



MISSION STATEMENT

“We strive to provide a positive work environment with competitive wages, personal respect and opportunity for professional growth”.

INTRODUCTION

The City of Lowell consists of 5 Council members elected to serve by the citizens of the City through elections held every odd numbered year. Council member terms are four (4) years. The Council members collectively elect a Mayor. The Council’s most important role is its Charter, written policies, policy-based decisions, and the appointment of the City Manager.

The City of Lowell is responsible for the administration and operation of City facilities and services. The City’s ability to perform these functions and provide these services is directly related to the efficiency of the employees working for the City. An important factor in attracting and keeping efficient and fully trained employees is the establishment of current and uniform employee policies and procedures.

The City Manager is responsible for the implementation of these policies and procedures and the overall coordination of all employee matters. The contents of the Employee Handbook apply to all individuals employed by the City of Lowell.

The City remains free to unilaterally change, suspend or modify any or all of the working conditions described in the handbook without giving cause or justification to employees. In the event any policy conflicts with a collective bargaining agreement, the collective bargaining agreement prevails for bargaining unit employees.

All employees are responsible for knowing, understanding and following the policies and procedures within the handbook. Employees are invited and encouraged to address questions to their supervisor or the City Manager at any time.

The Council accordingly adopted the policies and procedures in this Employee Handbook.

Michael Burns
City Manager

July 1, 2022
Date

Policy 1

General Procedures

Section 1.0 Employer Expectations

Within this Employee Handbook are the fundamental elements of the City of Lowell's operating principles. This handbook is provided for guidance only and is not a contract; policies and procedures may be changed at any time.

You, as an employee, are valued, trusted and depended upon by your supervisor, co-workers, customers and the public. It is your willingness to work safely, learn, teach, cooperate and communicate what the City relies on to meet its obligations to its customers and the public.

All employment not covered by a collective bargaining agreement or employment agreement to the contrary is "at-will". This means the employee may resign at any time for any reason or no reason, and the City may terminate the employee at any time for any reason or no reason.

It is important that all employees know and understand what is expected of them in order to meet the standards of quality and efficiency required to represent the City.

Thank you for being honest, respectful, dependable, safe, loyal, punctual and flexible. These are a few of the qualities and expectations the City needs and relies on from its employees.

Section 1.1 Applicability

This Handbook and the policies, procedures and benefits described or referred to are applicable to all persons employed by the City. It is not intended to create any third-party rights. If the terms of a policy, procedure or benefit vary according to an employee's classification, the terms that apply to that classification will be specifically described.

Section 1.2 Proprietary Information/Confidentiality

All employees are responsible for protecting the City's confidential and sensitive information.

Specific examples of confidential information include:

- Plans, strategies, tactics or organizational structure not announced to the public.
- Financial data or operations results not announced to the public.

- Employees' personal information, including addresses, phone numbers, performance evaluations, Social Security numbers, personal health information and disciplinary records.
- Customer records such as billing information, credit status and other personal information available to employees.

An employee should presume information is confidential unless demonstrated otherwise and hold that information in confidence. Examples of some exceptions: if the communication of information is consistent with your normal job duties or you are authorized to disclose it by your supervisor, the City Manager or member of the Council. If you are uncertain about whether something is confidential, check with the City Manager before disclosing it.

Section 1.3 Outside Employment

No employee may work at other employment that would lead to a conflict of interest or impair performance as an employee of the City. Written permission from the City Manager or his/her designate must be obtained before any outside work or employment is undertaken. No employee may utilize City facilities to conduct outside employment. If the City Manager determines that the outside employment would violate this policy, or if after outside employment has been approved, the City Manager determines the outside employment violated this policy, the employee must resign either the outside employment or their position with the City. Additionally, if the requirements and/or conditions of the outside employment change, the employee must promptly advise his/her supervisor and re-apply for approval with the new requirements and/or conditions.

Section 1.4 Dress Code

Work attire should complement an environment that reflects an efficient, orderly and professionally operated organization. The City's appropriate causal business attire program also requires the use of common sense and good judgment.

Where uniforms are required, employees may not deviate except under the express approval of the department head. Uniform replacements resulting from negligent loss or misuse may be at the employee's expense and subject to disciplinary action.

If you question the appropriateness of the attire, it probably isn't appropriate.

Supervisors are responsible for monitoring and enforcing this policy. It will be administered according to the following steps:

1. If questionable attire is worn in the office, the supervisor will hold a private meeting with the employee to discuss and counsel the employee regarding the possible inappropriateness of the attire.

2. If an obvious policy violation occurs, the supervisor will hold a private discussion with the employee and ask the employee to go home and change his/her attire immediately. The first time the employee is sent home will be compensated.
3. Repeated policy violations may result in disciplinary action, up to and including termination.

Section 1.5 Personnel Files

Employee personnel files are maintained in a locked file cabinet. Access is limited to City employees with a legitimate need for such information in the performance of their job. You are required to advise your supervisor of any changes of name, current address, phone number, marital status, dependents and emergency contact information in writing, signed and dated. Employee personal information will not be released to outside parties without a signed authorization provided by the employee to his/her supervisor or the City Manager unless required by law. You may review the contents of your personnel file upon request to the City Manager up to two (2) times within twelve (12) months. Your review must be accompanied by your supervisor or the City Manager. No contents may be removed or copied without the consent and knowledge of the City Manager.

Employee personnel files will only contain information pertaining to the employee's relationship with his/ her employer.

Section 1.6 Social Security Number Privacy Policy

The City's goal is to ensure, to the largest extent possible, that employees' social security numbers are maintained confidentially. Employees' social security numbers will not be released to anyone, except as required by law. Employees' social security numbers will be made available internally only on a "need-to-know" basis.

In no case shall anything other than the last four digits of an employee social security number appear on any external correspondence, except as required by law, nor will it be publicly displayed in any manner. Social security numbers are not to be used as passwords or identifiers for any City computer system. The social security number will not be used in the ordinary course of business except as the City may determine that it is necessary to verify an individual's identity or to administer employee benefits, such as health insurance. Any documents that include social security numbers that are discarded are to be shredded.

Any violation of this policy will result in discipline up to and including termination of employment.

Policy 2

Employment Laws and Policies

Section 2.0 Drug Free Workplace/Fitness for Duty

It is the City's intent and obligation to provide a drug-free, healthful, safe and secure work environment. Employees must, as a condition of employment, abide by the terms of these policies and report any conviction under criminal drug statutes for violations occurring on City premises or while conducting City business. The City recognizes drug and alcohol dependency as an illness and a major health problem. It also recognizes drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use available community resources and City health insurance plans as appropriate before violating this policy.

1. No employee will possess, distribute, use or be impaired by illegal prohibited drugs on City property; while on City business; in City vehicles; or during working hours, including rest and meal periods. The use, impairment by, or possession of marijuana is prohibited in the workplace.
2. No employee will possess, distribute, use or be impaired by alcohol while on City property, while on City business or while in City vehicles, or during working hours, including rest and meal periods.
3. No employee shall be impaired by legal prohibited drugs or substances, nor shall any employee have in their bodily system illegal prohibited drugs or substances while on City property; while on City business; while on job sites or in City vehicles; or during working hours, including rest and meal periods.

"Illegal prohibited drugs" are substances that are illegal to sell or possess or that are used contrary to direction or prescription. Consistent with state law, the City does not consider marijuana (recreational or medical) to be an "illegal prohibited drug" when used off-duty except as to those employees who are prohibited from performed essential functions of their job if they use marijuana (e.g., police officers and employees subject to federal Department of Transportation regulation); "legal prohibited drugs or substances" are any prescription or non-prescription drugs or substances that may adversely affect working ability. An employee who is taking a legal prohibited drug or substance must notify his or her supervisor if its use is expected to adversely affect the employee's performance of the essential functions of the employee's job. Employees have a duty to know if any of the legal prescription or non-prescription drugs or substances they are taking may adversely affect working ability. At the option of the department head, an employee may be reassigned to less hazardous duty or be placed on sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.

Employees convicted under a criminal drug statute for violations occurring on the City's premises or while conducting City business or in City vehicles shall report it in writing to their supervisor within five (5) days of the conviction. Supervisors receiving a report of conviction from an employee shall notify the City Manager at once.

The City reserves the right to require any employee to submit to blood and/or urinalysis or other appropriate examination for the purpose of detecting the employee's use of illegal prohibited drugs or legal prohibited drugs, controlled substances, and/or alcohol.

If, based on reasonable suspicion, any employee is believed to pose an immediate safety risk to anyone, including themselves, the supervisor is to remove the employee of all work responsibilities. The supervisor will escort the employee to an approved facility to perform the test and make arrangements to take the employee home. If the test results are not immediately available the employee will be relieved of all work duties and provided with the option of using vacation time or unpaid absence until the test results are received.

The City Manager will notify the supervisor and/or the department head when the test results are received. Negative test results will allow the employee to return to regular duty at the beginning of the next work day. Any loss of pay or vacation time shall be restored with regular straight-time pay. Positive test results require a determination by the City Manager regarding the action to be taken which may result in immediate termination of employment. If the employee refuses to cooperate with a testing request, the employee will be suspended immediately, without pay, pending a review of the incident.

Immediate suspension means the employee must leave the workplace (office or job site); however, the employee must not be allowed to drive, including his/her own personal vehicle. Necessary arrangements for transportation home will be made by the supervisor.

Searches: The City reserves the right to search an employee, an employee's work area and an employee's vehicle on City property if the City has a reasonable suspicion that this policy may have been violated.

A violation of this policy or a failure to cooperate in enforcement of this policy will result in disciplinary action up to and including termination from employment and could also be referred for prosecution, as appropriate.

Section 2.1 Equal Employment Opportunity

The City does not, and will not, discriminate for or against any employee or applicant for employment or promotion because of age, sex, race, religion, creed, color, national origin, ancestry, height, weight, marital status, sexual orientation, gender identity, disability or covered

veteran status or other basis protected by applicable law. This policy applies to all aspects of employment on the job, and applies to benefits to the extent required by law.

No employee or applicant will be coerced, intimidated, interfered with or discriminated against for filing a complaint or assisting in an investigation for the corresponding federal and state laws.

Section 2.2 Immigration Law Compliance

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

Section 2.3 Americans with Disabilities Act (ADA)

The City will not discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or termination of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. Any employee who needs an accommodation to perform essential job duties must notify a supervisor or the City Manager in writing as promptly as possible, but in no case later than one hundred eight-two (182) days after the employee knows or reasonably should have known that an accommodation was needed.

Section 2.4 Anti-Harassment Policy Statement

Under no circumstances will the City condone or tolerate harassment or discrimination based on age, sex, race, religion, creed, color, national origin, ancestry, height, weight, marital status, sexual orientation, gender identity, disability or covered veteran status or other basis protected by applicable law.

Harassment is any unwelcome or unsolicited verbal or physical conduct that unreasonably interferes with an employee's job performance or creates a hostile, offensive, or abusive working environment. Examples of harassment include, but are not limited to, disparaging remarks; unwelcome or unsolicited touching; threats of physical harm; and the use of degrading words, nicknames, pictures, cartoons, stories or jokes.

Harassment and discrimination prohibited by this policy must be distinguished from conduct or communication that, even though unpleasant or disconcerting, is not inappropriate in the context of carrying out instructional, advisory, counseling or supervisory responsibilities.

Definition. Harassment prohibited by this policy is defined as unwelcome verbal or physical conduct or communication based on a characteristic protected by applicable law when:

1. Submission to the conduct or communication is made either an explicit or implicit term or condition of employment;
2. Submission to or rejection of the conduct or communication by an employee is used as a basis for an employment decision affecting that individual; or
3. The conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive work environment.

Such offensive contact or harassment is prohibited whether it is conducted directly or indirectly, via telephone or other electronic communication, through the mails or other written communication, or in person.

Reporting a Violation. If an employee believes that a violation of this policy has occurred, the employee has an obligation to immediately report the alleged violation immediately, preferably within 48 hours, to the Department Director or City Manager. While there is no requirement that the incident be reported in writing, a written report that details the nature of the harassment, dates, times and other persons present when the harassment occurred will enable the City to take effective, timely and constructive action.

The City takes all reports of a violation of this policy seriously and will investigate promptly. Therefore, employees are expected to bring violations to the City's attention in good faith. Good faith means that the employee has a sincerely held belief, even if erroneous, that the policy has been violated.

Investigation and Resolution. There will be a prompt investigation of any harassment claims. An investigation may include interviews of possible witnesses including the person claiming the harassment occurred, and the person or persons claimed to be involved in, or witnessing, the harassment. The investigation will be conducted as confidentially and objectively as possible. Employees are expected to cooperate fully with any investigation.

After the investigation has been completed, a determination will be made regarding the appropriate resolution of the matter. The determination will be reported to the employee who allegedly was subjected to the harassment. If unlawful harassment is found to have occurred, the City will take immediate remedial action, such as the imposition of discipline, up to and including termination. If misconduct or other inappropriate behavior occurred (even if it does not reach the level of unlawful harassment), responsive action will be at the City's discretion, which may include, but is not limited to, discipline or change of status, such as job transfer, reassignment, pay reduction or other action.

No Retaliation. The City forbids retaliation or reprisals against anyone who has reported harassment or has participated in any investigation as a witness or otherwise. Retaliation is a serious violation of this policy and subject to investigation and the corrective measures described in this policy. Retaliation must be immediately reported to the Department Director or City Manager.

Section 2.5 Violence in the Workplace

The City will not tolerate threats or acts of violence committed by or against employees. For purposes of this work rule, the following definitions shall apply:

Act of violence means any intentional, reckless, or grossly negligent act that would reasonably be expected to cause physical injury or death to another person.

Threat of violence means any intentional communication or other act that threatens an act of violence and would cause a reasonable person to feel terrorized, threatened, or fear physical injury or death to oneself or another person. Any threat of violence, whether verbal, written, visual or by gesture, will be presumed to be an expression of intent to do harm to another person.

Workplace means an office or building owned or leased by the City, customer's property or service territory in which employees are assigned to work. It includes any City common grounds or parking area used by employees assigned to or working in the office or building.

Explosive means any bomb, grenade, missile, or other dangerous device designed to expand suddenly and release internal energy resulting in an explosion.

Firearm means a weapon from which a dangerous projectile may be expelled by an explosive, gas, or air.

Act or Threat of Violence

An act of violence or a threat of violence that is work-related or occurs in the workplace is strictly prohibited. It is critical that an employee who is subjected to or is aware of an act of workplace or work-related violence or a threat of imminent violence take prompt and appropriate measures to ensure his or her personal safety and report the incident to appropriate law enforcement personnel and his/her own supervisor. The supervisor shall immediately notify the City Manager of the incident.

Non-imminent acts or threats of violence shall be reported to the employee's supervisor or any available manager. If the employee's supervisor is the individual engaging in violence or making a violent threat, the employee shall report the incident to another supervisor or any available manager.

All reports of an act of violence or a threat of workplace or work-related violence will be investigated and appropriately addressed.

If a supervisor or City Manager receives information regarding an alleged act of violence, receives a threat of violence, or has a reasonable suspicion that an employee may have transported a firearm or explosive on City property without authorization, the supervisor, City Manager or other appropriate authority may conduct a search of desks, lockers, and any other storage space located on City property as part of the effort to investigate and appropriately address the situation.

Reporting

Employees are obligated to report to management if any of the following circumstances occur:

- The employee is subjected to workplace or work-related violence by a supervisor, manager, co-worker, or other person.
- The employee witnesses a supervisor, manager, co-worker, or other person in the workplace engaging in workplace or work-related violence involving another person.
- The employee receives a protective or restraining order, which lists City-owned or leased premises as a protected area. (A copy of such order shall be provided to the City's management.)

A supervisor or manager who witnesses, or is made aware of by one who witnesses, a subordinate employee engaging in workplace or work-related violence, threatening behavior, or making threats of violence or has unauthorized possession of a firearm or explosive is obligated to report the behavior to the appropriate authority and to take prompt and appropriate remedial action.

Any violation of this work rule may result in discipline, up to and including termination of employment.

Section 2.6 Weapons

Weapons, licensed or unlicensed, are prohibited on City property; even in personal vehicles. Examples include: firearms, knives, explosives, ammunition, pellet guns, paintball guns, tasers, bows, arrows and swords.

Violations may subject employees to discipline up to and including termination of employment.

Section 2.7 Use of Internet, E-Mail, Computer and Communication Systems Usage

The use of the City's Electronic Communications Systems, including computer systems, fax machines, and all forms of e-mail and Internet access, are provided for conducting City business. Limited personal use of the electronic communication system, e-mail system or the Internet is acceptable as long as it is not inappropriate and occurs during personal time (such as lunch or other breaks), and does not result in expense to the City.

Use of the City's computers, electronic communications networks, and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct carried out on such systems, including, but not limited to:

- Participating in any way in the creation or transmission of unsolicited commercial e-mail ("spam") that is unrelated to legitimate City business;
- Engaging in private or personal business activities, including excessive use of instant messaging or social media or engaging in online shopping except as allowed on personal time;
- Soliciting or selling products or services that are unrelated to the City's business; distract, intimidate or harass coworkers or third parties; or disrupt the workplace
- Misrepresenting oneself or City;
- Violating federal or state law;
- Engaging in unlawful or malicious activities;
- Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designated to disrupt, disable, impair, or otherwise harm either the City's networks or systems or those of any other individual or entity;
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- Sending, receiving, or accessing pornographic materials;
- Becoming involved in partisan politics that could be misconstrued as representing the viewpoint of City;
- Causing congestion, disruption, disablement, alteration or impairment of the City's networks or systems
- Maintaining, organizing, or participating in non-work-related blogs, Web journals, "chat rooms", or private/personal/instant messaging other than as allowed on personal time;
- Failing to log off and secure, controlled-access computer and other form of electronic data system to which you are assigned, if you leave such computer or system unattended;
- Accessing any gambling web site; and/or
- Defeating or attempting to defeat security restrictions on City systems and applications.
- Using City's computer systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited.

Use of City's resources in violation of City policy or applicable law may lead to disciplinary action, up to and including termination and criminal prosecution. The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/or computer use.

City owns the rights to all data and files in any computer and network system used in the course of City business. The City also reserves the right to monitor electronic mail messages (including

personal/private instant messaging systems) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using the City's equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by management at all times. City employees should also be aware that messages relating to City business or created with City equipment may be subject to public disclosure under Michigan's Freedom of Information Act. The City has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or City Manager.

City has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy may lead to disciplinary action, up to and including termination.

Electronic Mail Tampering

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

Internet Browser(s)

Employees are individually liable for any and all damages incurred as a result of violating City's security policy, copyright and licensing agreements.

Section 2.8 Social Media

This policy provides guidance for employee use of social media, which should be understood broadly for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a simultaneous manner.

Procedures:

1. The following principles apply to professional use of social media on behalf of the City of Lowell as well as personal use of social media when referencing the City.

2. Employees should be aware of the effect their actions may have on their images, as well as the City's. The information that employees post or publish may be public information for a long time.
3. Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
4. Employees are not to publish, post or release any City business information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the City Manager and/or their supervisor.
5. Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized City spokespersons.
6. If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and if the situation occurs while using work-related social media, seek the advice of a supervisor.
7. Employees should get appropriate permission before they refer to or post images of current or former employees, Council members, vendors or suppliers taken at the workplace in non-public areas or internal meetings. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
8. Social media use shouldn't interfere with employee's responsibilities at the City. When using City computer systems, use of social media for business purposes is allowed (ex: Facebook, Twitter, City's blogs and LinkedIn), but personal use of social media networks or personal blogging of online content is prohibited, except on a break or lunch, and personal use at a prohibited time may result in disciplinary action.
9. Subject to applicable law, after-hours online activity that violates the City's Employee Handbook or any other City policy may subject an employee to disciplinary action up to and including termination.
10. If employees publish content after-hours that involves work or subjects associated with the City, a disclaimer should be used, such as this: "The postings on this site are my own and may not represent the City's positions, strategies or opinions."
11. It is required employees keep the City's related social media accounts separate from personal accounts, if practical.

12. The City's official social media pages are viewed by the public as representing the City's official position on various issues. For that reason, when employees post on the City's social media pages on behalf of the City, employees must refrain from interjecting personal feelings, opinions, or political positions unless authorized to do so by the City Manager.

Section 2.9 **Removal of City Assets**

No City asset, vehicle, tool or piece of equipment (collectively referred to as "belongings" for the purpose of this Section) may be removed from or used on City property for personal use with the exception use with the prior approval of management. And on the contrary, no personal belonging(s) may be used in the process of performing work for the City during the course of completing a job assignment, except if certain conditions, described later in this Section, are met. This includes all motorized, electronic, mechanical and hand operated items.

All belongings, City issued or personal, used in the process of doing work for the City during the course of completing a job assignment must meet all City safety standards.

Should an occasion arise when a personal belonging is required for completing a job assignment, e.g.; travel to classes and off-site meetings or any job-related activity in which a City belonging is unavailable or does not exist, with the written permission of the employee, the City may choose to utilize the employee's personal belonging(s) upon determination of proper and adequate insurance coverage(s) and compliance with all City safety standards. The City will not be responsible for any damage that may occur to the employee's belonging(s) while being used during a job assignment. The employee will be required to sign a waiver form prior to using any personal belonging acknowledging this condition. When an employee's belonging is used for a job assignment, the employee will be reimbursed at the proper IRS or State of Michigan rate in accordance with applicable rule.

Section 2.10 Cell Phone Policy

The City provides various communication devices to its employees. Personal use of a City owned cell phone by an employee is considered a taxable fringe benefit to the employee.

This policy applies to all employees using cell phones provided and funded by the City. A City owned cell phone is one that was purchased or leased by the City or authorized representative with City funds. A personal call is one not related to City business or service to the public.

The primary responsibility for complying with this policy lies with the City Manager. The City Manager or designated representative will identify each departmental cell phone needs, determine the best combination of cell phone and service plan for the department and

implement an interdepartmental review procedure to ensure that phones are used for their intended purpose and that the billings are accurate. The City Manager or designated representative will ensure that all City owned equipment is recovered in the event that an employee is terminated, leaves the employ of the City or a service plan is terminated.

Policy Outline

- a. City owned cell phones are intended for conducting the business of the City.
- b. The City will require employees to reimburse the City for extra billing charges.
- c. Employees will reimburse the City for personal calls that result in long distance, roaming or other charges over and above the plan rate.
- d. The City Manager or a designated representative will review cell phone bills to ensure compliance with this policy.

Discretion in personal use must still be used during work hours and excessive personal use by employees during work hours may be subject to termination of City cell phone use and/or disciplinary action. Employees should remain mindful that written records stored on a cell phone (e.g., text messages, e-mails) pertaining to City business may be subject to public disclosure under Michigan's Freedom of Information Act.

Section 2.11 Employment of Relatives

Employment of relatives of the City Manager or Council members will require approval of the City Council. All other employment of relatives of employees shall be at the discretion of the City Manager, with this information being shared with the Council. Any cases which the City Manager deems appropriate may be submitted to the Council for approval.

Section 2.12 No Smoking Policy

No smoking will be allowed on the premises or property of the City. This prohibition includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, employee lounges, stairs, restrooms, City-owned or leased vehicles, and all other enclosed facilities. Michigan's no smoking law includes civil fines that may be imposed for violation of the law. Employees who smoke in violation of the law will be subject to discipline up to and including termination.

Policy 3

Employment Standards

Section 3.0 Employment Classifications and At Will Status

Employees at City of Lowell fall into one of three categories:

1. Regular Full-Time: An employee who is scheduled regularly to work not less than 33 hours and not more than 40 hours per week in a position classified by the City. A full-time employee receives full benefits including, but not limited to: sick leave, vacation, insurances and Holiday pay.
2. Regular Part-Time: An employee who is normally scheduled to work no more than an average of 25 hours per week or 1300 hours annually in a position classified by the City.
3. Temporary: Any employee who does not fall within the definitions of regular full-time or regular part-time when the employee works irregular schedules or was hired for a specific task or assignment which has a termination point. This includes contract, season and per diem employees.

Non-Exempt:

An employee who is paid an hourly rate which is at least the greater of the state or federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 in a work week.

Exempt:

An employee who is compensated on a salary basis at a rate not less than the salary threshold promulgated by the United States Department of Labor for exempt employees. The employee's primary duty must be managing a department or operation. They must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent and have the authority to hire or fire other employee, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees.

Section 3.1 New Employee Orientation

An employee should consider his/her “orientation period” as the first six (6) months from the employment date with the City. During the orientation period, the employee will receive training and mentoring by a supervisor, peer and/or outside educational source to meet the necessary requirements to perform his/her job duties. This time period will be used to determine whether the employee has the ability, skills and knowledge to meet the requirements to successfully perform all aspects within the job description. The City Manager may extend an employee’s orientation period. Written notice will be given to the employee stating the reason for the extension and the date the new orientation period ends.

Section 3.2 Filling Vacancies

When a vacancy occurs within the City for a permanent full-time or part-time position, the vacancy shall be posted, as deemed appropriate, by the City Manager. Employees interested in filling the vacancy may file a written “Request for Consideration” by the deadline established in the posted announcement. The City Manager will consider all applicants expressing interest in the position based on their qualifications. The position will be awarded to the most qualified applicant. Should no applicants within the City be deemed qualified or if after consideration decline the position, the City Manager may seek external candidates to fill the position.

Section 3.3 Job Transfers

Any employee who fills a vacancy within the City shall be required to serve a new orientation period of six (6) months. During the orientation period, the employee will receive training and mentoring by a supervisor, peer and/or outside educational source to meet the necessary requirements to perform his/her job duties in the new position. In the event the employee desires to return to his/her former position within the orientation period, the employee may request to do so by making the request, in writing, to his/her supervisor or the City Manager. The request may be approved or denied. Additionally, in the event the supervisor or the City Manager/department head determines the employee is not meeting the expectations, within the orientation period, of performing the new position successfully, the employee will be given written notice to return to his/her former job or given an extension of the orientation period. The written notice will state the reason for the extension and the date the new orientation period ends.

Section 3.4 On-the-Job Travel Reimbursement

City-sponsored training classes and conferences are considered a daily work assignment with regards to pay, meals and hours of work. No employee will be permitted overtime for travel without the advance approval of their supervisor. Additionally, an employee will not be paid for

a full workday if they return from a training or conference prior to their normal quitting time and they do not remain at work and on-the-job.

An Employee may be provided a City vehicle to travel to and from the reporting site when available. The City vehicle is only to be driven to and from his/her normal City of Lowell work location and designated location during the assignment period. Under no circumstances should the City vehicle be taken home, driven after hours, driven for any reason if alcoholic beverages have been consumed, or used for any purpose other than directed by the employee's supervisor/City Manager. When a personal vehicle is used, the employee will be reimbursed for mileage from the employee's work location to the site of the off-site business address based on information from an Internet map service such as Mapquest or Google.

An employee may be assigned City equipment while attending training. This includes City laptop computers. All devices and tools are to be used specifically for the purpose of completing work assignments. All tools and equipment are the responsibility of the employee. Should negligent damage or loss occur to the assigned laptop computers or other City equipment, the employee may be required to reimburse the City for repair or replacement.

Section 3.5 Termination of Employment

When an employee voluntarily terminates his/her own employment, the City requests the employee provide a written notice of resignation to the City Manager at least twenty-one (21) days in advance of the intended final day of employment. The employee will be provided the appropriate information regarding any continuing benefits/resources they may be eligible to receive.

When termination is the result of a decision made by the City; the employee will be provided the appropriate information regarding any continuing benefits/resources they may be eligible to receive.

The following are examples of behavior or actions that may result in immediate termination by the City:

1. Theft, abuse, misuse, removal or deliberate destruction of City property, or the property of its employees, customers or the City public.
2. Possession, sale, use of or being under the influence of intoxicating beverages, marijuana, narcotics or any controlled or prohibited substance while on duty or on City property.
3. Failing to notify your supervisor you are using a prescribed medication or over-the-counter medication that could interfere with your ability to perform your assigned duties in a safe and efficient manner.
4. Possession of weapons, licensed or unlicensed. Examples include: firearms, knives, explosives, ammunition, pellet guns, paintball guns, tasers, bows, arrows and swords.
5. Engaging in sexual or other unlawful harassment.

6. Use of abusive language, threatening, intimidating, coercing and/or fighting with coworkers, management, customers or the city public.
7. Obscene or indecent conduct.
8. Sleeping on duty or otherwise not being alert to perform assigned job duties.
9. Horseplay, creating a distraction, interfering with an employee or causing unsafe or unsanitary working conditions.
10. Falsifying records, reports, documents, or knowingly misrepresenting any information presented to management of the City. This includes, but is not limited to, time sheets, accident reports, customer billings, customer records, identification documents and educational certificates.
11. Failure to report errors/mistakes made during the course of daily job duties that could be considered falsifying City records, reports, billings and documents. Covering up or hiding errors regardless of intent by the employee or co-worker.
12. Conducting personal business or performing duties of outside supplemental employment during City work hours or on City property.
13. Failing to report to work without proper notice or failure to provide requested proof of illness for an absence when requested.
14. Use of your position of employment with the City to directly or indirectly gain benefits, favors, money, advantages, privileges or anything of value other than regular compensation from the City.
15. Disregard of or refusal to obey a direct order, either written or verbal, from a supervisor or the City Manager.
16. Destroying, altering or removing any materials or information posted by City management.
17. Supporting a restriction of output, slowdown or any unauthorized interruption of assigned duties.
18. Soliciting or receiving any gift, service, gratuity, loan, fee, or anything else of value which is offered or may be offered as a consequence of City employment.
19. Taking any other actions which interfere with the proper performance of an employee's assigned work or which would reflect negatively on the City.
20. Failing to comply with any provision in this Personnel Handbook or other applicable rules and regulations.

Policy 4

Employee Compensation

Section 4.0 Pay Days

Employees will be paid every other Friday. Paychecks will cover a two (2) week period which starts Sunday and ends on the Saturday proceeding the pay day.

Section 4.1 Direct Deposit

Employees are to receive their pay checks via direct deposit in an account(s) at a financial institution(s) of their choice or through payroll debit card. A “pay stub” will be given to each employee to provide all accounting of time worked, earnings and deductions for both for the current pay period and year-to-date.

Section 4.2 Payroll Deductions

Employees may elect to have a portion of his/her net pay directed to more than one financial institution or account, e.g.; Christmas club, savings, checking, loans, etc.

Improper deductions from wages of employees are not to be made. If you believe that an improper deduction has been made, immediately report this information to the city payroll representative. Preferably, the report will be made in writing and immediately after the deduction has been made. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction that was made.

Section 4.3 Overtime Pay

All City employees are expected to work overtime upon request. Overtime must be authorized in advance in writing, by a supervisor. Non-exempt employees will receive one and one-half (1 ½) times their regular straight-time pay rate for all hours worked in a workweek over 40, including weeks when using vacation, personal days or a holiday. Any full-time employee required to work on a holiday will receive one and on-half (1 ½) times their regular straight-time pay for that day.

Section 4.4 Stand-By Pay

The City Manager/department head may require an employee to “stand-by” for possible emergencies outside of their regular eight (8) hour work day. An employee on stand-by must, at all times, be reachable by telephone within fifteen (15) minutes and must report to the required

location within thirty (30) minutes of the call. If an employee on stand-by fails to respond and report within the required time periods, he/she shall forfeit their stand-by pay for that stand-by period and may receive disciplinary action. Employees on stand-by shall receive two (2) hours pay per day at their regular straight-time rate, In addition to the stand-by pay of two (2) hours as described above, employees on stand-by who are called to work shall receive pay at one and one-half (1 ½) times their regular straight-time rate for all *time* worked during the stand-by period. Time worked begins when an employee punches “in” and concludes when an employee punches “out”. Travel time is NOT included as time worked.

Policy 5

Employee Benefits

Section 5.0 Employee Eligibility and Responsibility

The City's various Insurance plans provide optional coverage for regular full-time employees and their eligible dependents. It is your responsibility to notify the City, in writing, within **30 days** of any life event as it may affect the eligibility, cost and coverage to the employee and/or their eligible dependents. These events include:

- Birth or death
- Marriage or divorce
- Legal adoption or guardianship

Open enrollment date deadline is July 1. Employees may make changes to their coverage for any reason or opt-out by completing a waiver form for healthcare by this date.

Section 5.1 Group Health Care Insurance

Regular full-time employees become eligible to participate in the City's group health care plan following their completion of thirty (30) calendar days of employment, (e.g.; hire date is May 10, benefits become effective June 10). The City provides a group health benefit program for eligible employees who elect to participate, covering certain hospitalization, surgical and medical expenses for employee-only coverage and for eligible dependents. The insurance plan shall be The Pool – Blue Cross Blue Shield, HDHP or The Pool – Blue Cross Blue Shield SB. The required premium of providing eligible employee and dependent coverage under the group health benefit shall be paid by the City and the employees based on MCL 15.561 et seq. If the employee selects the HDHP plan, the City will pay the premium in full. If the employee selects the BC/BS SB plan, the employee will pay 20% of the premium. The plan offering and specific terms and conditions governing group insurance plans are set forth in detail in the master policy or policies as issued by the carrier or carriers. Summary descriptions of the plans are available from the insurance carrier via mail or online. The City will determine the method of providing group health care, including the selection of insurance carriers, while maintaining the current level of benefits.

Section 5.2 Waiver of Group Health Care Insurance

Employees who are provided health care insurance from another source, (e.g.; spouse or independent source) may receive an opt-out payment in lieu of receiving coverage from the City. The payment may be received as additional gross pay or as pre-tax by contributing to the ICMA Deferred Compensation Plan. A Waiver of Coverage form must be signed every year at open

enrollment when an employee elects to waive group health care insurance from the City. The City contributes a \$325 per month in lieu for a double policy and \$400 per month in lieu for a family policy.

Section 5.3 Supplemental Medical Insurance

Employees may elect to secure supplemental medical insurance at their own expense through American Family Life Assurance Company of Columbus (AFLAC). Payments are pre-tax and will be made through payroll deduction, providing an additional cost benefit to the employee.

Section 5.4 Group Dental Insurance

Regular full-time employees become eligible to participate in group dental benefits after thirty (30) calendar days from their date of hire. Coverage will begin on the first day of the month following, (e.g. hire date is May 10, benefits become effective July 1). Group dental insurance, covering certain dental expenses, is offered on a voluntary basis in addition to the group health care plan with 100% of the premium paid by the employer. Summary descriptions of the plans are available from the insurance carrier via mail or online.

Section 5.5 Vision Insurance

Regular full-time employees are offered family vision care benefits provided by Vision Service Plan (VSP). Details of the plan are available from the carrier via mail or online.

Section 5.6 Term Life Insurance

Regular full-time employees become entitled to receive the City's term life insurance plan after six (6) months of active employment. The premium is fully paid by the City for the employee up to the amount of \$50,000 through Standard Life and Accident Insurance Company.

Section 5.7 Continuation of Insurance Premiums

In the event a covered employee is on unpaid leave of absence(except for leaves taken under the Family Medical Leave Act (FMLA) if eligible) or otherwise as required by applicable law, the City will not pay any insurance premium for the employee or their eligible dependents beyond the month in which the leave of absence, resignation or termination occurs.

In the case of a layoff, the City will continue its portion of the premium payment of health and dental care coverage for a period of up to one (1) month; subject to the approval of the insurance carrier.

Employees on an approved unpaid leave of absence may continue insurance benefits on a month to-month basis, after the first month the leave commences, by paying the total applicable insurance premiums in advance monthly; subject to the approval of the insurance carrier. The

City will resume its portion of the payment of insurance premiums for eligible employees who return to work from an approved unpaid leave of absence as of the first of day of the premium month following the date of the employee's return to work.

When applicable, employees and/or their covered dependents will be provided with the option to continue health insurance coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act) at the time the City premiums are discontinued.

Section 5.8 Short-Term Disability

All active, regular full-time employees, after thirty (30) calendar days of active employment, are eligible to receive Short-Term Disability (STD) benefits. The City pays the premium. Summary descriptions of the plans are available in the City Manager's office.

Section 5.9 Long-Term Disability

All active, regular full-time employees, after thirty (30) calendar days of active employment, are eligible to receive Long-Term Disability (LTD) benefits. The City pays the premium. Summary descriptions of the plans are available in the City Manager's office.

Section 5.10 Accidental Death and Dismemberment

All active, regular full-time employees, after 30 days of active employment, are eligible to receive Accidental Death and Dismemberment insurance. The City pays the premium. Summary descriptions of the plans are available in the City Manager's office.

Section 5.11 Health Savings Account (HSA)

Regular Full-Time employees are eligible for the Priority Health HSA 1400/2800 plan. Employees will be able to establish Health Savings Accounts and use these funds to contribute to the deduction amount prior to activating insurance benefits.

Section 5.12 Retirement

Employees hired prior to June 30, 2020 are enrolled in the Municipal Employees' Retirement System (MERS). Under Benefit Program B-4, 2.5% of the employee's final average compensation (last 3 years) is multiplied by years and months of credited service. An employee gains vested status (eligible for retirement benefits) with ten (10) years of credited service. Effective January 1, 2021, or as soon thereafter as the defined contribution plan is established for new hires, the benefit multiplier shall be bridged down to 2.0% with termination FAC. With the F55 rider, an employee reaching 55 years of age may retire at full benefit with 25 years of credited service. Employees hired prior to June 30, 2020 will contribute seven percent (7%) to their defined benefit

pension plan through payroll deduction. When the benefit multiplier is reduced to 2.0%, the employees shall contribute five percent (5%) of gross wages through payroll deduction.

All employees hired after July 1, 2020 will be enrolled in a deferred compensation plan from MERS. The City will contribute 10% of the employee's base wage and the employee will contribute 6% of their base wage.

All employees may be provided with applicable plan documents at any time by requesting it from their supervisor.

Section 5.13 Deferred Compensation

Employees have the opportunity to set aside monies by payroll deduction into a deferred compensation program established through the International City Management Association Retirement Corporation (ICMA-RC). These pre-tax dollars give an additional source of pension benefit while reducing the employee's taxable income.

The ICMA program is strictly voluntary and involves only employee contributions.

The City also has MERS 457 plans which are strictly voluntary and involve only employee contributions.

Section 5.14 Educational Assistance

The City offers employees the opportunity to participate in the Employee Educational Reimbursement Program. Tuition costs are reimbursable to full-time employees enrolled in up to six (6) adult education or university credits a term, but no more than twelve (12) such credits per year.

The tuition reimbursement provided no more than the maximum of the average cost per credit hour for upper division courses at GRCC, GVSU, Ferris State University, CMU, WMU and MSU provided:

1. The course is job related and is taken from an accredited institution of higher education as approved by the Department Director or City Manager at his or her sole discretion.
2. An application for reimbursement is submitted and approved by the department head or City Manager prior to enrollment.

3. A grade of "C" (2.0) is attained on adult education or undergraduate work and "B" (3.0) on graduate work. If grades are not given, a passing grade is required.
4. Employees may be reimbursed for the cost of required textbooks if they are not paid for by another source and tuition is paid for by another source.
5. An employee receiving any such reimbursement must agree to remain employed by any City Department for a period of five (5) years after the last date of any reimbursement payment for any course. If the employee leaves the City's employment prior to that time he or she shall repay the City 20% of the amount of all reimbursement received at any time for each year the employee leaves the City's employment before the end of the five-year period. The employee shall execute a promissory note for repayment.

When evaluating employee applications for tuition reimbursement for approval or disapproval, the City shall apply the following criteria and guidelines in determining whether the application satisfies the requirement of being "job related".

1. Each course must stand by itself. Degree program courses or courses taken to fill requirements toward a degree may or may not relate directly to the employee's job.
2. The course must provide a direct and obvious benefit to the employee for the performance of the employee's required duties with the City.
3. Any employee submitting an application for tuition reimbursement must provide a copy of the course description together with a statement setting forth the manner in which the course is directly related to the employee's job with the City.
4. Any employee submitting an application for tuition reimbursement must provide a copy of the course description together with a statement setting forth the manner in which the course is directly related to the employee's job with the City.

Section 5.15 Retiree Health Care

A regular full-time employee who retires directly from the City and at the time of retirement has worked at least ten (10) years of continuous service and has met one of the defined requirements by MERS to be eligible to draw their retirement benefit is eligible to receive group health care insurance including coverage for the employee's spouse in accordance with the policy terms. The retiree may cover additional eligible dependents at a group rate as allowed by the Affordable Care Act (ACA) entirely at the retiree's expense.

For the purposes of this section, an individual is retired when they are eligible for and are receiving benefits under the City's Retirement Plan. The specific terms and conditions governing the group insurance plan is set forth in detail in the master policy or policies as issued by the carrier or carriers. The City reserves the right to amend, modify or delete this medical continuation policy at any time. Additionally, termination of this continuation policy, amendment or other change may apply to both current participants and potential future participants as determined by the City within its sole discretion and judgment.

All new non-union employees and department heads hired after September 6, 2016 will no longer be eligible for retiree health care.

Section 5.16 Longevity Pay

Every employee who has been employed for a continuous period of three (3) full years shall be entitled to a longevity payment of \$65.00 for each year over three (3) years of continuous service. Longevity payments shall be issued at the end of the month for all employee's whose anniversary date fall within that month following his/her fourth (4th) year of employment. Maximum longevity payment shall be \$650.00. (7/1/2010)

Section 5.17 Miscellaneous Benefits

During the month of December, all employees will be eligible to receive \$25 in Lowell Bucks at no expense to the employees. They will be distributed in the form of a voucher that can be redeemed at any participating business unless otherwise instructed.

Policy 6

Hours of Work

Section 6.0 Hours of Work

The City's regular operating period is Monday through Friday from 8:00 A.M. to 5:00 P.M. Work schedules are assigned by an employee's supervisor as determined by the needs of service.

Section 6.1 Time Reporting

Each employees must record his/her hours worked and paid or unpaid time off, for the corresponding pay period on timesheets to be submitted to his/her supervisor on the last day worked during the pay period. The supervisor reviews and approves the time sheet and submits it to the employee responsible for entering the data from the time sheet into the payroll system.

Section 6.2 Work Breaks and Meal Periods

An employee may take one 15-minute break period for each four (4) hours of time on the job whenever practicable. Work breaks are intended to provide an employee relief from the job and do not include compensated travel time to and from the work place for the purpose of a work break. Office employees are to remain on City property during work breaks and field employees should remain at the jobsite they are on at the time they take a work break. Such work breaks will be compensable and scheduled, as deemed necessary, by an employee's supervisor or designated representative.

An employee will be provided time for meals when working a regular full-time day. Meal periods will be for 30 minutes or more and will not be compensated. Therefore, employees may leave their work area during this period. Length and time of meal periods are scheduled, as deemed necessary, by an employee's supervisor or designated representative.

Policy 7

Absence Time

Section 7.0 Personal Days

Regular full-time employees shall receive three (3) personal paid leave days per fiscal year, on July 1, at the rate of the employee's regular straight-time pay. Personal leave time must be scheduled in advance with his/her supervisor or designated representative. Any unused personal leave days will be paid at the end of the fiscal year.

New employees will be credited with personal days on a pro-rated basis beginning from the date of hire at the rate of two (2) hours per month after 30 days of employment.

Section 7.1 Vacation

All full-time employees of the City will receive vacation time as follows. All employees will receive their vacation days at the beginning of the fiscal year (July 1):

Completed Years of Service As of July 1	Vacation Days	
Hire	40 hours	(1 week) <i>prorated</i>
One year	80 hours	(2 weeks)
Five years	120 hours	(3 weeks)
Twelve years	160 hours	(4 weeks)
Twenty years	168 hours	(4 weeks 1 day)
Twenty-One years	176 hours	(4 weeks 2 days)
Twenty-Two years	184 hours	(4 weeks 3 days)
Twenty-Three years	192 hours	(4 weeks 4 days)
Twenty-Four Years	200 hours	(5 weeks)

24	25	200
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Vacation leave may not be accumulated beyond four (4) weeks without prior approval from the Department Head or City Manager. Vacation may not be paid directly in lieu of time off. Earned vacation time will be paid to an employee at the time of termination of employment when advance notice requirements are met and/or at the discretion of the City Manager or his/her designate.

All Vacation must be **scheduled and approved at least 1 week in advance**, except in cases of emergency.

Section 7.2 Sick Time

All full-time employees shall be entitled to sick leave which is to be accumulated at the rate of one (1) day per month with a maximum amount of sick leave not to exceed 24 days. Vacation time may not be substituted for sick leave except in the case of an employee exhausting sick leave while on an extended leave due to illness or injury upon the approval of the City Manager or his/her designate.

Any employee who has been absent from work for more than three (3) consecutive calendar days shall be required to provide authorizations to return to work from a physician or other licensed healthcare professional.

Section 7.3 Attendance Expectations

Reliability is one of the most important expectations the City requests from its employees. Efficiency and productivity are essential to the success of City of Lowell. Being there for our business partners, co-workers, customers and the City public is the reason we exist. Employees are expected to be at their workplace and ready to work at the beginning of their start time and remain on duty until the end of their shift. The only exceptions are work breaks, meal periods, personal time, vacation or any other approved absence. Excessive tardiness and absences will have a direct impact on your eligibility for promotion and may subject you to discipline up to and including termination.

Section 7.4 Funeral Leave

Upon request, an employee will be granted a paid leave of absence for three (3) normally scheduled work days following the date of death of a member of the employee's immediate family. Immediate family shall be defined as spouse, child, parent, sister, brother, grandparents and grandchildren, father-in-law and mother-in-law. A one (1) day paid leave will be granted to attend the funeral of a sister-in-law and brother-in-law. The amount of pay will be at the regular straight time rate for the approved work days the employee is absent.

Section 7.5 Jury Duty

An employee that is summoned by a court to serve as a juror will be not suffer loss of straight-time pay for the period of his/her jury duty. For each day of service as a juror the employee would have worked, he/she will receive the difference between his/her regular rate of pay for the number of hours he/she was scheduled to work on that day and the amount he/she received from the court, excluding mileage reimbursements. To be eligible for jury duty pay from the City, you must:

- a) Be a regular full-time or regular part-time employee.
- b) Give your supervisor reasonable advanced notice of the date you are required to report for jury duty.

- c) Give satisfactory evidence that you served as a juror in court on the day you were absent from work.
- d) Return to work promptly after being excused from jury duty service.

Section 7.6 Holidays

Regular full-time employees are eligible for holiday pay when they satisfy all the following conditions and qualifications:

- a) An employee must work all his/her scheduled hours on his/her last regularly scheduled workday before the holiday and on the first regularly scheduled work day after the holiday or be on approved, paid absence.
- b) An employee must be on the active payroll as of the date of the holiday. For purposes of this section a person is not on the active payroll during unpaid leaves of absences, Short Term Disability, Long-Term Disability, while receiving Workers' Compensation or on a disciplinary suspension.
- c) An otherwise eligible employee who is required to work on a recognized holiday but fails to report and perform all required work shall not receive any holiday pay for such holiday.

All eligible exempt and non-exempt employees shall receive holiday pay for each recognized holiday in an amount equal to the number of hours normally worked on that day or the amount to equal the total average of hours worked in a normal work week. All holiday pay shall be at the employee's regular straight-time rate.

The following are days recognized as holidays by the City:

- | | |
|------------------|------------------------|
| New Year's Day | Labor Day |
| President's Day | Thanksgiving Day |
| Good Friday | Day after Thanksgiving |
| Memorial Day | Christmas Eve |
| Fourth of July | Christmas Day |
| Floating Holiday | |

When a holiday falls on a Saturday, it will generally be observed on the preceding Friday. When a holiday falls on a Sunday, it will generally be observed on the following Monday. The City reserves the discretion, however, to close on another day or grant alternate time off.

Section 7.7 Separation

Employees are required to provide a minimum of 21 days' notice of intent to terminate employment. Failure to provide a minimum notice will result in loss of payment for any accrued paid time off unless waived by the City Manager.

Section 7.8 Family and Medical Leave Act (FMLA)

The City recognizes that employees may have a need to take time off from work for family and medical reasons. The City is a covered employer under the Family and Medical Leave Act (FMLA) and will fulfill any obligations it may have pursuant to that Act.

Employees who have been employed by the City for twelve months; have worked at least 1,250 hours during the previous twelve months; and work at a location with fifty or more employees or within seventy-five miles of locations that together have a total of fifty or more employees, may be eligible for up to twelve weeks of unpaid, job-protected leave per twelve-month period for certain family and medical reasons, and up to twenty-six weeks of unpaid, job-protected leave per twelve-month period for certain military-related reasons. Eligible employees who request and are granted such leave, must use all of their available accrued and unused paid leave as part of FMLA leave.

An eligible employee must provide the City 30 days' advance notice of the need to take FMLA leave when that need is foreseeable. Where 30 days' notice is not possible, an employee must provide notice as soon as practicable and, in doing so, comply with the City's normal call-in procedures. When giving notice of an intent or need to take FMLA leave, the employee must provide the City with enough information to know that FMLA leave is needed, as well as the anticipated time and duration of the leave.

When requesting FMLA leave, an employee must provide medical certification from an appropriate health care provider. The City may require periodic recertification during an employee's FMLA leave. If there is a reasonable basis to doubt any certification provided, we may require that an employee obtain, at the City's expense, the opinion of a second health care provider, in regard to any information required to be certified. If the second opinion differs from the original certification provided, the employee may obtain the opinion of a third health care provider mutually agreed upon between the employee and the City, in regard to any information required to be certified. The City will pay the cost of the opinion of the third health care provider, whose opinion will be final and binding to the employee and the City.

If an employee participated in the medical health insurance plan until taking FMLA, the City will continue to maintain his/her health insurance coverage and, where applicable, the coverage of his/he dependents during the FMLA leave, up to the maximum allowable leave. However, the employee must arrange to pay the premium contributions that have previously been deducted in order to continue such insurance during the FMLA leave. If an employee fails to return to work at the end of the FMLA leave, the City may require the employee to reimburse the City for the amount paid for his/her health insurance premiums during the leave.

If an employee fails to return to work upon the expiration of FMLA leave or use more than twelve weeks of leave within the applicable twelve-month period, that employee is not guaranteed a position or the same position upon return and may be treated as having voluntarily resigned from employment with the City, in the City's sole discretion. The City may

choose to exempt certain highly compensated, “key” employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the City Commission deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

Section 7.9 Military Family and Medical Leave Act (FMLA)

The City abides by all state and federal statutes and regulations regarding the rights of employees to leaves of absence and return for military active duty or training. Employees who require a leave should inform the *City Manager*, as soon as they receive their orders, of the date that the employee must leave for service.

The Veterans Benefits Improvement Act of 2004 extends the maximum coverage period of employer-sponsored health care for employees covered by the Uniformed Services Employment and Reemployment Rights Act [USERRA] from 18 to 24 months. USERRA gives employees who are absent from work because of duties in the uniformed services the right to continue employer provided health care coverage at a charge of up to 102% of the full premium under the plan, unless the employee is absent from work for less than 31 days, in which case the employee will not be charged more than the employee's share of the cost of the coverage. Employees who want to be reinstated after Military Duty must contact the City within the time limits prescribed by USERRA in order to be eligible.

Section 7.10 Workers' Compensation Leave

Leaves of absence for a work-related injury or illness are granted to employees eligible to receive benefits under the State of Michigan's Workers' Compensation Law. Any injury on the job must be reported to your supervisor immediately, even though you may not feel medical attention is required. Failure to report an incident where future medical attention is required may result in denial of benefits under the State of Michigan's Workers' Compensation Law.

An employee returning to work after a leave due to a work-related injury or illness must submit adequate documentation from the treating medical provider stating the employee's ability to perform the essential functions of the job. All efforts will be made by the City to provide an employee with limited duty work should there be restrictions placed on the employee prohibiting them from returning to full duty.

Policy 8

Disciplinary Action

Section 8.0 Discipline Policy

All employees are expected to conduct themselves in a manner which reflects positively upon the City. Employees should be courteous in their dealings with customers, co-workers and the City public. It is expected that employees follow the guidelines the City sets forth to maintain productive and harmonious working relationships. In the event a need arises to address misconduct or inappropriate actions by any employee, disciplinary action may be taken based on the severity of the situation as determined by the immediate supervisor. The goal of discipline is to impose corrective action while facilitating performance improvement with the employee.

Policy 9

Workplace Safety

Section 9.0 Accident Reporting Procedure

Employees must promptly report unsafe behavior and working conditions, safety hazards, property damage, personal injuries and illnesses which arise out of and in the course of employment, even though you may not feel medical attention is required.

In the event an accident involves another vehicle or equipment not owned by the City, the employee(s) involved should obtain as much information as possible regarding the other party and/or property. If a police report is prepared, obtain information from the reporting officer; e.g.; the report number, name of the police agency responding to the call, the officer's name.

Section 9.1 Motorized Equipment

All operators of motorized vehicles and equipment, while performing work activity for the City, shall be responsible for the proper operation of such vehicle and equipment and obey all traffic and safety regulations.

It shall be the duty and responsibility of all operators of motorized vehicles and equipment to report any defect to their supervisor and use every precaution to prevent additional property loss and ensure the safety of all employees and bystanders while in operation.

Policy 10

Open Door Policy

Section 10.0

Open Door Policy

The City of Lowell strives to provide good working conditions and to maintain harmonious working relationships among employees, as well as between employees and management. To correct any work-related problems, City Administration must be fully informed about them. Therefore, City Administration has an "open door" problem-solving policy. Employees are encouraged to discuss concerns or suggestions with their immediate supervisor/Department Director. Employees who believe that the supervisor has not or cannot adequately address the situation are encouraged to discuss the problem with the City Manager.

Policy 11

Employee Reference

Section 11.0 Employee References Policy

Any request for a reference by anyone or any entity received regarding a former employee must be forwarded to the City Manager's Office. No other person may provide an employment reference. A "reference request" is defined to include any request for information about a former employee, whether the request is made in writing, verbally, or through any electronic or media platform, and includes any request for information regarding the employee's performance or for a recommendation.

It is our policy to provide only an employee's dates of service and the title of the employee's last position in response to requests for references. If an employee would like to have other information disclosed, a written request authorized and signed by the employee, which specifically identifies the information to be disclosed, must be provided in advance to the City Manager's Office.

Policy 12

Miscellaneous

Section 12.0 Travel & Business Expense Reimbursement

This policy contains guidance and limits for all travel while conducting business and fulfilling work assignments. This policy will reflect our collective responsibility to conduct business in a financially responsible manner.

City Guidelines

These policies and procedures are designed to act as a guideline for business travel and miscellaneous expense reimbursements. They are based on practices employed by most organizations of our size and take into consideration what is considered reasonable and customary. While this policy does not contain suggested expense limits, all employees/ Council members are expected to use their best professional judgment when incurring expenses on behalf of the City. This policy recognizes that, in some isolated cases, business related expenses might need to be reviewed on a case-by-case basis; however, this primarily applies if the expense in question was not discussed in this policy.

This policy is designed to accomplish the following key points:

- Ensure all employees/ Council members have a clear and consistent understanding of policies and procedures for business and travel expenses.
- Ensure employees/ Council members are reimbursed for legitimate business travel and other approved expenses.
- Provide employees/ Council members who must travel with a reasonable level of service and comfort at the lowest possible cost.
- Maximize the City's ability to negotiate discounted rates with preferred suppliers and reduce travel expenses.
- Provide the appropriate level of accounting and business controls for the City to ensure that expenses are reviewed and approved by the appropriate person.

Responsibility

The traveler is responsible for complying with the City of Lowell Travel Policies. The supervisor who approves and signs expense reports is responsible for accurately reviewing expense reports for compliance. The City assumes no obligation to reimburse employees/ Council members for expenses that are not in compliance with this policy. Any changes to this policy must be presented to the Council for approval and noted as a policy change.

Enforcement

Employees who do not comply with this policy may be subject to delay or withholding of reimbursement and/or disciplinary action.

Alcoholic Beverages

The City's policy is to abstain from consuming alcoholic beverages during business hours or performing a service required by the City during its normal course of duty. Therefore, alcoholic beverages are not a reimbursable business expense. Additionally, an employee who is arrested and convicted for *Driving under the Influence* while in the performance of City of Lowell business, or when returning from a business function, is subject to disciplinary action up to and including termination.

Documentation Requirements

Employees/Council members must provide the following information and attach to a completed Expense Report, signed and approved by your Supervisor:

- Purpose of travel
- Name, location and date of Conference, Meeting or Seminar
- Meals – Original itemized receipts showing the charges, name and location of restaurant (this includes room service charges)
- Receipts are to be provided for any individual expenditures in excess of \$25; including; tolls, taxi fares, shuttle busses, parking fees
- Air/Rail – original passenger receipt
- Hotel – hotel itemized receipt
- Car Rental – credit card receipt or rental agency invoice

Cash Advance/Per Diem

Employees/Council members may receive a cash advance for business travel based on the regular federal per diem allowance for meals and incidental expenses while traveling away from home when overnight lodging is provided by the City. The rates are different for different locations. A copy of the appropriate IRS rate schedule should be attached to your Cash Advance request. These rates are determined in IRS publication 1542, which gives the rates in the continental United States for the current year. It is available on the Internet at www.irs.gov. To avoid taxability, the employee/Council member needs to comply with the same documentation requirements as reimbursement of expenses. Any amount advanced that is not accountable with proper documentation of expense must be returned to the City. For partial days of travel when overnight lodging is not required, a partial per diem allowance rate will be advanced by prorating the regular federal per diem allowance appropriate to the period of time the travel takes place.

Incorrect or Incomplete Expense Reports

Expense reports that are incorrect, incomplete or include disorganized receipts:

- Will be returned to the employee/Council member for completion
- May result in delay or non-reimbursement

Disregard for City of Lowell Travel Policy or altering of receipts may result in disciplinary action up to and including termination.

Business Use of Personal Vehicle

Employees/Council members may be required to use their personal vehicle for City of Lowell travel, at the discretion of the employee's supervisor, when a City vehicle is unavailable for use. It is the personal responsibility of the vehicle owner to carry adequate insurance coverage for their protection and for the protection of any passengers. Employees may only use their personal vehicle for City business if they maintain minimum of \$100,000/\$300,000 bodily injury coverage and \$50,000 property damage coverage on their vehicles.

Mileage is reimbursed at the rate established by the IRS. This mileage allowance is in lieu of actual expenses for gasoline, oil, repairs, tags, insurance and depreciation. Therefore, actual expenses for those items will not be reimbursed when your personal vehicle is used for business travel.

For the purpose of consistency, the start location of any business travel will commence at the main building located at 301 E. Main St. The ending location will be the address of the designated business location or airport where the employee/Council member is required to report. In the event it is necessary for the employee/Council member to travel to more than one location during the day's events (e.g.; restaurant, hotel, meeting facility) incidental mileage will be reimbursed for actual miles driven not to exceed 10 miles during one business day, unless there is a documented reason for excess mileage. To be reimbursed for the use of your personal vehicle for business travel, employees/Council members must list on the expense report:

- Date and purpose of the trip
- Locations traveled to and from
- Mileage is determined by MapQuest or comparable mileage data source if necessary and a copy attached to your Expense Report.

Lodging/Hotel

Hotel reservations should be made in such a manner as to secure the best available rate.

Employees /Council members are required, whenever possible, to use properties in the "moderate" category.

Meals

Personal meals are defined as meal expenses incurred only by the employee/Council member when dining on an out-of-town business trip.

Miscellaneous Expenses

The Miscellaneous column is designated for expenses that do not fit into the previous categories, yet are directly business related and therefore, reimbursable. The following items can be considered as reimbursable business expenses:

- Office services (e.g.; faxes, copies, overnight delivery/postage)
- Toll fees, taxi fares, shuttle busses and parking fees
- Laundry/Dry Cleaning/Suit Pressing for trips exceeding 3 days
- Seminar fees/training classes with prior management approval

The following items are NOT reimbursable under this policy:

- Airline Club/Country Club membership dues
- Parking tickets or other fines
- Delinquency fees/Finance charges for personal credit cards
- Excess baggage charges
- All direct travel expenses for companions/family members accompanying an employee
- Expenses related to vacation or personal days while on a business trip
- Loss/Theft of personal funds or property/lost luggage
- Non-compulsory insurance coverage
- Rental car upgrades
- Repairs due to accidents
- Excessive mini-bar charges (including any alcohol)
- Hotel in room movies, games or other like entertainment

Never assume that an item will be covered under the “Miscellaneous” category. Be sure to check with your supervisor or the City Manager if an item you need is not outlined specifically in this policy.

Approval/Authorization Process

The employee’s supervisor must approve all expense reports. No employee is authorized to approve his/her own, a peer’s, or a supervisor’s expense report. Council member’s expense

reports are approved by the City Manager. The supervisor/City Manager is responsible for verifying:

- Business purpose
- Correct totals
- Supporting documentation and receipts
- Policy compliance

Once approval has been obtained, be sure to make a copy of the signed report along with copies of your receipts for your own records.

Section 12.1 Expense Reports

Expense reports are to be submitted to your supervisor no later than thirty (30) days after a reimbursable expense occurs.

The supervisor must approve all expense reports. No employee is authorized to approve his/her own, a peer's, or a supervisor's expense report. Council member's expense reports are approved by the City Manager. The supervisor/City Manager is responsible for verifying:

- Business purpose
- Correct totals
- Supporting documentation and receipts
- Policy compliance

Once approval has been obtained, be sure to make a copy of the signed report along with copies of your receipts for your own records.