, the last day employed shall be considered to be the date of resignation, not to be later than the approved date of return to work, unless the City terminates the leave of absence earlier. For medical leaves, this would be no later than the date of medical release to return to work, including light duty.

In case of retirement, once an employee has used all of his or her earned and accumulated vacation or personal leave time, or the employee's official date of retirement, whichever occurs first, shall be considered the employee's last day employed.

**APPENDIX A  
CODE OF ETHICS  
FOR  
CITY OF ESSEXVILLE EMPLOYEES AND APPOINTED OFFICIALS**

1. DECLARATION OF Policy - Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his or her government. The public judges its government by the way City employees and appointed officials conduct themselves in the performance of their respective duties. Devotion to the public trust is an essential part of the obligation of public service. City employees and appointed officials are the trustees of an important branch of our system of government in which the people must be able to place their absolute trust; for the preservation of their welfare; their safety and all in which they believe.

The proper operation of democratic government requires that City employees and appointed officials be independent, impartial and responsible to the people. City employees and appointed officials must avoid all situations where prejudice, bias, or opportunity for personal gain could influence their decisions. Even the appearance of improper conduct should be avoided.

The purpose of these standards is to provide each employee and appointed official with a clear understanding of the behavior expected of them in the performance of their public responsibilities and to give the citizens a standard by which they may be assured that these responsibilities are being faithfully performed.

2. APPLICATION - The standards of ethical conduct set forth in the Code of Ethics shall be applicable without exception to all employees. Nothing in the Code shall be interpreted as denying any employee his or her rights under the state or federal law. Employees and officials must faithfully perform their duties to the best of their ability without regard to age, race, creed, sex, national origin, or political belief. The public interest must be their primary concern and their conduct in both official and private affairs should be above reproach.

An employee or appointed official may express their personal views with respect to public issues, however, they shall not by use of their position, represent their personal opinions as those of their agency.

Public trust imposes the employees and appointed officials the necessity to pledge themselves to the proper use of manpower, property and funds under their care and to continued economy and efficiency in the performance of their duties.

3. UNETHICAL CONDUCT -

- A. Confidential information - An employee or appointed official shall not divulge any confidential information to any unauthorized person or release any such information in advance of the time prescribed for its authorized release for their own personal gain or for the gain of others.

An employee shall not engage, directly or indirectly, in any personal business transactions or private arrangement for personal profit which accrues from or is based upon their official position or authority, or upon confidential information which they gained by reason of such position or authority.

- B. Gifts and Favors - City employees or appointed officials shall not, directly or indirectly, solicit, accept, or agree to accept any gift of money or goods, loans or services or other preferred arrangements for personal benefit under any circumstances which would tend to influence their work, make their decisions, or otherwise perform their duties. A City employee or appointed official shall not grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- C. Representation of Private Interests - A City employee shall not represent or act as agent for any private interest, whether for compensation or not, in any transaction in which the City has a direct interest. An appointed official shall not represent or act as agent for any private interest, whether for compensation or not, in any transaction in which the City has a direct and substantial interest and which could reasonably be expected to result in a conflict between the private interests of the official and his or her official City responsibilities.

In addition, there shall be no attempt to influence any proceeding between private interests and the City in which law or agency regulation requires that a decision be made solely on the record of formal hearing.

- D. Supplementary Employment - A City employee or appointed official shall not engage in or accept private employment or render services for private interest when such employment or service is incompatible or in conflict with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.
  - E. Investments in Conflict with Public Responsibilities - A City employee or appointed official who participates in the negotiations of contracts, the making of loans, the granting of subsidies, the fixing of rates or the issuance of valuable permits or certificates to any business entity shall not have, directly or indirectly, any financial or personal interest in the business entity.
4. ENFORCEMENT - Any employee or appointed official who violates the provisions of this code shall be subject to disciplinary action up to and including termination.