



PERSONNEL POLICY MANUAL

Revised – February 17, 2020

Revised – April 22, 2020

Revised – May 21, 2021

Revised – July 1, 2023

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Glossary of Terms

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  February 14, 2020
City Manager Signature Date

ALCOHOL: Any intoxicating liquor or malt beverage, which contains ethyl alcohol, which can be taken as a beverage, and when drunk to excess, will produce some level of intoxication.

APPEAL: The written request of an employee for review of disciplinary action submitted to higher authority.

APPLICANT: An individual who has completed and submitted an application for employment with the City.

APPOINTING AUTHORITY: The City Manager is authorized by City ordinance and State law to make appointments to positions of employment with the City.

APPOINTMENT: The offer to, and acceptance by, a person of a position of employment with the City on a full-time, part-time, or temporary basis.

BUSINESS HOURS: Regular hours of operation for administration services is 8:00AM to 5:00 PM weekdays, excluding holidays as identified in this policy.

CERTIFICATION: Endorsement as meeting required minimum standards for appointment.

CITY: Means the City of Mason, Michigan.

COMPENSATION: The standard rate of pay, benefits, and other valuable considerations established for a position and paid to an employee of the City.

COUNSELING: Recommending a course of action for improving performance.

DATE OF HIRE: The date employment with the City began.

DATE OF POSITION: The date on which an employee was assigned to his position.

DEMOTION: Assignment of an employee from one class to another which has a lower maximum rate of pay or a lesser level of employment as defined by the job description. Assignment to a lower class as a result of reclassification of the position is not regarded as a demotion.

DEPARTMENT: A major subdivision of City government.

DEPARTMENT HEAD: The chief administrator of a department.

DIRECTOR OF PERSONNEL: The City Manager, or an employee designated by the City Manager to administer personnel matters.

DISCIPLINARY PROBATION: A condition where a regular employee is placed on probation for disciplinary reasons.

DISMISSAL: The involuntary termination of employment.

DIVISION: A functional sub-area of a City department.

DIVISION HEAD: The chief supervisor of a division.

DRUG: Any substance that impairs an employee's ability to perform a job or duty, or poses a threat to the safety of any employee or to others. This includes controlled substances, which are those substances whose dissemination is controlled by regulation or statute, including—but not limited to— those drugs included in Schedule I and II, as defined by 21 USC 801 et seq, the possession of which is illegal under Chapter 13 of that title. Such controlled substances are frequently referred to in familiar terms. In addition to the full body of the drug family, it includes such commonly-known items as marijuana, cocaine (including crack), opiates (including heroin), phencyclidine (PCP), and amphetamines. It also includes over-the-counter drugs and/or drugs which require a prescription or other written approval from a licensed practitioner, physician, or dentist for their use, if such use could impair the employee's ability to perform a job or duty, or pose a threat to the safety of the employee or others. It also includes any other substance capable of altering an individual's mood, perception, pain level, or judgment.

EMPLOYEE: A person employed by the City and compensated through the official payroll. A volunteer may also be considered an employee for certain purposes, not including compensation or benefits.

EXAMINATION: The process of testing, evaluating, and measuring the fitness and qualifications of applicants and employees.

EXEMPT EMPLOYEE: An employee who, because of his/her positional duties, responsibilities, and level of decision-making authority is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and has schedule flexibility to work the hours necessary to accomplish the goals and deliverables of the position.

FULL-TIME EMPLOYEE: An employee who is hired to work a predetermined schedule of 40 hours or more per work week. This term includes certain shift employees who may work varied hours according to department schedules.

GRIEVANCE: A complaint or disagreement concerning employment, working conditions, or relationships between an employee and employer or other employees.

HOLIDAY: A 24-hour period officially recognized by the City wherein employees may be exempted from scheduled work hours.

HARRASMENT: Any physical, verbal, and/or visual conduct that creates an intimidating, offensive, or hostile environment which interferes with work performance, because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected by Federal, State, or local law, ordinance or regulation.

HUMAN RESOURCE DEPARTMENT: A department located within the City Clerk's office. Personnel records are kept in this department and employees can obtain forms, documents and information regarding their benefits, personnel policies and other employment information.

IMMEDIATE FAMILY: The husband, wife, son, daughter, mother, father, brother, sister, step-mother, step-father, step-child, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather, grandmother, grandchild, or legal dependent of an employee.

IMPAIRED: A diminishing or worsening of an employee's mental or physical condition as the result of using alcohol or drugs.

JOB DESCRIPTION: A written statement describing the general duties, essential duties, responsibilities, and entrance qualifications of a job title.

JOB TITLE: The designation given to a specific job description.

LAYOFF: The involuntary, non-disciplinary separation of an employee.

LEAVE: An authorized absence from regularly-scheduled work hours.

LEAVE WITHOUT PAY: An approved period of unpaid absence from City service for a specified period of time.

LONGEVITY PAY: Additional compensation paid to employees according to length of service.

MEMBER OF HOUSEHOLD: A person who can be a relative or non-relative who resides in your household.

MERIT PAY INCREASE: An increase in pay which is granted to an employee who is consistently proficient and exceeds the standards of performance expected of a competent employee.

NON-EXEMPT EMPLOYEE: An employee who is included and covered under the provisions of the Fair Labor Standards Act.

OVERTIME: Authorized time worked by an employee in excess of forty (40) hours per work week, as established in compliance with the Fair Labor Standards Act.

PAID ON-CALL FIRE DEPARTMENT: A department made of persons who are assigned to the Mason Fire Department that are paid per fire run, training sessions, meetings, and rank.

PART-TIME EMPLOYEE: An employee who is hired to work a predetermined schedule of 29 or less per work week.

PAY PLAN: The official plan for compensation for all full-time, non-contractual City positions.

POLITICAL BENEFIT: Means working to promote any position or candidate seeking office subject to general election at the local, state or federal level. This includes contribution of funds, time or anything of value, solicitation of such contribution from others, attempting to influence voter decision and/or public opinion, displaying signs or insignia on one's person or property, and public endorsement.

POLITICAL CANDIDATE: Means an individual who has completed her/his filing requirements.

POSITION: A job title assigned or delegated by any proper authority which requires the full or part-time services of an employee.

PROMOTION: The assignment of an employee from one class to another which has a higher range of pay and responsibility.

PROPER MEDICAL AUTHORIZATION: A prescription or other written approval from a licensed practitioner/physician or dentist for the use of a drug in the course of medical treatment. It must include the name of the substance, the period of authorization, and whether the prescribed medication may impair job performance. This requirement also applies to refills of prescribed drugs.

QUALIFIED HEALTH CARE PROVIDER: A physician, nurse practitioner, physician's assistant, or any other health care professional deemed qualified by the City Manager to render a medical judgment regarding an employee's ability to perform the duties and responsibilities of the employee's position.

REASONABLE ACCOMMODATION: Any accommodation for an employee that would not impose an undue hardship on the City or require a substantial modification of the essential duties and/or responsibilities of an employee's position.

REGULAR EMPLOYEE: An employee who, on the date of hire, is reasonably expected to work for the City for an indefinite period of time (i.e. not temporary or seasonal) and a consistent number of hours per week.

REPRIMAND: A formal written notice to an employee informing the employee of specific substandard work performance or conduct with instructions for improvement.

RESIGNATION: Voluntary termination of employment by the employee upon two weeks' prior written notice.

RETIREMENT: Those employees who resign from the City and immediately qualify for retirement under the appropriate provisions of the Municipal Employees Retirement System.

SELECTION PROCEDURE: Any written or oral test, physical test, physical examination, or other criteria, or any combination thereof, that is used to measure an employee/applicant's qualifications for the essential functions of the position that the employee/applicant seeks promotion or appointment.

SENIORITY: The length of time an employee has been employed full-time in any regular position with the City.

SHIFT WORK: An employee who's normal work day consists of an 8-hour, or other time period shift, which is part of a 24-hour-per-day operation, 365 days per year.

SICK USE EVENT: An uninterrupted period of consecutive sick time use.

SUBSTANCE ABUSE: Involvement with a drug or alcohol in violation of these Personnel Rules.

SUPERVISOR: An employee who is authorized by a Department Head to direct the work of other employees, evaluate their performances, and recommend such actions as hiring, transferring, promoting, disciplining, and dismissing.

SUSPENSION: A disciplinary action to temporarily cease employment of an employee on specified conditions.

TEMPORARY EMPLOYEE: An employee who is hired for a position for a limited period of time, not to exceed twelve calendar months, unless an extension is approved by the City Manager.

TERMINATION: Voluntary or involuntary separation of an employee from employment due to retirement, resignation, dismissal, or death.

TRANSFER: Reassignment of an employee from one position to another position within the same class, or to another class having the same pay range.

VACANCY: An unoccupied position which has been officially budgeted for and is to be filled.

WORK PLACE: Any premises owned or leased by the City, including—but not limited to—buildings, property, vehicles, and equipment used for the performance of City work by City employees during City work hours.

WORK WEEK: A 7 consecutive 24-hour period within which a 5-day, 40-hour workweek schedule is normally worked. Alternative work schedules may be approved by the City Manager as best fits the needs of the City. Alternative schedules may be permanent or temporary.

WORKER'S COMPENSATION: Benefits received by an employee injured in the performance of official duties as provided by state law.

WORKDAY: A consecutive 24-hour period.

WORKING DAY: Each day an employee is scheduled to work. A regular work day is defined as an eight-hour shift with a one-hour lunch break. The City Manager may approve an alternate work day for any department to best fit the needs of the City.

YEAR: Calendar year, January through December.

Chapter 1: Purposes & Legal Authority

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ February 14, 2020
City Manager Signature Date

Section 1.1 - Purposes

In establishing and maintaining these policies, there are several overall purposes to be achieved by both the City of Mason and the employees that they affect. They are as follows:

1. To ensure—to the maximum extent possible—uniform, fair, and consistent administration of personnel matters in each City department;
2. To encourage employees to provide the highest level of service to the City and advance the mutual interests of both the City and its employees;
3. To attract to municipal service the best and most competent individuals available for a given position;
4. To fairly compensate employees with equal pay for equal work;
5. To assist in the personal and career development of employees;
6. To assure that promotion and advancement are based on factors related to fitness and merit; and,
7. To provide a guide to normal procedures in carrying out administrative actions.

Section 1.2 - Effective Date

These Personnel Policies are effective February 17, 2020. All applicable State and Federal laws shall also apply.

Section 1.3 – Amendment

The personnel policies herein may be amended by the City Manager.

Section 1.4 - Coverage:

The personnel policies herein shall apply to all offices, positions, and employment in the service of the City of Mason except: elected officials, members of citizen boards, commissions and committees, election inspectors, or employees with labor union representation and contract. Distinctions may be made between exempt, non-exempt, full-time, part-time, and on-call/volunteer positions.

Those employees covered by labor agreements shall be governed by the provisions of those labor agreements. In the absence of specific provisions, or in areas where the labor agreement is silent, this policy shall apply. In the case of a conflict between this policy and a labor agreement, the labor agreement shall prevail over this policy.

Section 1.5 - At-Will Employees

None of the language within this Personnel Policy shall be deemed to vest any employee with just cause rights that prevent an employee's dismissal without cause. It is the policy of the City of Mason that all employees are at-will employees. Subject to the terms of applicable labor agreements, the City retains the right to discharge any employee without cause. No exception to that at-will employment policy can be made at any time for any reason except by the City Manager in a written document, signed by all involved parties, including the City Manager.

Section 1.6 - Policies Not a Contract

This manual is a statement of general management policy and is not a grant of specific rights to any employee. The language, policies, and procedures in this manual are not intended—and should not be construed—to create an expressed or implied contract between the City and any one or all of its employees. The City has the right to terminate employment at its will and in its sole discretion. This City right cannot be waived or lost based upon actions or statements by any Department Head or any other City employee.

Section 1.7 - Saving Clause, Conflict

It is the intent of the City that these policies comply with applicable criteria and requirements of State and Federal law and regulations. In the event there is a conflict between these policies and such applicable law or regulations, the criteria and requirements of State and Federal law shall prevail. In the event a section or provision of these policies is declared invalid, it shall be invalid only to the extent required to make the policies legal, and the remainder of these policies shall not be affected.

Section 1.8 – Understanding

All employees are required and expected to understand the provisions of this manual, including the rights and responsibilities of the employee, in order to insure improved cooperation, fewer misunderstandings, higher morale, and more consistent treatment for all employees and the various categories of employees.

Section 1.9 - Situations Not Covered

While it is not possible to cover each and every situation which may arise, it is the intent of these policies to provide guidance for those situations not specifically covered herein.

Section 1.10 – Responsibility

The City Manager shall make the final interpretation of the City of Mason Personnel Policy Manual. The City Manager may designate a personnel officer or other position to administer or assist in administering these policies.

Section 1.11 - Department Heads

Department Heads may establish supplemental policies to govern the conduct and performance of departmental employees, provided such supplemental policies do not conflict with City personnel policies and are approved by the City Manager. Department rules, when approved and distributed, shall become effective as conditions of employment.

Section 1.12 - Operational Procedures

The City Manager may implement operational policies and procedures for the purpose of coordinating City-wide procedures not applicable to this policy.

Section 1.13 - Personnel Records

The Human Resource Department shall be responsible for maintaining records of each employee in a personnel file. This file may include pertinent personnel data such as name, address, telephone number, title of position held, job description, the department to which assigned, current salary, and changes in employment status. This file may also include information relative to completion of training schools, professional and technical courses, performance evaluations, work accomplishments, awards, disciplinary letters or notations, and such other information deemed appropriate by the City Manager and Human Resource Department. An employee has the right to inspect the contents of his or her personnel file during City Hall business hours and by pre-arranged appointment. Personnel files shall be treated as confidential information and available to only the employee's immediate Supervisor, Department Head, City Manager, Clerk/Director of Employee and Customer Engagement, and designated Human Resource employees, or as required by law. The only information about present or former employees that will be released to prospective employers is the employees name, beginning and ending dates of employment (if applicable) and job title. If additional information is requested, the City will require receipt of a form, signed by the employee, authorizing release of specific information. Information given will be based on that contained in the personnel file.

Section 1.14 - Medical Records

The medical records of each employee shall be kept by the Human Resource Department in a separate file from the personnel files and shall be considered to be confidential. Any information contained therein shall be released only with the written consent of the respective employee or in accordance with the requirements of law. Internal use of such information shall be in accordance with the requirements of law.

Section 1.15 – Forms

Personnel forms—including application for employment, medical examination reports, personnel action reports, request for leave, and other forms approved by the City Manager—shall be used to facilitate personnel administration by the City. All such forms shall comply with State and Federal law.

Section 1.16 – Social Security Number Privacy Policy

The City will take necessary steps to ensure compliance with the provisions of the “Michigan Social Security Number Privacy Policy Act.” The City collects and maintains Social Security Numbers and/or other confidential information relating to its employees and is committed to maintaining the confidentiality and property handling of this information as a matter of course and in compliance with the Michigan Social Security Number Privacy Act.

1. The City may use Social Security Numbers:
 - A. As authorized by state or federal statute, rule or regulation, or by court order or rule, or in litigation;
 - B. To provide a law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution;
 - C. To use administratively in the ordinary course of business to: (1) verify the individual's identity, to identify an individual, or for similar administration purposes related to employment; (2) lawfully investigate an individual's claim, credit, criminal, or driving history; (3) prevent, detect, or deter identity theft or other crimes; (4) lawfully pursue or enforce legal rights, such as audit, collection, investigation or transfer of any employee benefit or a claim, debt, receivable, or account; (5) lawfully investigate collect, or enforce a child or spousal support obligation or tax liability; or (6) provide or administer employee or health insurance or membership benefits, claims, or retirement programs or to administer the ownership of other investments.

2. The City will comply with the following restrictions on the uses and disclosures of Social Security Numbers:

- A. Public Display: The City will not publicly or visibly display more than 4 sequential digits of any Social Security Number on property or on any City Identification badge or similar item.
- B. Computer Use: The City will not publicly or visibly display more than 4 sequential digits of their Social Security Numbers over the internet or on a computer system or network unless the connection is secure or the transmission is encrypted. Similarly, the City will not require employees to use or transmit more than 4 sequential digits of their Social Security Numbers to gain access to the internet or a computer system unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification or authentication device is also required.
- C. Mailing of Documents: Mailing means the use of U.S mail or other delivery services that do not require the recipient to sign for the package.

The city will not include more than 4 sequential digits of Social Security Numbers on the outside of envelopes or packages, and will not mail documents or information containing more than 4 sequential digits of Social Security Numbers if these numbers are visible without manipulation from the outside of the envelope or package.

The City will not include more than 4 sequential digits of Social Security Numbers in documents or information mailed to individuals unless:

(1) the use of Social Security Numbers is permitted or required under state or federal law; (2) the document is sent as part of an application or enrollment process initiated by the individual; (3) the document is sent to confirm the accuracy of an individual's Social Security Number for an account, contract, policy or insurance benefit, or to establish, service, amend, confirm the status or, or terminate the account, contract, policy or benefit; (4) the document or information is mailed by or at the request of an individual whose Social Security Number appears in the document or that individual's legal guardian or (5) the document or information is mailed in a manner consistent with specific federal regulations.

- D. Freedom of Information Act: Where all or more than 4 sequential digits of a Social Security Number are contained within a document subject to release under the Freedom of Information Act, the Social Security Numbers will be redacted as exempt pursuant to MCL 15.243(1)(w).
- E. Storage: All documents containing Social Security Numbers shall be stored in a physically secure manner. Social Security Numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.
- F. Access to Social Security Numbers: Only personnel who have legitimate business reasons to know will have access to records containing Social Security Numbers. The department heads having access to records containing Social Security Numbers shall determine which other personnel within their departments have a legitimate reason in the City's ordinary course of business to have access to such Social Security Numbers. Personnel using records containing Social Security Numbers must take appropriate steps to secure records when not in immediate use.

- G. Disposal of Documents and Data: The City will properly dispose of documents containing Social Security Numbers by ensuring that all such materials are shredded prior to discard. Data stored in electronic format will be rendered irretrievable before computers are discarded or destroyed.
- 3. Penalties: Any employee who intentionally violates the Social Security Number Privacy Act or this Policy is subject to disciplinary measures up to an including discharge.

Section 1.17 - Employee Acknowledgment and Review

Each employee, at the time of receipt of a copy of the policy manual, shall acknowledge receipt of such in writing. A copy of that receipt shall be placed in the respective personnel file for each employee. Employees shall make themselves familiar with the contents of this manual beginning immediately after receipt thereof.

Chapter 2: Pre-Employment Practices

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ February 14, 2020
City Manager Signature Date

Section 2.1 - Equal Employment Opportunity

The City of Mason's employment practices are based on job qualifications, without regard to age, race, color, national origin, religion, sex, marital status, height, weight, disability, genetic information, political affiliation, or any other classification protected by applicable law.

Section 2.2 - Pre-Employment and Recruitment

The objective of the City's recruitment and selection program is to employ the best applicant for each vacancy. A City of Mason Employment Application Form must be completed by anyone desiring employment with the City. All applicants who have been screened and who are determined to be eligible for a position shall be interviewed by the Department Head. Prior to employment, all pre-employment candidates are required to complete the processing procedure, which may include a background investigation, a physical examination, and a drug screening. No physical examination or drug screening shall be conducted until a conditional offer of employment has been made. No applicant will be hired without the written approval of the City Manager.

Section 2.3 - Publicizing of Vacancies

Whenever a vacancy occurs within City service, such vacancy must be advertised on one or more of the following or equivalent locations: the classified section of the local newspaper a minimum of one Sunday, the City Web Site, City Facebook Page and/or another online source a minimum of one week. If posted internally for City employees, the posting will be for a minimum of five working days. However, in cases of vacancies in professional or technical positions which cannot be filled from the local labor market, vacancies will be advertised on a state or national level. If factors regarding employment make it inappropriate to wait five working days to fill a vacancy, a waiver may be granted by the City Manager.

Section 2.4 - Anti-Nepotism

An employee who is involved in a personal relationship with another employee may not work directly for or supervise the employee, or have immediate access to personnel, medical or employment records of the employee, with whom he or she is involved. No two (2) employees who are involved in a personal relationship will be permitted to work in the same department or in any other positions in which the City believes an inherent conflict of interest may exist. If a personal relationship exists, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their supervisor and to the City Manager. If it is determined that a conflict or a potential conflict would arise because of a relationship affecting employment, the individuals concerned will first be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If no decision is made within 30 days, the employee with more seniority will continue employment and the other employee will be terminated. The City of Mason reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.

For purposes of this policy, a personal relationship shall be defined to include a relationship with a spouse, sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew, including any in-law or step relationship of any of these described types, or, a relationship between individuals who have or have had a continuing relationship of romantic or intimate nature, or a relationship of a romantic or intimate nature between a supervisor and his/her subordinates or conduct that creates the appearance or impression that such a relationship exists.

EXCEPTION: This policy shall not apply to employees of the Mason Paid On-Call Fire Department

Section 2.5 - Fraudulent or Improper Acts

No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any application for employment, test, certification, or appointment held or made pursuant to City personnel policies, or in any manner commit or attempt to commit any fraud preventing the impartial execution of City personnel policies. No applicant or employee shall either directly or indirectly give, promise, render or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with any employment test, or any actual or proposed appointment or promotion within the City's employment.

Chapter 3: General Rules of Employment

Revision Effective Date: May 21, 2021
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ May 21, 2021
City Manager Signature Date

Section 3.1 - Residency Requirement

Within 12 months of the date of hire, City of Mason employees are required to reside within 20-linear miles of the geographical boundaries of the City. Employees are required – within this 20-mile limit – to establish, occupy, and maintain a dwelling as their primary residence at which they regularly eat their meals, receive their mail, sleep, maintain voter registration, maintain as their driver’s license address, maintain as their tax address, and in all other manners maintain as their normal residence.

Section 3.2 – Attendance

Employees shall report for work as scheduled. Employees unable to report for work as scheduled shall notify their Supervisors or Department Heads as soon as possible. Department Heads shall notify the City Manager of their absences as soon as feasible. Department Heads will establish a sick use notification procedure for their own respective departments.

Section 3.3 - Hours of Work

The normal workweek for employees consists of five days, at nine hours per day with a one-hour unpaid lunch break. For employees who work an eight- and one-half hour day, a one-half hour unpaid lunch break is included. Each of these schedules result in a 40-hour work week. The City Manager may establish hours of work which differ from a standard for an entire department, division, or for individual employees to meet special program needs or workloads. Each department shall post the established work schedule for its employees. Once established, employees are expected to follow the defined work schedule unless written permission is obtained from the City Manager.

Employee meal breaks will be scheduled by their direct Supervisors. For part-time employees working a reduced schedule, appropriate breaks and lunch will be scheduled proportionally to the hours worked.

Section 3.4 - Appearance and Conduct

City employees shall manage their appearance and conduct while on duty as follows:

1. Maintain a clean, well-groomed appearance consistent with their position and responsibilities. Clothing that impairs performance or disrupts the transactions of public business is prohibited. Specific guidelines may be established by the Department Head, with approval of the City Manager.
2. Serve the public in a courteous, impartial manner.
3. Comply with the directives and work instructions of the Supervisor.
4. Avoid selling, peddling, or soliciting goods, services, or money resulting in the misuse of the employer’s time and resources.

Section 3.5 - Change of Employee Status

Employees shall report to the Human Resource Department any change of name, dependents, address, telephone number, or other information related to employment status.

Section 3.6 - Medical Examinations

After an offer of employment has been made to an individual, and at any subsequent time that a reasonable question, based on objective evidence, arises as to an employee's ability to perform the assigned job and essential job functions and/or whether an employee poses a direct threat to others in the workplace due to a medical condition, the City Manager – at the expense of the City – may order a comprehensive medical examination by a licensed physician of any City employee hired under the authority of the City Manager. Any employment that is offered by the City Manager may be conditioned upon the successful completion of a medical examination that indicates that the individual is capable of performing the essential duties prescribed in the job description of the offered position. In the event that the individual is found to be unable to perform the offered job, the offer of employment for that position shall be withdrawn, and the position declared vacant. If during employment, an employee is found to be unable to perform the essential duties of his assigned position, with or without reasonable accommodation, the City Manager, after considering available, alternative positions, may transfer or terminate the employee.

Section 3.7 - Outside Employment

A full-time employee of the City, with prior written consent of the City Manager, may take a part-time job or engage in a business or activity for financial gain if there are no conflicts with job assignments or hours required to perform City job responsibilities, and if this job, business, or activity will not bring the City into disrepute. The work efficiency of the employee must not be affected in a negative manner, with respect to the job performance to the City, and there must be no conflict of interests to the City. The employee shall advise the City Manager, through the Department Head, of the nature of the outside employment, the hours involved, any potential conflict of interest with outside employment, and any other appropriate information. The City Manager shall not unreasonably withhold consent to a request for outside employment. Whenever extra duty becomes necessary, such extra duty shall take precedence over outside employment. The following activities, which are not all inclusive, are considered to be in conflict or incompatible with City employment:

1. Any employment, activity, or enterprise which involves the use of City facilities, equipment, supplies, property, or influence for private gain.
2. Any activity which involves receipt or acceptance by an employee of any money or other consideration from anyone other than the City for the performance of an act which the employee should be required or expected to render in the regular course of City employment.
3. Any activity which involves a performance of an act beyond the employee's capacity as a City employee which may later be subject to the control, inspection, review, or enforcement by the employee or other employees in the same department.
4. Any activity which impairs the attendance or work efficiency of the employee.
5. Any activity which would involve a violation of law, or otherwise be deemed by the City Manager to be incompatible with City employment.

Section 3.8 - Conflict of Interest

No employee shall engage in any activity or enterprise which conflicts with the duties as a City employee or with the duties, functions, and responsibilities of the Department in which employed.

An employee of the City shall not have any financial interest in any contract, service, or other work performed by the City; nor shall personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company; or personally, or as an agent, provide any surety, bail, or bond required by law or subject to the approval of the City Council. Any potential or perceived conflict of interest must be reported, in advance if possible, to the City Manager. No employee shall accept any free or preferred services, benefits, or concessions from any person or company other than items generally distributed by the

donor for advertising purposes. Employees shall refuse or return all gifts and notify the Supervisor upon receipt or offer of a gift. If the gift cannot be returned it will be donated to a local charity.

Section 3.9 - Use of City Property

Employees shall be responsible for the proper use and care of City property issued to them or used by them for the performance of their duties. No City equipment, materials, or supplies shall be used for private gain or convenience. Employees shall not be allowed to store personal items in City buildings, except items required for the employees to perform their duties.

Employees issued City vehicles, shall use such vehicles for official business only. All vehicles shall be operated in compliance to state laws and traffic regulations. All operators of City vehicles shall possess a valid, current driver's license with the proper classification for the vehicle being used by the employees in the performance of their work. Only employees subject to a number of emergency calls or after-hour duties may, upon the recommendation of the Department Head and approval of the City Manager, be authorized to take a vehicle to their homes during off-duty hours if they reside within the City of Mason limits.

Section 3.10 - Property Searches

Lockers, tool bins, vehicles, and other property owned by the City must be maintained according to City rules and policies. City property, including desks and computers, provided to employees must be used only for proper work-related purposes in an appropriate manner. The City reserves the right to inspect all City property to ensure compliance with its rules and regulations, and the employee has no expectation of privacy. The City further reserves the right to inspect all property stored on City property, such as tool bags stored around work areas, and lunch boxes stored in the lunch room. While the City will attempt to advise the employee at the time of a search or inspection, the City reserves the right to make any investigation or search without notice to the employee, and in the employee's absence.

Section 3.11 - Political Activity:

The following defines inappropriate and appropriate activity related to this issue:

1. City employees may not engage in an activity with a Political Benefit while on duty. This includes paid breaks, paid lunch and paid dinner.
2. City employees may not use City property, equipment or materials for an activity with a Political Benefit. This includes telephones, email, fax machines, copiers, computers, etc., as well as, any activity at City owned and/or operated places of business.
3. City employees may not use their positions to influence individual or public opinion, or represent their personal opinion as that of the City's for any activity with a Political Benefit purpose. Endorsement of a candidate or referendum, or other political activity involving state or federal elections are not prohibited as long as the employee does not associate themselves, by endorsement, either through dialogue or financial means, or any other means as an employee or representative of the City of Mason, either by name or association.
4. City employees may not engage in an activity with a Political Benefit while wearing City uniforms or City insignia of any kind.
5. City employees may not solicit or attempt to influence other City employees for Political Benefit purposes.
6. If an employee that is not an emergency medical service personal or firefighter (City Charter, Sec 5.1) becomes a Political Candidate for the office of City Council in Mason, the City shall require the employee to request and take a leave of absence without pay, when she/he complies with the

candidacy filing requirement, or sixty days before any election relating to that position, whichever date is closer to the election. If the employee that is not an emergency medical service personal or firefighter (City Charter, Sec. 5.) wins an election, she/he must resign from employment with the City.

7. All requests for City information by Mason City Council Political Candidates related to their campaign should be provided to the City Manager for response. Any responses to information requests will be provided in written form to all Mason Council Political Candidates to avoid any Political Benefit.
8. It is the responsibility of the City employee to notify the City Manager and the City Clerk of violations of this policy immediately.

Section 3.12 - Use of Tobacco

Use of tobacco products by employees during work hours, either inside a City-owned facility or automobile, is forbidden. Employees may only use tobacco products during work hours while in a designated smoking area away from public view, and while on an authorized break. The use of, or possession of, tobacco “spit cups” is forbidden.

Section 3.13 - Separation from Employment

An employee who desires to leave City employment in good standing is expected to give at least 10 working days’ notice (cannot include holidays , minimum staffing days or time off approved prior to resignation notice) in writing—the original of which will be placed in the employee’s personnel file. The employee shall be paid earned annual salary to the date on which employment terminates. Employees terminated by the City, and those who resign with the requested notice, will be paid for accumulated but unused vacation. Resigning employees who do not give proper notice will not be paid for unused vacation. Upon separation, employees will not be paid for accumulated but unused sick or personal time.

The employer’s contribution to insurance plans will be made through the end of the month in which termination occurs. Employees enrolled in the City’s insurance plan may be eligible to continue coverage at their own expense under the group plan. Coverage may be extended up to 18 months, at an increased rate, depending on the coverage.

Upon termination from employment from the City, employees are required to return all City-owned property assigned to them. Failure to return any City-owned property may result in required reimbursement to the City. An employee will be requested to sign a Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck.

Section 3.14 – Use of Information Systems/Email Policy

The electronic mail and other City information systems are not to be used in a way that may be disruptive, offensive to others, or harmful to morale. There is to be no display or transmission of sexually explicit images, messages, or cartoons, nor any transmission or use of e-mail, voicemail, or social media communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, height, weight, age, disability, or religious or political beliefs. Violation of this policy will result in appropriate disciplinary action. Employees’ communications and use of the e-mail, computer, Internet, and voice mail systems will be held to the same standard as all other business communications, including compliance with the City’s equal employment opportunity and anti-harassment policies. The City should immediately be notified of any unsolicited, offensive material received by any employee on any of these systems.

E-mail is the equivalent of a business memorandum. Words and messages should be prudently selected. Employees should not commit to e-mail what they would not readily commit to a business memorandum. Employees should be professional in their use of the computer and e-mail systems.

Employees should use the information systems primarily for City purposes. These systems were placed to facilitate employees' ability to efficiently do their job. To that end, these systems are provided primarily for business purposes. Any personal use of the City's information systems must be de minimis and done only on an employee's personal time, not on working time. The information systems should not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

The e-mail, computer, Internet, and voice mail systems are City property. Anything an employee creates or loads on the system becomes City property. All electronic and voice mail messages are the City's records. The City reserves the right to access, monitor, copy, review, download, and disclose all messages, communications, and files created or maintained on these systems, at any time and for any business purpose, without prior notice to the employee.

Employees are hereby notified they have no expectation of privacy when using City information systems, even when using private e-mail accounts. If e-mail is deleted from employee screens, it is not deleted from the system and can still be accessed. The same is true even if employees have private code words for e-mail access. While management reserves the right to enter an employee's information systems' file whenever there is a business reason to do so, non-management employees should not attempt to gain access to another employee's information systems' file without the latter's express permission. Non-management employees should not access anything which is designated as confidential without first receiving proper authorization from management.

Only City of Mason employees who have an e-mail account and password are permitted to use these systems. E-mail accounts will only be established once the employee has read this Policy and has signed the City of Mason's Use of Information Systems/E-mail Policy Acknowledgement Form. Applicants must sign this form on acceptance of an employment offer by the City of Mason. Upon termination of employment, that user's e-mail account and privileges will be revoked.

E-mail documents are subject to the Michigan Freedom of Information Act to the same extent as, and with the same exemptions as, those applicable to paper documents. The City of Mason reserves the right to inspect any e-mail found in its system for its business content and to disclose e-mail contents to appropriate personnel and third parties. All e-mails must be retained in accordance with the City of Mason's Electronic Mail and Text Message Retention Policy. It is the responsibility of each user to retain or purge e-mail at their workstation in accordance with applicable records retention law.

The City of Mason's information technology administrator shall be responsible for establishing, maintaining, and monitoring all municipality-provided e-mail accounts. Requests for new internet access accounts must be approved by the administrator or his/her designee.

Employees who share their internet passwords with others and/or leave their computers unattended with an open web browser may be held responsible for any consequent unauthorized usage or damage. Employees should not transmit or disclose any of the City's confidential information on the information systems without proper management authorization. Even after receiving such authorization, employees should only send materials of a sensitive nature or which constitute as confidential information on the Internet if the materials are properly encrypted to prevent third-party interception. Employees must treat this information in a secure manner at all times.

Connection to outside or third-party vendor websites that offer “live” feeds in the way of music, video, radio or television simulcasts or similar media broadcasts is prohibited without prior authorization from the City Manager. Webcasts that provide job related training or technical information are acceptable but must be scheduled with the City Manager.

The City has acquired rights to use certain software programs on its communication and information systems for business purposes. In virtually all cases, the City’s right to use software is subject to license agreements that prohibit users from copying, selling, loaning, or giving away software, or using or duplicating it in any way that is not expressly authorized by the license agreement. Therefore, anyone who uses or has access to any software that is on, or accessed through, the City information systems must assume that any use of software other than in the regular course of City business is strictly prohibited. If an employee believes software is vital to their job or is of benefit to the City as a whole, they shall make the request for installation to their supervisor. If the supervisor believes the software merits consideration, they shall then consult with the City Manager to determine whether or not the software is to be installed.

Some information on the Internet may be protected by copyright law. Before downloading any information from the Internet, creating Web pages with links to other materials, or copying or using a third party’s materials, employees should first consult with management.

Compliance with this information systems policy is a term and condition of employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing, or downloading of any communications or files will result in discipline, up to and including termination.

Section 3.15 – Telecommuting Policy

This policy establishes the guidelines the City will use to select and manage those employees approved to telecommute either for temporary or extended periods of time.

1. Scope: This policy applies to all City employees authorized to work remotely by their supervisor and the City Manager.
2. Definition: Telecommuting is defined as working from home or other off-site location using electronic communications, such as the internet, to connect with the primary place of employment.
3. Criteria for Selection: The City strives to provide equal opportunities to all employees when it comes to working situations. However, telecommuting is not conducive to every employee and position. Keeping this mind, the City will review all reasonable employee requests to telecommute using the following criteria:
 - Is the employee a good candidate for telecommuting?
 - Dependable
 - Flexible
 - Proven performance
 - No record of disciplinary action
 - Comprehensive knowledge of position

- Can the duties of the position be successfully fulfilled through telecommuting?
 - Measurable work activities
 - Little need for face-to-face interaction with coworkers
 - Clearly established goals and objectives
 - Duties can be performed alone
 - Equipment needed is limited and can be easily stored at the off-site location
 - A National, State, or Local declared emergency deems that it's necessary to work remotely.
 Note: The City reserves the right to deny or revoke telecommuting privileges at any time, with or without cause or notice.
4. Responsibilities: Position requirements and responsibilities will not change due to telecommuting. Workers face the same expectations in relation to professionalism, work output and customer service, regardless of where the work is being performed. The amount of time an employee is expected to work in a given week will not change, although the exact scheduling of allotted hours will be left up to the discretion of their direct supervisor. If an employee's physical presence is required at the City's primary work location, he or she is expected to report once given adequate notice.
 5. Contact with Primary Location: Employees approved for telecommuting are responsible for maintaining regular contact with their supervisor. The supervisor will act as the employee's primary contact at the City. Both the employee and his or her supervisor are expected to work together to keep each other informed of any developments that occur during the workday.

Employees must have approval from their supervisor to:

- Alter their defined work schedules
 - Move company equipment to a new location
 - Transfer primary off-site operations to a new location
6. Off-Site Work Area: The City has a legal responsibility to provide liability and worker's compensation coverage to its employees. Such legal responsibilities extend only to authorized, off-site work locations during scheduled work time. The City is responsible only for injuries, illnesses, and damages that result directly from official job duties. The City accepts no responsibility for employees' personal property.

As the City could foreseeably be held responsible for an injury befalling an employee in their off-site work area, the City reserves the right to inspect off-site locations for safety concerns. Such an inspection will always be planned in advance for a time convenient for both the inspector and the employee.

If employees have domestic responsibilities, they must attend to during scheduled working hours, they are expected to do so in a reasonable manner that will still allow them to successfully fulfill their job duties.

7. Off-site Security: While positions that regularly deal with highly sensitive information may not be ideal candidates, under certain circumstances such employees may be allowed to telecommute. In these situations, it is up to the employee to enforce a rigorous standard for ensuring the security of all sensitive information entrusted to them. Failure to do so will result in loss of telecommuting privileges.

8. Expenses: Working primarily off-site could result in expenses not directly addressed in this policy. If such expenses are necessary for their official duties as prescribed, the City may reimburse the employees. However, since reimbursement is subject to management approval and is not guaranteed, potential expenditures should always be approved prior to the transaction being made.
9. Equipment: Employees approved for telecommuting will be supplied with the equipment required to perform their duties, by the City of Mason. It must be kept in mind that:
 - All employees must sign the “Remote Access Policy Acknowledgement” form.
 - All equipment purchased by the City remains the property of the City. All equipment is to be returned in a timely fashion should the employee cease telecommuting operations for any reason.
 - Hardware is only to be modified or services by parties approved by the City.
 - Software provided by City is to be used only for its intended purpose and should not be duplicated without consent.
 - Any equipment provided by the City of off-site use is intended for legitimate business use only.
 - All hardware and software should be secured against unauthorized access.

Section 3.16 – Cellular Telephone Policy

Purpose

To provide direction to City employees and elected officials regarding use of cellular communications technology, whether on a City-owned or personally owned communication device, for City business.

Definitions

City Owned Communication Device – Shall mean a cellular or smart phone that is owned and issued by the City to an employee for City business purposes.

Personally Owned Communication Device – Shall mean a cellular phone or smart phone that is either owned by an employee or that is owned by a third party other than the employee or the City and that is available for the employee’s personal use.

General Provisions

All City owned communication devices issued by the City to employees are regarded, at all times, as City property, including any data that may be stored therein. As such, they are subject to review and inspection at any time, solely at the discretion of the City, and any employee using such issued devices shall fully cooperate with such inspections and reviews.

City-owned communication devices are a public resource and shall not be misused for personal calls. The general use of City-owned communication devices shall not be in lieu of other readily-available, cost-effective means of communication. Frequent or repeated use of City-owned communication devices for personal calls may result in revocation of permission to use the City-owned communication device and/or discipline. City-owned communication devices should only be used for City business, except for incidental personal use. “Incidental personal use” shall be defined, for purposes of this paragraph, as use that is insignificant and infrequent.

City-owned communication devices may not, under any circumstances, be used for:

- Any purpose that violates federal, state, or local laws;
- The purpose of unlawfully harassing any other person, including other employees;
- On-line gambling;
- Accessing “1-900” numbers;
- Viewing or accessing pornography or any adult entertainment-related website; or
- Making toll calls for any purpose other than for City business.

Employees who are issued communication devices by the City shall ensure said devices are powered on, and that the employee is personally available to be contacted and/or called on said devices during all regular working hours and at other times when the employee is required to be on call.

Employees who have been issued communication devices by the City shall take reasonable steps to secure the City-issued communication devices against damage and theft. Employees who have been issued communication devices by the City shall also take reasonable steps to safeguard the contents of such City-issued communication devices and, by extension, the contents of any City-owned data networks that are accessible by use of the City-issued communication devices. Such steps shall include, but not be limited to, ensuring that only authorized persons are permitted to use or access the City-issued communication device.

Any texts, e-mails, and/or other electronic documents generated by the use of City-issued communication devices must be retained by employees to whom such communication devices are issued in accordance with the City’s Electronic Mail and Text Message Retention Policy. No application or software should be added to the device which would automatically delete such communications under any circumstances. No other paid or free applications shall be added to a City-issued communication device by any employee without the written approval of the employee’s department head. Once such approval is given, then the employee shall contact the City’s information technology administrator for assistance with installation of said application including advising as to stability or security issues with any applications, if necessary.

Unless otherwise authorized, employees should not use a personally owned communication device for City business. If authorized and approved by a department head to do so, an employee may be eligible to receive a monthly stipend for use of their personal cellular phone for City business. The personal cellular telephone would replace the need to carry a City-issued communication device.

If approved to receive the stipend by a department head, the employee must agree in writing to the City’s Stipend Program for Use of Personal Cellular Telephones (attached as Exhibit A). The employee would be required to preserve texts related to City business which are generated or received on the personally owned communication device in accordance with the City’s Electronic Mail and Text Message Retention Policy. Additionally, e-mails should only be sent on such devices utilizing the City-provided network infrastructure that allows records to be saved directly to servers and other storage devices owned or controlled by the City.

Employees who use a personally owned communication device for City business should be aware that electronic discovery in litigation or a response to a request under the Michigan Freedom of Information Act may require the City to review the contents of the personally owned communications device. In such event, employees shall cooperate to the extent necessary to accomplish such a review to protect the interests of the City.

Compliance with this Cellular Telephone Policy is a term and condition of employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing, or downloading of any City-related communications or messages will result in discipline, up to and including termination.

Section 3.17 – Electronic Mail and Text Message Retention Policy

Introduction: Electronic mail (e-mail) and text messages are means of exchanging communications and documents using telecommunications equipment and computers. A complete e-mail or text message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc., as well as aliases and names of members of groups), and any attachments.

Public Records: In accordance with the Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended), e-mail and text messages are public records if they are created or received as part of performing a public employee's official duties. All e-mail and text messages that are created, received or stored by, or on behalf of, the City of Mason are the property of the City. They are not the property of its employees.

Retention and Disposal Schedules: Michigan law requires that all public records be listed on an approved Retention and Disposal Schedule that identifies how long the records must be kept, when they may be destroyed, and when certain records can be sent to the Archives of Michigan for permanent preservation. Retention and Disposal Schedules for local government agencies are approved by the Records Management Services, Archives of Michigan and the State Administrative Board. Records cannot be destroyed unless their disposal is authorized by an approved Retention and Disposal Schedule.

Retention Policy: Just like paper records, e-mail and text messages are used to support a variety of business processes. Just like paper records, senders and recipients of e-mail and text messages must evaluate each message to determine if they need to keep it as documentation of their roles in a business process and in compliance with all approved Retention and Disposal Schedules applicable to the City of Mason.

E-mail Storage and Maintenance: The City of Mason will retain its e-mail and text messages by one of the following methods:

1. Storing e-mail online in the active e-mail system, and texts on the cellular communications device for its entire retention period. Employees are encouraged to establish folders for arranging e-mails according to their content, and they are responsible for disposing of e-mail and text messages that have met all of their retention requirements.
2. Creating online e-mail archives for storing messages that are accessible by the active e-mail system but are not stored on the active e-mail server. Employees are encouraged to establish folders for arranging e-mails according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements.
3. Printing e-mail and/or text messages and related transactional information and filing the paper in a manual filing system.

Employee Responsibilities: Employees are responsible for organizing their e-mail and text messages so they can be located and used. They are responsible for keeping e-mail and text messages for their entire retention period, and for disposing of e-mail messages in accordance with an approved Retention and Disposal Schedule. Records, including e-mail and text messages cannot be destroyed if they have been requested under FOIA or if they are part of on-going litigation, even if their retention period has expired.

Employees who use a home computer and a personal e-mail account, or a personally owned cellular communication device and account, to conduct City business must manage their work-related email and text messages the same way as if those communications had been created and received using City equipment.

Just like paper records, e-mail and text messages might be subject to disclosure in accordance with FOIA. They may also be subject to discovery once litigation begins. Employees must cooperate with the City in responding to any FOIA or litigation-related request for records and provide access to e-mails and text messages, even if stored on a personal device, to the FOIA coordinator for this purpose.

Compliance with this Policy is a term and condition of employment. Failure to abide by these rules will result in discipline, up to and including termination.

Chapter 4: Wages, Salaries, and Payroll Procedures

Revision Effective Date: July 1, 2023
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ June 19, 2023
City Manager Signature Date

Section 4.1 - Payday Policy

All regular employees, full- and part-time, will be paid bi-weekly for the pay period ending the Saturday prior, and beginning the Sunday two weeks before. Pay will be distributed by either check or electronic transfer, at each employee's choice.

Section 4.2 – Timekeeping

Employees who are required to record work hours using a time clock must do so upon arriving for the work day, when leaving for a meal break, when returning from a meal break, and when leaving at the end of the work day. If an employee fails to use the time clock at any point, his/her direct supervisor must initial the time card and note why the required record is missing. The Finance Director will track occurrences of failed use of the time clock for each employee.

Periodic audits of employee break periods may be conducted without notice to supervisors or employees. If Personnel Policy Section 14.7 Rules of Conduct subsections 1 (E) and 2 (D) regarding timekeeping policies have been violated, employees and supervisors will be subject to disciplinary action up to and including termination.

Section 4.3 - Overtime Compensation

Employees of the City of Mason shall be compensated for authorized overtime work in accordance with applicable laws and labor agreements.

A Department Head may prescribe reasonable periods of overtime work to meet operational needs. Such overtime if greater than eight (8) hours in a one-week period must be approved by the City Manager.

Section 4.4 - Payroll Deductions

Employees must complete necessary forms for all required and voluntary payroll deductions, including, but not limited, to Mission Square, Municipal Employees Retirement, AFLAC, BASIC or direct deposit of funds.

Section 4.5 - Payroll Advances

The City of Mason does not allow payroll advances.

Employees who will be absent for a scheduled vacation when a regular payroll distribution occurs may request to receive that paycheck on their final workday prior to the vacation. The request must be made in writing to the Finance Department at least two weeks prior to the date the check will be issued.

Section 4.6 – Garnishments

The City must comply with all writs of garnishments it receives. An employee subject to garnishment of wages will be notified before any deductions are made from the employee's pay. Information about an employee's garnishment of wages will remain confidential.

Section 4.7 - Wage Increase/Pay Raise

After employees have completed one calendar year of full employment, the City Manager generally evaluates the employee's rate of pay at the end of the budget year, although an increase in compensation is not guaranteed. Factors which are considered for an increase include stability of the budget, level of responsibility, job performance, and cost of living. Salaries are evaluated annually as part of the budget cycle.

The City Manager may, at any time, at his/her discretion, change compensation pay ranges and compensation policies, including this pay raise policy. The City Manager may also negotiate appropriate compensation with exempt employees, depending on position and responsibility, experience, and merit.

Section 4.8 - Regular Full-Time Employee

Employees who are not in a temporary status and who are regularly scheduled to work a full-time schedule of 40 hours per week. Generally, these employees are eligible for full benefits package, subject to the terms, conditions, and limitation of each benefit program.

Section 4.9 - Regular Part-Time Employee

Employees who are not in a temporary status and are regularly scheduled to work less than 29 hours per week. These employees are eligible for part-time paid time off and holiday pay.

Section 4.10 - Temporary-Seasonal Employee

Employees who are hired as interim workers during the summer months, or on a limited work schedule throughout the year, for a limited duration. Temporary and/or seasonal workers are not eligible for City of Mason benefits.

Section 4.11 - Exempt Employee

An employee who does not qualify for overtime pay as regulated by the Fair Labor Standards Act.

Section 4.12 - Non-Exempt Employee

An employee who qualifies for overtime pay as regulated by the Fair Labor Standards Act.

Section 4.13 – Longevity

All full-time employees, having completed 5 years of continuous, regular, compensated employment, shall be eligible to receive a longevity bonus for service with the City of Mason.

1. Each full-time employee who has completed 5 years of service shall receive Longevity payment based on the following scale:
 - 5 Years – 9 Years: 2% of Base Salary
 - 10 Years – 14 Years: 3% of Base Salary
 - 15 Years – 19 Years: 4 % of Base Salary
 - 20 + Years: 5% of Base Salary

2. Payment to employees will be on their anniversary date each year.

3. For the 2023 Longevity Payment only, any eligible employee who had an anniversary date between January 1, 2023 – June 30, 2023, will receive their longevity payment on the first pay date in July 2023. All other eligible employees with an anniversary date July 1, 2023, forward will receive payment on the pay date of the pay period their anniversary date falls within.
4. No payment will be made for partial years of service, unless, during the year, the employee was off work on an approved FMLA leave. No payment will be made to an employee who leaves the City prior to the annual longevity payment date except in the case of retirement, death, or permanent disability, in which instances the total amount shall be pro-rated.
5. Any labor agreement in conflict with this schedule will predominate.

Section 4.14 – Residency Bonus

The City will pay regular full-time and regular part-time non-union employee or union represented employee with a current Memorandum of Understanding accepting this benefit, who certify that they reside within the City's limits a Residency Bonus equal to three percent (3%) of their salary.

Residency Bonus payments will be made in bi-weekly increments so long as the employee's primary residence (see definition of primary residence in Section 3.1) is within the City's limits. If at any time the employee resides outside the City, the employee must notify Human Resources immediately and the residency bonus will no longer be paid upon the next full pay period after the employee no longer resides within the City.

The Residency Bonus paid under this section shall not be considered an additional salary for purposes of any other benefits offered to the employee under the City Personnel Policy Manual or Collective Bargaining Agreement, including the calculation of the employees Final Average Compensation (FAC) through the Municipal Employees Retirement Defined Benefit Plan and for the percentage contribution by the City towards the Municipal Employees Retirement Defined Contribution Plan. Employees eligible for the Residency Bonus will be required to sign an acknowledgement statement of the Residency Bonus policy.

Chapter 5: Education & Training

Revision Effective Date: July 1, 2023
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ June 19, 2023
City Manager Signature Date

Section 5.1 - Employee Training

The City Manager and Department Heads will establish appropriate training programs for City employees in order that services rendered to the City may be more effective. Such training programs may include formal courses, seminars, training for certification; workshop demonstrations, assignment of reading matter, or other such methods as they become available for improving the effectiveness and broadening the knowledge of employees in the performance of their respective duties. Employees are encouraged to develop and further their job skills and personal potential by participation in available training programs. Such training programs shall be conducted during regular working hours, except when work schedules interfere.

When an employee is requested or approved by the City to participate in training, the travel to and from such training shall be at the expense of the City. City vehicles may be used and are encouraged for this use when available.

City-owned computers can be used by employees as an educational resource.

Section 5.2 - Conferences/Conventions

Employees are encouraged to participate in conferences, conventions, and meetings which have a direct relationship to their positions, the City's needs, and budgetary considerations. Approval for attendance at such conferences, conventions, and meetings shall be obtained from the Department Head.

The City of Mason does not pay for, and will not be held responsible for, any type of entertainment or alcohol associated with conferences, meetings, or conventions.

Section 5.3 - Education Assistance

In addition to paying for training and seminars required by the City, and in accordance with its desire to improve services and the opportunity for career development of its employees, it is the policy of the City to encourage education of its employees. Subject to budget limitations, availability of funds, and the IRS tuition reimbursement regulations, the City will reimburse employee's costs of tuition for college courses and Commercial Driver's License (CDL) education. Such reimbursements over \$500.00 are conditioned on the following:

1. Employees must complete an Education Funding Application and Agreement; and
2. Course work contemplated by the employee must be recommended by the Department Head and approved by the City Manager prior to commencement of the course(s); and
3. The course(s) is job related and will improve the employee's skills, performance, and career opportunities; and will provide knowledge and/or skills of value to the City; and

4. The employee completes the course(s) with a final grade of C (on a four-point scale), or the equivalent; or with a final grade of B or higher in a Master's or Doctorate Program; and
5. The employee agrees to continue employment with the City for one year following completion of the course. Should the employee terminate prior to the one-year period, the employee will repay the City for the reimbursement through payroll deduction; and
6. Upon notification of completion, and upon submission by the employee of a certificate stating the final grade and indicating successful completion for the course of study, the City Manager will approve the reimbursement request and shall place a copy of the certificate of completion into the employee's personnel file.

Section 5.4 - In-service Training

Because the City intends to maintain the highest level of service delivery to the community, mandatory in-service training hours for all employees will be scheduled. As most government offices are closed on the Martin Luther King Day, Presidents' Day, Juneteenth Day, and Columbus Day holidays; and these are not paid holidays for City of Mason employees, these days are the most time and cost-efficient days to close City Hall and discontinue non-essential City services for the purpose of in-service training. The City Manager, at his/her discretion, will schedule in-service training on these days. All employees will receive advance notification of training schedules and attendance requirements. Leave time is discouraged for these days as all training must be made up if the employee is not in attendance. Employees and supervisors should make every effort to avoid scheduled leave time on these dates.

Chapter 6: Paid Leave

Revision Effective Date: July 1, 2023
Effective Date: February 17, 2020

Most Recent Issued Date:  June 19, 2023
City Manager Signature Date

Section 6.1 - General Policy

It is the policy of the City of Mason to provide an employee benefits program which is equitable for employees. The benefits program is designed to provide employees with security to encourage career service and high productivity. The program consists of a number of benefits, generally in the areas of leaves of absence, insurance, retirement, and others. This chapter includes benefits which involve leave, or time off with or without pay.

Section 6.2 –Paid Sick Leave

Sick leave is a privilege provided by the City to the employee in order to protect earning capabilities in event of illness. It is not to be used as additional leave time, but is a benefit which may be used in cases of actual sickness, disability, or pregnancy.

1. **Eligibility:** All regular full-time employees shall be eligible for paid sick leave. Employees commence earning paid sick leave the first month on the job and may use sick leave after completion of the first month of service up to the amount accumulated at the time of illness.
2. **Use of Sick Leave:** Use of accrued sick leave shall be limited to the following purposes:
 - A. The employee’s mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee’s mental or physical illness, injury or health condition; or preventative medical care for the employee.
 - B. The employee’s family member’s mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee’s family member’s mental or physical illness, injury or health condition; or preventative care for a family member of the employee.
 - C. For closure of the workplace or order of a public official due to a public health emergency; for an employee’s need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or if it has been determined by the health authorities having jurisdiction or by a health care provider that the employee’s or employee’s family member’s presence in the community would jeopardize the health of others because of the employee’s or family member’s exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.
 - D. Pregnancy.
 - E. If the employee or employee’s family member is a victim of domestic violence or sexual assault, then for the medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.

3. Medical Verification: Employees claiming sick leave shall be required to submit medical verification to the City when a sick event is:
 - A. Three or more consecutive days, which qualifies as an event.
 - B. Three or more sick events (three consecutive days) occur in a rolling year.
 - C. If used after providing notice of resignation of employment.
4. Abuse of Sick Leave: Use of sick leave for purposes other than those listed in Section 7.2 (2) may be interpreted as abuse of sick leave. Abuse of sick leave shall be grounds for disciplinary action. Department Heads shall investigate and document incidents of abuse or alleged abuse and initiate appropriate corrective action.
5. Accrual and Accumulation of Sick Leave: Eligible employees accrue and accumulate sick leave at the rate of eight hours (one normal working day) per calendar month. At the end of each year, any unused sick leave becomes accumulative, with accumulation of sick leave being unlimited.
6. Pay for Sick Leave: Payment for sick leave shall be used in increments of 1/10th of an hour, and shall be paid at the straight-time hourly rate. Employees shall retain accrued sick leave when transferred or promoted to another position. In order to receive paid sick leave, the employee must, if possible, inform the immediate Supervisor or Department Head of the illness prior to the regular time for reporting for work, or prior to leaving work. In addition, the employee must report daily claimed illness or incapacity to the immediate Supervisor or Department Head unless extended medical release has already been provided.
7. Annual Conversion of Sick Leave: Employees, at their own option, may receive payment for 25% of their earned, but unused, sick leave for that year on December 1st of each year. If they convert this portion of their sick leave to cash, that portion shall be deducted from their accumulated sick leave.
8. Donation of Accumulated Sick Leave: Employees with enough accrued sick leave may donate up to 40 hours of their own sick leave annually to a qualified fellow employee. The amount of donated sick leave an employee may receive shall not exceed two (2) weeks per calendar year, unless City Manager authorizes additional receipt of donated sick time. Qualified employees are employees who, because of a physician-certified illness, have used their entire balance of leave time, including sick, vacation, personal, and compensatory time.
9. Payout for Sick Leave: Payment shall be made for one-half of an employee's accumulated sick leave—not to exceed payment of 100 days—at retirement (paid directly to the employee), or at death (paid to the employee's heirs), at the employee's prevailing pay rate at the time of retirement or death. If an employee freezes retirement benefits after 10 or more years of service and leaves the employment of the City, that employee shall not be entitled to a payment for accumulated sick leave at retirement.

If an At-Will employee is part of a layoff, a payment shall be made for one-half the employee's accumulated sick leave—not to exceed twenty days—at the employee's rate of pay at the time of layoff.
10. Retirement: For purposes of this section, retirees are those employees who retire from the City who qualify for retirement under the appropriate provisions of the Municipal Employees Retirement System.
11. Holidays: Holidays that occur during sick leave shall not be charged against the employee's sick leave.

Section 6.3 - Paid Vacation or Annual Leave

Vacations are considered necessary for the continual well-being and physical and mental health of employees. The vacation is not intended to be used for employment at another business, and in no case will employees be allowed to work their vacations and draw both vacation pay and regular pay.

1. Eligibility: All regular full-time employees shall be eligible for paid vacation leave.
2. Accrual: Eligible employees accrue vacation leave on their anniversary date. Vacation leave accrues as follows:

Other Non-Union Full-Time Employees:

Upon Date of Hire:	80 Working hours
After completion of 5 years:	120 working hours
After completion of 10 years:	160 working hours
After completion of 15 years:	184 working hours

Non-Union Middle Management Level Full-Time Employees:

Upon Date of Hire:	80 Working hours
After completion of 1 Year:	120 working hours
After completion of 5 years:	140 working hours
After completion of 15 years:	184 working hours

Non-Union Leadership Level Full-Time Employees

Upon Date of Hire:	160 Working hours
After completion 10 years:	200 Working hours

Vacation leave is applied to the leave bank annually on the employee's anniversary date according to the schedule listed above.

3. Carryover: Effective July 1, 2024, Annual vacation carryover not to exceed eighty (80) hours from one anniversary date to another.
4. One-time Conversion: Effective July 1, 2023, all Full-Time Non-Union Employees will be provided a one-time opportunity to be completed by May 31, 2024, to convert any excess of eighty (80) hours of their vacation bank. Payment less deductions required by law must be deposited on behalf of the Employee into a deferred compensation plan, Roth IRA, Michigan Education Savings Plan, or another IRS approved retirement account and will not count towards the employees Final Average Compensation (FAC) with the employees Municipal Employees Retirement Defined Benefit Plan and no percentage of contribution on the conversion payment will be made to the Municipal Employees Retirement Defined Contribution Plan by the City.
5. Annual Conversion of Vacation: If the Employee has used a minimum of ten (10) working days of vacation leave during the previous anniversary year, the employee may at their discretion, receive payment, less deductions required by law, each year on their anniversary date for all or a portion of the vacation leave credited and accrued, but unused, prior to their anniversary date if the proceeds from said payment are deposited on behalf of the Employee into a deferred compensation plan, Roth IRA, Michigan Education Savings Plan, or another IRS approved retirement account. Any vacation conversion payment will not count towards the employees Final Average Compensation (FAC) with the employees Municipal Employees Retirement Defined Benefit Plan and no percentage of contribution will be made to the Municipal Employees Retirement Defined Contribution Plan by the City on the vacation conversion payment. Any portion of vacation leave converted shall be deducted from the vacation leave bank.

6. Use: Use of accrued vacation leave shall be utilized in accordance with the following conditions:
 - A. Vacation time cannot be utilized until accrued.
 - B. Employee vacation leave schedules must be approved by the Department Head. Department Heads must have vacations approved in advance by the City Manager.
 - C. Employees are encouraged to use their vacation leave each year.
 - D. No vacations shall exceed three weeks duration, except with prior approval by the City Manager.
 - E. Holidays that occur during vacation leave shall not be charged against the employees' vacation leave.
7. If employees are laid off, retire, or sever their employment with notice, they shall receive any unused vacation credit, including that accrued in the current anniversary year, as long as it does not exceed one and a half times their entitled yearly vacation plus their accumulated totals for the current anniversary year.
8. Employees terminating employment before completing 12 months of service shall receive no vacation payment of any unused or accrued vacation pay. Employees who leave without notice forfeit the right to receive payment of any accrued vacation pay.

Section 6.4 - Personal Days

All regular full-time non-union employees, after one year of service, are provided three non-accumulating personal days annually. These personal days will commence on the employee's anniversary date each year, to be used prior to the employee's next anniversary date the following year, after which time any unused personal leave will be lost. Upon the employee's separation from City employment, any unused personal leave will be lost.

Section 6.5 - Administrative Leave

The City Manager may grant exempt employees administrative leave—with or without pay.

Section 6.6 - Paid Bereavement Leave

From time to time an employee may have a death in the family. It is the intent of the City to provide some relief to the employee and the employee's family during this time of loss.

1. Eligibility: All regular full-time and part-time employees are eligible for paid bereavement leave. An employee shall be allowed three (3) working days not to be deducted from sick leave for a death of extended family. Extended family is defined as aunts, uncles, first cousins, nieces, and nephews. An employee shall be allowed five (5) working days not to be deducted from sick leave for death in the immediate family. Immediate family is defined as follows: mother, father, step-mother, step-father, brother, sister, step-brother, step-sister, mother-in-law, father-in-law, grandparents, grandchildren, or a member of the employee's household. An employee shall be allowed ten (10) working days not to be deducted from sick leave for the death of a spouse, child, or step-child.
2. Accrual: Bereavement leave shall not be accrued.
3. Use: Bereavement leave beyond the allowed days as defined in Section 6.6 (1)- Eligibility may be approved at the discretion of the Department Head and City Manager.
4. Paid: An employee shall be paid three (3) working days for a death of extended family. An employee shall be paid (5) working days for death in the immediate family. An employee shall be paid ten (10) working days for the death of a spouse, child, or step-child.

5. Part-Time Employees Paid: A regular part-time employee will be paid four (4) hours for each bereavement leave day. Bereavement leave will be paid for only days the regular part-time employee was scheduled to work.

Section 6.7 - Paid Civic Duty

There are a number of duties which are civic obligations.

1. Eligibility: All employees shall be eligible, from date of hire, for paid leave to perform civic duties when such performance conflicts with regular work hours.
2. Accrual: Civic duty leave shall not be accrued.
3. Pay for Civic Duty: Payment for civic duty leave shall be limited to the actual hours the employee is absent to perform civic duties, except payment for voting and voter registration shall be limited to one hour. Employees requesting payment for such absences shall be paid the difference between any pay received, i.e. subpoena or jury fees, from performance of civic duties and regular pay due the employee after surrendering the administrative fees to the City.
4. Use: Use of civic duty leave shall be limited to:
 - A. Jury Duty. A Personnel Action Report (PAR) must be filed for leave time for jury duty. Employees must get a receipt from the Clerk of the Court each day defining attendance for a full day or a half day of court. The receipts shall be attached to the PAR. When the employees check arrives, the travel expense will be retained by the employee. The daily per diem will be turned in to the Finance Department.
 - B. Court cases where the employee has been subpoenaed as a witness.
 - C. Voting.
 - D. Voter registration.
 - E. Any other civic duty approved by the City Manager.

Section 6.8 - Paid Holiday Leave

Holidays with pay are granted to regular full-time and part-time employees.

1. Eligibility: All regular full-time employees (as defined in Section 4.8) shall be eligible for paid holiday and will be paid eight hours per official holiday recognized by the City. All regular part-time employees (as defined in Section 4.9) shall be eligible for paid holiday and will be paid four hours per official holiday recognized by the City.
2. Accrual: Holiday leave shall not be accrued. With prior approval, or in cases of unforeseen service requirement, a holiday may be exchanged for another day if it is in the best interest of the City.
3. Use: Use of holiday leave shall be limited to the following official holidays observed by the City.

<u>Holidays</u>	<u>Date Observed</u>
New Year’s Day	January 1
Good Friday	Friday prior to Easter
Memorial Day	Last Monday - May
Independence Day	July 4
Labor Day	First Monday - September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday - November
Day after Thanksgiving	The Day after Thanksgiving Day
Day before Christmas	December 24
Christmas Day	December 25
Day before New Year’s Day	December 31

As a general rule, holidays which occur on Saturday shall be observed on the preceding Friday, and holidays which occur on Sunday shall be observed on the following Monday. The Council may approve other holidays by resolution. The City will post the annual holiday schedule at the beginning of each calendar year.

Section 6.9 – Paid Volunteer Leave

All regular full-time employees, with over six months of service, will be provided with eight (8) hours of time for purposes of volunteering at an organization, civic group, non-profit, etc. located within the City of Mason city limits or for the Mason Public School System.

These eight (8) hours of leave will commence on the 1st of July each calendar year and must be used by the following 1st of July, after which any unused volunteer time will be lost. Upon the employee's separation from City employment, any unused Volunteer Paid Leave will be lost.

All Volunteer Paid Leave must be pre-approved by your supervisor with consideration for approval based on staffing levels.

Section 6.10 – Family Medical Leave

Employees, who have worked for the City for at least 12 months at the time the leave is requested, and at least 1,250 hours during the prior 12 months, may take up to 12 weeks of unpaid leave for the following reasons:

1. Birth of a child of the employee.
2. Placement of a son or daughter into the employee's family by adoption, foster care, or other legal arrangement.
3. To care for the employee's spouse, son or daughter, or parent who has a serious health condition.
4. The presence of a serious health condition which renders the employee unable to perform the essential functions of the employee's position.
5. Qualifying exigencies arising from the employees' spouse, child, or parent who is on active duty or call to active duty status as a member of the National Guard or Reserves.
6. Special Military family leave for qualified servicemembers.

Leave Entitlements: For the purpose of this policy the following definitions apply.

1. Child: a biological, adopted, foster child, stepchild, legal ward, or a child of an employee standing in loco parentis (in place of a parent) who is under 18, or older than 18 if incapable of self-care because of a mental or physical disability.
2. Child of a Covered Servicemember: the servicemember's biological, adopted or foster child, stepchild, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.
3. Parent: biological parent or individual who stood in loco parentis to an employee when the employee was a child.
4. Spouse: a husband or wife as defined or recognized under state law.

5. Serious Health Condition: an illness injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider (a doctor of medicine or osteopathy who is licensed to practice medicine or surgery by the state in which he/she practices). A temporary disability due to non-therapeutic abortion is not covered, unless inpatient hospital care is required or complications develop such that continuing treatment by a health care provider is required.

Leave Duration: Leaves may be taken for up to 12 workweeks during any 12-month period (or select a specific 12-month period). An eligible employee who is the spouse, child, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. The military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Leave Conditions:

1. Birth of a Child, Adoption, or Foster Child
 - A. Leave for such purposes must be taken in consecutive workweeks and must be completed within the 12-month period following the birth of the child or placement of the child with the employee for adoption or foster care.
 - B. At the discretion of the Employer, leave for one of these purposes may also be permitted to be taken by the employee on either an “intermittent basis” or on a reduced leave schedule (a reduced workweek or reduced workdays).
 - C. Employees requesting leave for one of these purposes must provide the Employer with at least 30 days advance notice of leave, except when the birth or placement requires leave to begin in less than 30 days. In the latter instance, employees should provide as much advance notice as is practicable.
2. Care for Child, Spouse, Parent, or Employees Own Serious Health Condition.
 - A. Employees may take leave for these purposes on a consecutive basis or intermittently or may request to be placed on a reduced workweek or reduced workdays.
 - B. If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Employer may require the employee to transfer temporarily to an available alternative position for which the employee is qualified to better accommodate the recurring periods of leave that the employee will require. Employees transferred in such circumstances will receive pay and benefits equivalent to that of their regular position.
 - C. Employees requesting leaves for these purposes must make a reasonable effort to schedule the treatment, either for themselves or for their child, spouse, or parent, so as not to unduly disrupt the Employer’s operations. The employee should endeavor to secure the approval of his or her own or covered family member’s health care provider to reasonably schedule the treatment to avoid such disruption.
 - D. Employees requesting leave for these purposes must provide 30 days advance notice of leave or, if treatment is required in less than 30 days, with as much advance notice as practicable.

3. Military Family Leave Entitlements: Eligible employees with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. The serious injury or illness must have been incurred or aggravated in the line of duty on active duty and may render or has rendered this service member unable to perform the duties of the service member's office, grade, rank or rating.

Reinstatement After Leave:

1. Eligible employees taking leave under this policy will be reinstated to their former position or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had he or she not taken leave. Thus, for example, if a layoff or some other extenuating circumstance or business condition arises that affects the employee's position, reinstatement may not be possible.
2. The Employer also reserves the right to deny leave reinstatement to key employees, where such denial is necessary to prevent substantial and grievous economic injury to the Employer's operations.
3. Key employees will be notified of the Employer's intention in this regard as soon as a determination is made that such injury would occur.
4. In the event such notice is given to a key employee already on leave, the employee will be offered the opportunity to terminate his or her leave and immediately return to work.
5. Key employees notified while on leave who decide not to return to work will remain on leave for the balance of the leave period and then be terminated.
6. Key employees are defined as the highest 10 percent of the employees employed by the Employer.
7. Employees may be required to provide the Employer with medical certification evidencing their ability to return to work and perform the essential functions of their positions, with or without reasonable accommodations. Such certification may be requested at the Employer's discretion.

Return To Work Certification: Before being permitted to return to work from a leave for the employee's own serious health condition, the employee will be required to provide certification from his/her health care provider that he or she is able to return to work and perform all essential functions of the job, with or without reasonable accommodation.

Periodic Notification During Leave: Employees will be required at least once every 30 days while on leave to contact their supervisor to report on their status and intentions with respect to returning to work at the end of their leave period.

Benefit Continuation During Leave:

1. Group health and dental insurance will continue while an employee is on leave at pre-leave benefit and premium contribution levels.
2. Benefits that operate on an accrual basis (vacation, sick leave, personal leave) will not accrue during any period of unpaid leave under this policy. Nor will an employee accrue seniority or service time during any period of unpaid leave in connection with the employee's eligibility for a performance review, salary review, and/or adjustment.
3. An employee's eligibility for qualified benefits (pension, 401(a), 457 (K)) will be governed according to the terms of each respective benefit plan.

General Leaves of Absence for Ineligible Employees:

Employees who are not eligible for FMLA leave may apply for a general leave of absence for medical disabilities (including work-related injuries or illnesses, pregnancy, disability, etc.) or for personal reasons.

Medical (including pregnancy) disability leaves of absence may be requested for periods of up to three (3) months (unless applicable law requires a longer leave to be granted).

In general, a leave of absence is considered a privilege. In no instances are leaves granted automatically; leaves must be requested by the employee in writing and approved by the employer. In granting a leave of absence the employee's service record and the circumstances necessitating the leave request will be carefully examined.

Short-Term Absences: Absences for any reason not exceeding three (3) continuous work days do not require the formal filing of a request for a written authorized leave or a doctor's slip. Absences longer than three (3) continuous days require that a doctor's slip shall be turned in to the Human Resource Department. However, employees taking short-term absences are required to notify their supervisor or the Human Resource Department on a daily basis to comply with the requirements of the City's leave policy.

FMLA Procedure: A request for a leave of absence must be initiated in writing by the employee and approved by the employee's supervisor and Human Resources prior to the commencement of the leave, using the Employer's Leave of Absence Request form. This form may be obtained from the Human Resource Department.

Employees requesting leaves must provide the Employer with at least 30 days' advance notice. Leaves necessitated by emergency circumstances must be requested as far in advance of the requested leave commencement date as practicable. Leaves necessitated by an illness or injury must be requested as soon as practicable after an illness develops or injury occurs.

Medical leaves must be supported by medical certification acceptable to the Employer.

If the employee becomes ill or is injured on the Employer's premises, the employee should contact his or her supervisor or Human Resources as soon as practicable after the illness or injury occurs and formally request a leave.

Employment While on Leave: Employment while on authorized leave of absence is prohibited unless required as part of a remedial therapy program under Employer medical direction.

Return to Work: Employees granted authorized non-FMLA leaves of absence will only be reinstated in their former position if they have complied with all terms and conditions of the leave and this policy, including attempting to return to work at the end of the authorized leave period (within three (3) months after the leave commences) and provided the position is available. Unless applicable state law requires otherwise, reinstatement is not guaranteed to employees on non FMLA leaves. The Employer will endeavor, however, to place employees returning from leave who have complied with all terms and conditions of the leave into their former position or one comparable in status and pay.

Benefits for employees on non-FMLA leaves will be handled in the same manner as for employees on FMLA leave.

Requests for FMLA and NON-FMLA Leave Extensions: If an employee is unable to return to work after his or her FMLA time expires, the employee may file a request for a leave extension in the same manner as he or she filed the initial leave request. For medical leave extension requests, employees must submit additional medical certification to support the leave extension request. Employees requesting a leave extension will only be reemployed after expiration of such extension if a position is available for which the individual, in the Employer's opinion, is qualified, with or without a reasonable accommodation. In those instances, in which no position is available, the individual will be laid off due to lack of work.

Insurance Premiums: During FMLA or non-FMLA leave, the City will continue to pay its portion of the current health insurance premiums covering the employee and employee's family. The employee must continue to pay his/her share of this premium, if applicable. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job, or the failure to return is due to circumstances beyond the control of the employee.

Accruals: While on un-paid FMLA or non-FMLA leave under this policy, the employee shall not accrue vacation time, sick time, pension, service credit, or seniority. Employment benefits accrued by the employee up to the day on which the family leave begins will not be lost.

Available Time Use: Employees are required to use their unused, paid vacation, accrued comp, and personal time for the birth of a child or adoption during the 12-week FMLA leave. Available sick days and any accrued vacation, comp, and personal time shall be used when FMLA leave is taken because of a serious health condition of the employee.

1. That portion of the FMLA leave covered by vacation time and/or sick time will be with pay in accordance with the City's policies regarding vacation time and sick days.
2. The FMLA leave policy does not override any less restrictive labor agreement provisions regarding the use of vacation/sick time.
3. The City will count as FMLA leave any time funded by either workers compensation or workers disability.

Activating FMLA: The first day of FMLA leave will be as stated on the FMLA application. In cases where an employee is absent for five or more consecutive days, FMLA leave will commence the first day of the absence.

Section 6.11 – Paid Parental Leave

This policy provides eligible City of Mason (City) employees with the opportunity to be provided up to twelve (12) weeks of paid leave for the birth of a child, or placement of a child with you for adoption or foster child.

1. Eligibility:

- A. Must be a permanent full-time employee with twelve (12) months of service.
- B. Employee must be the biological parent of a newly born child or be the legally designated guardian of a minor child who is newly adopted or placed and in the process of adoption through an active adoption agreement.
- C. Employee must not have taken any Paid Leave under this policy in the 12-month period immediately preceding the date Paid Leave begins.

2. Procedure:

- A. Employee shall provide at least (30) days' notice (unless due to the circumstances this would not be possible) to his/her Department Head and the Human Resource Department as to their intent to use Parental Paid Leave Time.
- B. Employee must specify in the written notice the total amount of Paid Leave employee plans to take not to exceed twelve (12) calendar weeks, including which accrued leave banks will be used to cover the Employee Paid Leave (see How Paid Leave Works, below).
- C. Employees must take the first 6 weeks consecutively but can take the second 6 weeks within (6) months from the first day Parental Paid Leave commenced. If any of the leave is taken after six (6) months from the first day Parental Paid Leave commenced, then it may still qualify as FMLA leave, but will not be treated as Parental Paid Leave under this policy.
- D. Employee must have, or be projected to have based on anticipated leave accrual, a sufficient amount of accrued banked leave time to cover the amount of Employee Paid Leave requested. All projected/anticipated leave accruals are subject to approval by the Human Resource Department.
- E. Parental Paid Leave is not subject to extension, even if the employee accrues additional personal, sick or vacation time after the employee's written notice of intent to take parental leave. The employee must provide notice of the total amount of intended leave in the employee's written notification at least thirty (30) days prior (unless due to circumstances of the injury or illness this would not be possible) to the start of the leave, consistent with this policy.
- F. All Parental Paid Leave notices will be reviewed for potential FMLA-eligibility.
- G. Employees must provide proof of the date of the birth or adoption within 15 calendar days after the birth or placement of the child.

3. Effective Date and Triggering Event:

- A. Effective date for Parental Paid Leave time for the birth of a child, adoption, or placement of a foster child shall begin upon the date the employee requests to start their paid parental leave time.

- B. If an employee gives birth to multiple children of a single pregnancy, or simultaneously adopts/fosters multiple children (i.e., twins, siblings, etc.), the Paid Leave triggering event shall be considered a single qualifying event, and will not serve to increase the length of leave for the employee.
4. How Paid Leave Works: Employees who are eligible and provide timely and sufficient written notice consistent with this policy will be approved for Parental Paid Leave not to exceed a total of twelve calendar weeks, beginning upon the employees requested date. First six weeks of parental paid leave will be taken in consecutive weeks but the second six weeks may be taken within six (6) months from the first date Parental Paid Leave commenced. Paid leave may consist of a combination of City Paid, Employee Paid and City Matched Paid Leave Time. If an employee does not elect to take the entire first six (6) weeks of “City Paid” Parental Leave they will not be entitled to “City Matched” leave for the remaining six (6) weeks.

An employee’s job remains protected during all period of Paid Leave, regardless of whether the Paid Leave is City Paid, Employee Paid, or City Matched. Of this available (12) calendar week Paid Leave period:

- A. The first 6 calendar weeks off work will be designated as City Paid Leave, whereby the employee will continue to be paid by the City and no time is deducted from any of the employee’s available leave banks.
 - B. Following the exhaustion of the six weeks of City Paid Leave, the employee may utilize any accrued unused and available vacation, sick, and/or personal banked time for a maximum of up to three (3) additional weeks, consistent with City Policy and applicable collective bargaining agreements. This leave shall be designated Employee Paid Leave, and time will be deducted from any available leave banks in accordance with the employee’s written notice.
 - C. The City will provide employee with an additional period of paid leave in an amount equal to the amount of Employee Paid Leave taken, not to exceed an additional three (3) weeks (“City Matched Leave”). City Matched Leave must be taken following the conclusion of the Employee Paid Leave period. During City Matched Leave, the employee will continue to be paid by the City and no time is deducted from any of the employee’s available leave banks.
 - D. Because the intended purpose of Paid Leave Time is to permit employees to provide parental care for and to bond with their new children during period of family adjustment, employees may not request cash in lieu of Paid Leave and unused Paid Leave will not be paid upon termination.
 - E. Under no circumstances will Paid Leave be extended beyond twelve weeks; however, the second six (6) week period can be spread out over a six (6) month period of time from the first date the Parental Paid Leave commenced. An employee who fails to return to work on or before the conclusion of the approved Parental Paid Leave period shall be deemed to have voluntarily resigned from the City’s employ, unless the City has authorized an unpaid leave extension.
5. Interaction with Family and Medical Leave: For FMLA-eligible employees, the FMLA provides up to 12-weeks of unpaid leave following the birth or adoption or foster of a minor child. Any approved Paid Leave will run simultaneously with any available FMLA Leave for the same qualifying event, so that an employee may not utilized Paid Leave to take (12) weeks of leave in addition (12) weeks of unpaid FMLA leave. Rather Paid Leave is intended to enable the employee to take paid leave for up to twelve weeks, enabling the employee to remain in a paid status during any FMLA-period taken for the same reason.

Although City policy generally requires employees to exhaust all of their accrued paid leave during an approved FMLA period (see FMLA policy), an employee approved for Paid Leave need only exhaust banked leave being used for Employee Paid Leave consistent with this policy.

6. Paid Leave Examples:

Scenario 1: Employee has 3 weeks of paid accrued time available.

Calendar Days	Length of Paid Time	Who Pays?
Day 1 – Day 42	6 Weeks	City Paid
Day 43 – Day 63	3 Weeks	Employee Used Banked Time
Day 64 – Day 84	3 Weeks	City Matched Paid time
Total:	12 weeks	City Paid 9 weeks, Employee paid 3 weeks
Day 85 employee returns to work upon the next scheduled workday – Paid Leave is exhausted; Also, FMLA is exhausted		

Scenario 2: Employee has 2 weeks of paid accrued time available.

Calendar Days	Length of Paid Time	Who Pays?
Day 1 – Day 42	6 Weeks	City Paid
Day 43 – Day 56	2 Weeks	Employee Used Banked Time
Day 57 – Day 70	2 Weeks	City Matched Paid time
Total:	10 weeks	City Paid 8 weeks, Employee paid 2 weeks
Day 71 Paid Leave is exhausted; However, employee would still be eligible for 2 additional unpaid weeks of FMLA. Employee returns to work on Day 85, or the next scheduled workday thereafter.		

If an employee elects to return to work within the first six (6) weeks of City Paid leave they will only be paid for the time they took and will receive no additional Parental Paid Leave.

If an employee elects to return part-time after the taking the first six (6) weeks of City Paid leave they can elect to stretch their second six (6) week Parental Paid Leave over the allowed six (6) months from the initial start date. Employee Paid and City Matched Parental Paid leave time will need to be calculated based on each individual situation.

Employees electing to flex their schedule must meet with their Supervisor prior to the Effective date of their Parental Leave and determine an estimated approved schedule. A final schedule will need to be determined within two (2) weeks of returning to work and should be put in writing and placed in the Employees Personnel file.

7. Other Employee Benefits and Seniority:

- A. Employee will remain eligible to receive all employer provided paid benefits and will continue to accrue vacation and personal leave while on City Paid and Employee Paid Leave, in accordance with applicable City policy, collective bargaining agreements and/or plan terms. Sick time will not accrue while on City Paid Leave, Employee Paid Leave and FMLA.
- B. The mere taking of Paid Leave shall not result in the loss of any employment benefit provided by the City prior to the date on which the Paid Leave commenced. The accrual of benefits and seniority during an employee's Paid Leave shall be dependent upon the type of leave taken and the benefit and seniority policies that apply to that type of leave.
- C. The City will maintain any pre-existing medical/prescription, dental or vision coverage during the leave period in accordance with applicable plan terms, City policy and/or collective bargaining agreements. Employees will continue to be responsible for their portion of health insurance premium payments throughout all approved Paid Leave periods. The Employee's portion of the medical/prescription and vision coverage will continue to be deducted from the employee's pay during periods of City Paid, Employee Paid and City Matched Leave.
- D. The City reserves the right to make modifications to health insurance and other benefits consistent with its policies, applicable collective bargaining agreements, and legal obligations. Any such change will apply to employees on approved Paid Leave on the same date they take effect for active employees who are not on Paid Leave.
- E. An employee is not eligible to receive unemployment benefits during Paid Leave because there is no wage loss, and work is otherwise available but for the employee's voluntary choice to take an extended Paid Leave.

8. Overtime/Holiday/Alternative Employment: Subject to applicable collective bargaining agreements, employees on Paid Leave are not eligible for overtime pay because they are not actually working. An employee whose requested Paid Leave Period falls on a scheduled City holiday will continue to receive Paid Leave for the days of the holiday but will not receive any additional holiday pay. Employees are ineligible to work alternative employment during the period of Paid Leave.

9. Managements Responsibilities: It is the responsibility of the Human Resource Department to administer this Paid Leave policy and it is the responsibility of the Department Heads to make Human Resources aware of any situation whereby the Paid Leave policy may apply for an employee within their department.

Section 6.12 – Paid Time Off – Part-Time Employee

- 1. Eligibility: All regular part-time employees as defined in Section 4.9 shall be eligible for paid time off. Part-Time employees commence earning paid time off immediately and may use paid time off immediately up to the amount accumulated at the time of use.
- 2. Use of Paid Time Off: Paid time off may be used for any purpose, including specifically in accordance with the Michigan Paid Medical Leave Act. Paid time off shall be used in increments of 1/10th of an hour and shall be paid at the straight-time hourly rate.
- 3. Accrual and Accumulation: Regular part-time employees shall accrue paid time off at the rate of .031 hours per each hour actually worked.
- 4. Rollover: At the employee's anniversary date, he/she may carry forward up to forty (40) hours of accumulated but unused paid time off.
- 5. Transfer and Promotions: Employees shall retain accrued paid time off if transferred or promoted to another position with the City.

6. Resignation/Termination of Employment: There shall be no payment of accumulated but unused paid time off at the time of employee's termination from employment.

Section 6.13 – Unpaid Time

Employees must obtain approval from their supervisor for any unpaid time. Employees are not eligible for unpaid time if there is usable time available in the employees' vacation, personal, or compensatory banks. Employees are eligible for unpaid time if they only have time in their sick bank as sick time can only be used as defined in Section 6.2.

Chapter 7: Personnel Records

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ February 14, 2020
City Manager Signature Date

Section 7.1 - Personnel Files

A personnel file is kept by the City for every employee. Other departments or supervisors may retain auxiliary files, but originals of the following shall be forwarded to the Human Resources Coordinator. All material in these files is strictly confidential and secured under the custodianship of the Director of Personnel. All personnel files are subject to the provisions of the Bullard-Plawecki Right-to-Know Act and the Freedom of Information Act. Information in an employee's personnel file may include the following:

1. Original application and accompanying documents.
2. Personnel Action Requests pertaining to the employee's status changes.
3. Performance evaluations and related documents.
4. Letters of commendation or complaint connected with employment.
5. Promotional opportunity application and related materials.
6. Documents submitted by the employee.
7. Certificates of accomplishment for employee training or development.
8. Documentation of disciplinary action.
9. Material submitted as part of the record of an appeal or a decision, or other action, and copies of related proceedings.

Section 7.2 - Official Access

The following shall have the right of access to an inspection of a personnel file.

1. The employee who is the subject of the file.
2. An attorney or designee of the employee when the employee has provided written authorization for access to the file.
3. Supervisory employees who are considering the employee for promotion, transfer, reassignment, demotion, dismissal, or other personnel action.
4. City Manager, Clerk/Director of Employee and Customer Engagement and designated Human Resource staff.

5. City Attorney or appropriate agent when connected with any legal action involving the employee and the City.
6. Persons making a proper legal request under the Freedom of Information Act.

Section 7.3 - Limited Access

Information in an employee's personnel file shall not be made available to anyone except those listed in section 7.2. The only information provided by telephone is verification of an employee's job title, dates of employment, and salary. No other information shall be given by phone unless the employee provides a written release absolving the City, its employees, agents, and officials from any responsibilities.

Section 7.4 - Written Reprimands

Whenever a reprimand is placed into an employee's personnel file, the employee shall be provided a copy of the entry.

Section 7.5 - Employee Access

Employees may review the contents of their personnel files by making an appointment with the Human Resources Department.

Section 7.6 - Medical Records

The medical records of each employee shall be kept by the Human Resource Department in a separate file from the personnel files, and shall be considered confidential. Any information contained therein shall be released only with the written consent of the respective employee or in accordance with the requirements of law. Internal use of such information shall be in accordance with the requirements of law.

Chapter 8: Insurance Benefits

Revision Effective Date: July 1, 2023
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ June 19, 2023
City Manager Signature Date

Section 8.1 - Medical Health Insurance

The City provides a health and prescription drug plan to all eligible employees. There shall be an annual open enrollment period to allow employees to elect changes in coverage. It is the responsibility of the employee to return forms in a timely manner. Failure to do so will result in a denial of coverage and/or a denial in coverage change.

1. Eligibility: Employees shall become covered upon completion of the required forms and upon their acceptance by the provider as participants. All full-time employees are eligible for health and prescription drug plan insurance. Coverage begins upon date of hire. Any employee covered by a labor agreement or union contract should refer to that document for the date health insurance coverage begins.
2. Health insurance premium co-pays will be deducted directly from payroll. Employees have the option of a pre-tax deduction. This is available upon completion of the required form.
3. Employees are responsible for notifying the Employer of any change in status throughout the year. This is to include, but is not limited to: change of address, marriage, divorce, birth or adoption of child, child over the age of 26.
4. The City of Mason reserves the right to substitute another insurance carrier or be self-insured.

Section 8.2 – Dental Insurance

The City provides a dental benefit plan for all eligible employees at no cost to the employee. There shall be an annual open enrollment period to allow employees to elect changes in coverage. It is the responsibility of the employee to return change forms in a timely manner. Failure to do so will result in a denial of coverage and/or a denial in coverage change.

1. Eligibility: Employees shall become covered upon completion of the required forms and upon their acceptance by the provider as participants. All full-time employees are eligible for dental insurance. Coverage begins the first day of the month following the date of hire. Any employee covered by a labor agreement or union contract should refer to that document for the date health insurance coverage begins.
2. Employees are responsible for notifying the Employer of any change in status throughout the year. This is to include, but is not limited to: marriage, divorce, birth or adoption of child, child over the age of 26. It is the responsibility of the employee to report changes in a timely manner or coverage may be denied.
3. The City of Mason reserves the right to substitute another insurance carrier or be self-insured.

Section 8.3 – Vision Insurance

The City provides a vision plan to all eligible employees. There shall be an annual open enrollment period to allow employees to elect changes in coverage. It is the responsibility of the employee to return forms in a timely manner. Failure to do so will result in a denial of coverage and/or a denial in coverage change.

1. **Eligibility:** Employees shall become covered upon completion of the required forms and upon their acceptance by the provider as participants. All full-time employees are eligible for vision plan insurance. Coverage begins the first day of the month following the date of hire. Any employee covered by a labor agreement or union contract should refer to that document for the date health insurance coverage begins.
2. Vision insurance premium co-pays will be deducted directly from payroll (if you elect Medical Insurance the Medical and Vision premium co-pay is combined). Employees have the option of a pre-tax deduction. This is available upon completion of the required form.
3. Employees are responsible for notifying the Employer of any change in status throughout the year. This is to include, but is not limited to: change of address, marriage, divorce, birth or adoption of child, child over the age of 26.
4. The City of Mason reserves the right to substitute another insurance carrier or be self-insured.

Section 8.4 - Payment-in-Lieu of Insurance

An employee who is eligible for either medical and/or dental insurance via another source may elect not to be covered by the medical insurance and/or dental insurance provided by the City of Mason. The decision to waive coverage shall be made once per calendar year during the open enrollment period. A Waiver Agreement drafted by the City of Mason shall be executed by the employee. This waiver attests that the employee is covered by medical insurance and/or dental insurance from another source. In the event the employee elects to forego medical insurance and/or dental insurance, the City shall pay an amount equal to 50 percent of the premium cost of the coverage for which the employee is otherwise eligible at the time of election (full family, two persons, or single subscriber).

1. Employees losing medical and/or dental coverage from another source shall notify the Human Resource Department in time so that the employee and dependents, where appropriate, can be re-enrolled in the City medical and/or dental care plan beginning the first day of the month following the loss of alternate coverage. Employees carry the sole responsibility for notifying the City of a change. The City is not responsible if the required deadline is missed and the employee cannot procure coverage with the City until the next open enrollment period.
2. **Married and Related Eligible Employees:** Employees are not eligible for an Opt Out payment if they are insured under a City plan, regardless if they are insured as the subscriber or as a spouse or dependent on the subscriber. In the event that a benefit eligible employee, who is not covered by the City Medical insurance policy and is a dependent of another benefit eligible employee and is 26 years of age or younger they are not eligible for Opt Out.
3. This section applies equally as stated for Dental Insurance.
4. Any labor agreement in conflict with this will predominate.

Section 8.5 - Life Insurance

Employees will be provided with basic term life insurance with double indemnity for accidental death, dismemberment, and loss of vision.

1. Eligibility: All Employees must complete the required forms. Employees at the Department Head level and above are eligible the first date of employment. Non-Union employees are eligible the first day of the month following the date of hire.
2. Coverage: The amount of the policy for employees at the Department Head level or above shall be \$100,000. The policy for all other non-union employees will be \$50,000.
3. Non-Union employees shall have the option to purchase, at their expense, additional life insurance coverage in amounts, and for the cost, as allowable and determined by the City's carrier. The total cost of such optional coverage shall be paid for by an employee payroll deduction.

Section 8.6 - Workers Compensation

The City provides workers compensation insurance at no cost to the employee. In the event of a work-related injury or condition, workers compensation insurance may provide wage loss benefits. Following accidents at work, or upon learning of medical conditions arising from employment with the City, employees must notify their supervisors so a written injury report can be immediately filed and forwarded to the Human Resource Coordinator and the City's insurance carrier.

Applicable Workers Compensation law will be followed for work-related injuries or illnesses. An Employee sustaining a work-related injury shall be paid for the days scheduled to work during the first seven (7) calendar days following the date of injury, illness or exposure. Compensation will be as follows:

1. Compensation for the first seven (7) days will be paid after employee receives their first worker's compensation payment to determine the difference between City of Mason wages and Worker's Compensation wages and will then be paid on the first paycheck following.
2. If the employee returns within the first seven (7) days and does not receive worker's compensation payments then the employee will be paid on the first paycheck following.
3. Employees may elect to use sick, vacation, personal time to supplement during the first seven (7) day waiting period and will be reimbursed for this time once Worker's Compensation Wages are determined.

Prior to the employee's returning to work from worker's compensation leave, the City will require the employee to provide a medical clearance from the treating physician. If the City disagrees with the clearance, a second opinion will be obtained from a physician of the City's choice.

Section 8.7 – Unemployment

The Michigan Employment Security Act provides temporary wage replacement for employees who become unemployed without fault but remain eligible for employment. Eligible employees may apply for MESA benefits upon separation from employment with the City.

Section 8.8 – Insurance Coverage for Eligible Retirees

The City will not provide post-employment retiree health care benefits for any employee hired after January 1, 2012. Effective August 5, 1996, individuals who qualify for retirement under the provisions of the Municipal Employees Retirement System may, at their option, be carried on the roll of the City's retirees' group hospitalization plan at the group rate providing they pay the premium for such coverage monthly in advance. For those individuals retiring at age fifty-five (55) or over and having twenty-five (25) years or more of continuous and credited service with the system, the City will pay the cost of the retiree's coverage and the retiree will pay the cost of coverage for his/her dependents with payment made to the City monthly in advance. For those individuals retiring at age fifty-five (55) or over and having twenty (20) years or more of continuous and credited service with the system, the City will pay seventy-five (75) percent of the cost of the retiree's coverage and the retiree will pay the balance of the cost of the single subscriber rate as well as the cost of coverage for his/her dependents with payment made to the City monthly in advance. For those individuals retiring at age fifty-five (55) or over and having fifteen (15) years or more of continuous and credited service with the system, the City will pay fifty (50) percent of the cost of the retiree's coverage and the retiree will pay the balance of the cost of the single subscriber rate as well as the cost of coverage for his/her dependents with payment made to the City monthly in advance. Should required payments not be made at the prescribed times, the City may cancel coverage for the retiree, if applicable or for his/her dependents.

Chapter 9: Retirement Benefits

Revision Effective Date: July 1, 2023
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ June 19, 2023
City Manager Signature Date

Section 9.1 - Pension Plans

The City of Mason belongs to the Municipal Employees' Retirement System of Michigan (MERS).

Employees hired on or after May 1, 2022, will not participate in the Defined Benefit Plans and will participate in a Defined Contribution Plan. The Employer will contribute eight percent (8%) of the employee's base wages and the Employee will contribute four percent (4%) of their base wages. The vesting schedule will be:

- 20% at 1 Year
- 40% at 2 Years
- 60% at 3 Years
- 80% at 4 Years
- 100% at 5 Years

Employees hired after January 1, 2012, will also belong to the Municipal Employees' Retirement System of Michigan (MERS). Employees hired after January 1, 2012, are eligible for the C-1 Defined Benefit Program, F-55 (15), 10-year vesting, FAC 5, with a 1.5% multiplier. Final Average Compensation for paid vacation leave time shall include no more than 240 hours. Employees are required to contribute a percentage of gross pay to their defined benefit retirement plan as determined by the City. Retirement handbooks are distributed upon employment with the City.

Employees hired prior to January 1, 2012, are eligible for the B-4 Benefit Program, F-55 (15), 10 year vesting, FAC 3, with a 2.5 % multiplier. Employees are required to contribute a percentage of gross pay to their defined benefit retirement plan as determined by the City. Retirement handbooks are distributed upon employment with the City.

Section 9.2 – Deferred Compensation Plans

Employees may elect to contribute to a Section 457 Deferred Compensation plan. Employee contributions through payroll deduction may be arranged upon hire and during the open enrollment period each year. There is no employer contribution in this program. Employees may contribute up to the Annual Deferral Limit for 457 plans. They may also participate in the "Pre-Retirement Catch-up" limit and the "Age 50 Catch-up" limit. Employee contributions through payroll deduction will be arranged upon hire and can be modified throughout employment.

Section 9.3 – Retiree Health Benefits

See Section 8.8.

Chapter 10: Military Leave

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  February 14, 2020
City Manager Signature Date

Section 10.1 – Training

Any full-time employee who presents official orders for training as a member of the Armed Forces of the United States or Michigan National Guard shall be afforded military leave for the duration of the training. Leave can be taken, at the employee’s discretion, without pay or with the use of available vacation if the required time off falls on regularly-scheduled working days. For extended military training of 15 or more consecutive days, upon approval of the City Manager and without concurrent use of extended vacation, the City may compensate – though not required by law – the employee the difference between military pay and City wages.

Section 10.2 - Active Duty

Any full-time employee who presents military orders for a call to active duty shall be placed on military leave for the duration of the call up.

Section 10.3 - Return to Work

Upon discharge from active duty, if eligible, an employee will be reinstated to full employment as provided by the Uniform Services Employment and Reemployment Act (USERRA).

Chapter 11: Drug Free Workplace

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ February 14, 2020
City Manager Signature Date

Section 11.1 – Policy

In compliance with the Drug Free Workplace Act of 1988, the City is committed to maintaining a workplace free of alcohol and drugs. To accomplish this:

1. The possession, use, distribution, dispensation or manufacture of controlled substances while on City property, or during work hours, is prohibited. For purposes of this policy, controlled substances are defined as any drug, compound, mixture, preparation, or substance included in Schedules I-V of 21 CRF Part 1308. Marijuana, although legal under State law, remains a Schedule I drug under Federal Regulations.
2. Employees are prohibited from reporting to work or working while under the influence of, or in possession of, alcohol or controlled substances.
3. Employees who violate the substance abuse policy, or who refuse to take a drug screening test, may be subject to disciplinary action up to, and including, termination.
4. Controlled substances used in accordance within the limits of a valid prescription are exempt from the policies contained herein. For purposes of this policy, marijuana, even if used for medicinal purposes, is not a valid prescription medication. Employees who use prescription or over-the-counter medications which may cause drowsiness, or affect their ability to perform their jobs (such as operating a vehicle, etc.), are required to notify the personnel manager by providing copies of the valid medical prescriptions and the explanations of the potential side effects, copies of which will be placed in the employees' medical files.

Section 11.2 - Drug Screening

Job applicants who have been offered a position on the City staff will be given a drug screening test as part of the pre-employment physical. Applicants with confirmed positive test results for controlled substances who do not have acceptable explanations will not be hired.

Employees who give the appearance of being under the influence of controlled substances, or who give the appearance of violating this policy, may be directed by their Department Heads to undergo drug screening tests. Positive results from such testing may result in disciplinary action up to, and including, termination. Probable cause for initiating drug or alcohol testing may include, but is not limited to, the following:

1. Possession of a controlled substance or alcohol while on duty.

2. Observations of a supervisor concerning appearance, behavior, speech or body odors, or indications of the chronic use or withdrawal of controlled substances or alcohol, which lead the city to suspect that the employee has violated the prohibitions of this policy concerning alcohol and /or controlled substances.
3. Responsibility for an accident while on duty; involving the loss of human life; resulting in bodily injury to a person who, as a result of the injury, immediately receives medical treatment at or away from the scene or accident; where one or more motor vehicles is involved; where one or more of the motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by tow truck or other vehicle.

Section 11.3 – Employees Subject to Federal DOT Testing

An employee (or applicant) in a position that is DOT-regulated is prohibited from using drugs and/or alcohol (as defined in federal law) in a manner that violates DOT regulations. Marijuana is one of the classes of drugs included in a Federal DOT test. As such, any DOT-regulated employee (or applicant) is prohibited from using marijuana at any time, even if a medical marijuana recommendation or other medical documentation is provided. DOT-regulated employees are subject to drug and alcohol testing in accordance with the Federal Omnibus Transportation Employee Testing Act of 1961 and applicable DOT regulations, which includes pre-employment, random, reasonable suspicion, post-accident, return to duty and follow-up testing. All drug and alcohol tests conducted under this Policy shall be done following the procedures outlined in 49 CFR Part 40 and shall include the following drugs or classes of drugs: marijuana, cocaine, opioids (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone), amphetamines, and phencyclidine. Violation of the DOT regulations, including a positive test result and/or refusal to test, will result in disciplinary action up to, and including termination.

Section 11.4 – Criminal Drug Convictions

As a condition of employment, each employee is required to notify the City within five (5) days after he/she receives a conviction for violating any Federal or State criminal drug statute where such violation occurred at the workplace or any location where City business is conducted. Any employee who fails to report such a conviction will be subject to immediate termination. Within thirty (30) days of such notification the City will take appropriate disciplinary action against such employee, up to and including termination. The City may also refer the employee to its Employee Assistance Program, as outlined in Section 11.4.

Section 11.5 - Employee Assistance

The City desires to help employees be free from drug and alcohol dependency and will offer assistance, through referral, for treatment and rehabilitation by means of the medical plans in effect.

1. Employees who demonstrate obvious symptoms of drug or alcohol dependency, or who may be determined as having such dependency, or who test positive for drug or alcohol use may, upon approval of the City Manager, be offered counseling, treatment, and/or rehabilitation as an alternative to disciplinary action.
2. Successful completion of a rehabilitation program, and remaining drug or alcohol-free in the workplace, will be used as a condition of continued employment.
3. Employees who refuse to submit to counseling, who fail to complete the counseling programs, or who commit second offenses will be terminated.
4. Employees who wish to enroll for a second time in a substance abuse program will have their cases reviewed by the City Manager.

5. All information related to substance abuse counseling and treatment programs is considered confidential.

Chapter 12: Workplace Harassment

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date: 
City Manager Signature February 14, 2020
Date

Section 12.1 - Harassment in the Workplace

Harassment or discrimination against City employees based on race, color, religion, national origin, age, sex, height, weight or disability is prohibited. Harassment includes any conduct or communication on the basis of a protected category, when:

1. Submission to the conduct is made explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of the conduct by an individual is used as the basis for an employment decision affecting the individual, or;
3. Conduct has the purpose or effect of substantially interfering with the individual's performance or of creating an intimidating, hostile, or offensive work environment.

Section 12.2 – Responsibilities

Every employee is responsible for refraining from conduct that causes harassment. It is every Supervisor's responsibility to prevent such behavior from occurring. The City will take appropriate action to prevent any unwarranted and unwanted conduct from occurring in places and situations that are under its control. Allegations will be investigated in a fair and expeditious manner. If a complaint is substantiated, action will be taken to remedy the situation and prevent its reoccurrence:

1. Employees who feel they are victims of harassment as described in Section 12.1 are encouraged to request that the offending parties cease the offensive conduct. This is not a required step, and these employees may go directly to their immediate Supervisors to report the harassment. If their complaint is against their immediate supervisor, the employee may go to the City Manager to report the harassment.
2. Any City employee who becomes aware harassment is occurring as described in Section 12.1 must immediately report the activity.
3. If a report of harassment is made to the City as described in Section 12.1, an investigation will be initiated by the City, and the alleged offensive activity ordered to cease pending the investigation.
4. The recipient of this complaint and/or his/her designee will conduct a thorough investigation and report the findings, along with a recommendation for the appropriate disposition of the complaint, to the City Manager.
5. If the allegations are sustained, the offending employee will be subject to discipline in compliance with this policy.

6. If the allegations are not sustained or are unfounded, all the involved parties will be notified within five business days of when the Department Head is notified.
7. Nothing in this policy prevents an employee from directly contacting the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights to file a complaint in addition to, or in lieu of, contacting the designated person herein.
8. For the purposes of this policy, normal, courteous, mutually respectful, pleasant, non-coercive interaction between men and women, that is acceptable to both parties, is not considered to be harassment.
9. There will be no discrimination or retaliation against any employee because the employee has filed a complaint, testified, assisted, or participated in an investigation under this policy.

Section 12.3 – Sexual Harassment in the Workplace

Title VII of the Civil Rights Act of 1964 and the Elliott-Larsen Civil Rights Act of 1976 prohibit discrimination because of race, color religion, sex or national origin in all employment practices, including terms, conditions, and privileges of employment. The policy of the City of Mason is to prohibit sexual harassment in the workplace. Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.” Acts that constitute sexual harassment include, but are not limited to, unwelcome sexual advances, comments, conducts and suggestion where:

1. Submission to such conduct is either an expressed or implied term or condition of employment.
2. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person.
3. The conduct has the purpose or effect of substantially interfering with an affected person’s work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment by an employee, department head, supervisor, or others will not be tolerated. The City will actively investigate any allegation of sexual harassment. If it is determined that sexual harassment has occurred, appropriate disciplinary action will be taken against any employee who violates this policy, which may include discharge of the offending employee.

All department heads and supervisors, as part of their job requirements, will be responsible for preventing and eliminating sexual harassment in their respective departments or work areas. Such behavior by employees, contractors, and other non-employees who have reason to be dealing with the City will not be tolerated.

1. Employee Responsibility: Any employee who believes he or she is being sexually harassed by anyone in the course of his or her employment should promptly take the following steps:
 - A. Promptly report in writing to either the Department Head or the City Manager the details regarding the incident(s) which are believed to be sexual harassment. The written statement must state specific details of the alleged sexual harassment behavior, including naming the person(s) who are doing the harassing and naming any witnesses.

- B. Before invoking this procedure, an employee may wish to consider whether it would be more beneficial to first confront the alleged harasser with the allegations, or if it would be more productive to utilize this procedure.
 - C. Sanctions against sexual harassment will depend upon the circumstances surrounding the incident. Minor first offenses will lead to written reprimands and/or time off without pay. Major or multiple offenses will lead to the dismissal of the offender.
2. Management Responsibility: Every member of the City's Management is responsible for ensuring that no sexual harassment occurs within his or her area of authority.
- A. Any complaint of sexual harassment should receive the immediate attention of the supervisor to whom it is made and should be reported immediately to the City Manager.
 - B. Investigation of a complaint of sexual harassment normally will include conferring with the parties and witnesses named by the employee making the complaint.
 - C. Unless otherwise required by law, court order, or a request from a government agency, the City will not release information concerning a complaint of sexual harassment to third parties or to anyone within the City who is not involved with the investigation. More specifically, information will not be released to an affected employee's family, the news media, or a prospective employer seeking a reference. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.
 - D. If the investigation reveals that the complaint is valid, prompt disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

Chapter 13: Workplace Safety

Revision Effective Date: July 1, 2023
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ June 19, 2023
City Manager Signature Date

Section 13.1 – Prohibitions

It is the City of Mason’s intention to provide a safe and secure environment for its employees and those persons visiting its facilities. The City will not tolerate threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals. Any person who makes threats, exhibits threatening behavior, or engages in violent acts, will be removed from City property and prohibited from returning without authorization of the City Manager.

Section 13.2 – Safety

Department Heads shall ensure that safety rules and regulations are posted. The Safety Committee shall periodically coordinate safety inspections of the various work sites on which the employees are required to work in order to detect hazardous areas or practices for correction as appropriate. Records of said inspections, and results there from, shall be maintained by the Human Resource Department, and copies forwarded to the Department Heads for implementation and correction. The City shall post the location of all exits from the workplace and emergency escape procedures when appropriate. Employees shall obey all safety rules, wear protective clothing and equipment as required, and keep the workplace neat and clean. Employees shall report any potential hazard to the appropriate department or official. Employees shall comply with occupational safety and health standards of the Federal Occupational Safety and Health Act of 1970, as amended.

Section 13.3 - Accidents and Injuries

Employees shall report all accidents and injuries to the Supervisor or Department Head as soon as possible. Minor injuries requiring only first aid may be treated at the work site. Employees incapacitated by serious injury shall be transported to a medical facility by ambulance or other emergency vehicle. The Supervisors of the involved employees shall file Accident-Injury Reports with the Human Resource Department no later than the end of the next business day. An on-duty death must be reported to MIOSHA within 24 hours of the incident.

Employees involved in traffic crashes while operating City-owned vehicles shall first notify the police departments whose jurisdictions the accidents occurred in. The employees will then notify their Supervisors or Department Heads, regardless of how minor the accidents. An incident report form must be filled out by the employee and the supervisor for all incidents, regardless of how minor the incident, and forwarded to the Human Resource Department no later than the end of the next business day. Drug screening may be required as detailed in Section 11.2 (3). City of Mason employed police officers shall submit any appropriate reports of any accidents as required by the Police Department. The Human Resource Department will be provided a copy of any traffic crash report involving a City-owned vehicle no later than the end of the next business day.

Section 13.4 – Weapons

Employees are prohibited from possessing, carrying, or storing firearms or other dangerous weapons in or on City-owned or controlled property, or during work hours, except for sworn police officers of the City, in compliance with Mason Police Department Policies and Procedures.

Section 13.5 – Safety Data Sheets Compliance

The master file of all Safety Data Sheets (SDS) is filed in the City Manager’s office. Training will be held as needed for all employees on hazardous materials and the Michigan Occupational Safety and Health Act (MIOSHA).

One employee from each work site is designated to maintain the site SDS files. The designees are as follows:

- City Hall – Clerk
- Fire – Facility Maintenance
- Department of Public Works – Foreman
- Wastewater Treatment Plant - Superintendent
- Water Treatment Plant - Superintendent

Records must be current at all times. All employees are expected to know the location of the SDS files at their work site. New employees should receive instructions from their supervisor or department head on the location of the SDS sheets and any hazardous materials the first day of employment.

Chapter 14: Discipline

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ February 14, 2020
City Manager Signature Date

Section 14.1 - At-Will Employees

At-will employees serve at the pleasure of the City and may be dismissed at any time, without reason, or with any recourse to any procedure.

Section 14.2 - Temporary, Part-time and Probationary Employees

Temporary, part-time, or probationary employees can be disciplined or terminated without recourse to the disciplinary procedure provided in the Rules of Conduct.

Section 14.3 - Discipline Records

All notices of employee discipline will be forwarded to the City Manager's Office for review. City Manager will then forward to the Human Resource Department for placement in the employee's personnel file.

Section 14.4 – Responsibilities

All City employees will perform their assignments with a level of care and commitment which indicates they are putting forth a reasonable effort to effectively and safely perform their public service responsibilities.

Section 14.5 – Expectations

All City employees are expected to treat all persons, with whom they have contact in the course of their assignments, with dignity and respect. Employees are expected to comply with all legal standards related to illegal discrimination and harassment while in the course of their employment.

Section 14.6 - Rules of Conduct

These Rules of Conduct have been published so that all employees can be aware and will know what is expected of them. The City reserves the right to revise these rules and regulations at any time. Nothing in these rules of conduct shall be construed as altering the at-will status of non-union employees. The below list is not exhaustive; instead it is assumed that each employee will exercise good common sense in his/her work habits and job performance. While the City reserves the right to utilize progressive discipline, either the employee or the City remains free to terminate the employment relationship at any time, with or without cause or advance notice.

1. For violations of any of the following rules, an employee will generally be subject to severe discipline, up to –and including – discharge:
 - A. Refusal to comply with a Supervisor's instructions, or other insubordinate conduct.
 - B. Gross neglect of duty.
 - C. Immoral or indecent conduct which brings the City into disrepute.

- D. Intentional falsification of employee records.
- E. Knowingly falsifying, altering, or fabricating an official time-keeping record.
- F. Theft or intentional destruction of the City's or another employee's property, or removal of City property from City premises without authorization.
- G. Unauthorized use of the City's property.
- H. Sleeping on duty.
- I. Consumption of, or possessing, alcoholic beverages or controlled substances while on City time, premises, or equipment, or reporting to work while under the influence of alcoholic beverages or controlled substances.
- J. Conviction of a felony while in the employ of the City.
- K. Deliberate or careless conduct endangering the employee's own safety or others.
- L. Damage to the City's or public property.
- M. Abusive, threatening, or coercive actions towards members of the public, fellow employees, or a Supervisor.
- N. Conviction or convictions of any moving traffic violations accrued while driving City-owned automobiles which result in an accumulation of 6 points or more during a 12-month period
- O. Absence from work for three consecutive, regularly-scheduled working days without an excuse acceptable to the employer.
- P. Suspension or loss of a driver's license by those employees who are required to drive as part of their employment.
- Q. Sabotage of City operations, staff, or equipment.
- R. Permitting any person who is not an employee to enter or ride in a City vehicle without authorization of the City.
- S. Failure to be available for an emergency call to duty, or failure to respond to said call.
- T. Serious violation of a safety rule or safety practice.
- U. Possessing, carrying, or otherwise using a firearm or other lethal weapon while on duty, except as may be required by a sworn police officer.
- V. Intentional discrimination against another employee or member of the public—while in the performance of one's duties—based upon race, gender, color, ethnic heritage, disability, religion, height, weight, or any other legally protected classification.

- W. Accepting or asking for special benefits or payments from a member of the public or a business, etc., to perform required duties, or to influence the manner in which the duties are performed. Including conflicts related to outside employment.
 - X. Any other offense of equal magnitude.
 - Y. Failure to report incidents of damage to city property or private property in the required manner.
2. For the commission of the following offenses, an employee will generally receive a written counseling for the first offense, and a written reprimand for a second violation of the same rule.
- A. Late to work without an excuse acceptable to a Supervisor.
 - B. Carelessness which requires the disposal or repair of City-owned equipment of a value less than \$500.00.
 - C. Use of any tobacco product in an unauthorized area.
 - D. Inattentiveness to work, failure to start work at the designated time, quitting work before the designated time, or leaving the job during work hours without permission of the supervisor. Inattentiveness to work includes: lack of productivity, use of work time to perform personal business, unreasonable use of work or personal phones during work hours for personal calls, playing computer games outside break or lunch periods, and any other unauthorized activities which interfere with the workplace productivity.
 - E. Minor violations of safety rules or practices.
 - F. Failure to report for work without giving notice to the employer, unless it was impossible to give such notice.
 - G. Creating or contributing to poor housekeeping in the buildings or equipment of the employer.
 - H. Vending, soliciting, or collecting contributions resulting in the misuse of the Employer's time and/or resources.
 - I. Posting, removing, or defacing any matter on the employer's bulletin board or property without authorization of the employer.
 - J. Failure to perform work as instructed and in a timely manner, or performing work reflecting poor workmanship.
 - K. Any other offense equal to the magnitude of the above.
3. An employee will generally be subject to discharge upon commission of any third offense if such employee receives:
- A. Two written counseling statements for the same or difference offenses within a period of twelve consecutive months; or

- B. Discipline under Section 14.7.1 of these rules and one written reprimand under Section 14.7.2 within twelve consecutive months; or
- C. Two written reprimands or disciplinary suspensions—for the same or different offenses within a period of eighteen consecutive months.

Chapter 15: Grievance Procedures

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  February 14, 2020
City Manager Signature Date

Section 15.1 - Grievance Procedures

A grievance shall refer to the specific rule or procedure alleged to have been violated, and shall specifically state the facts pertaining to the alleged violation. Any grievance failing to comply with this standard shall be considered invalid and automatically denied. Probationary employees have no recourse in the grievance process.

Section 15.2 - Procedural Steps

The following steps of the grievance procedure must be followed within the identified timelines. Failure to meet timelines or disregarding a step by either the employee or the City will result in the grievance to be determined being settled in favor of the non-violating party.

Step 1: Whenever a grievance arises, it shall be reported verbally to the employee's immediate Supervisor within three working days of the time the alleged infraction is noted to have occurred by the employee. The Supervisor will respond to the employee within two working days as to whether the grievance can be settled or is denied.

Step 2: If the grievance cannot be settled at the Supervisor level, and the employee wishes to proceed to the next step, the grievance must be submitted in writing—within three working days of the Step 1 denial—to the employee's Department Head. The Department Head will then respond in writing—within five working days from receipt of the grievance—as to whether the grievance can be settled or is denied.

Step 3: If the grievance is not settled, and the employee chooses to do so, a written grievance will be submitted to the City Manager within three working days of the Step 2 denial. The City Manager will respond to the grievance in writing within ten working days. Prior to his/her written response, the City Manager may call a meeting of the disputing parties in order to settle the dispute. The City Manager's decision is final.

Section 15.3 - Good Faith

There should be a sincere desire on the part of disputing parties to settle the grievance in as short a time as possible. Employees who are summoned into meetings during work hours—at the request of the City—will not receive a pay deduction or be forced to use personal leave as time away from work.

Chapter 16: Fraud Policy

Revision Effective Date: None
Effective Date: February 17, 2020

Most Recent Issued Date:  _____ February 14, 2020
City Manager Signature Date

Section 16.1 – Background

The City of Mason fraud policy is established to facilitate the development of controls which will aid in the detection and prevention of fraud against the City of Mason. It is the intent of the City of Mason to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Section 16.2 - Scope of Policy

This policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the City of Mason.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the City of Mason.

Section 16.3 – Policy

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his/her area of responsibility, and be alert for any indication of irregularity.

Any fraud that is detected or suspected must be reported immediately to the City Manager or his designee, who coordinates all investigations with the City Attorney and other interested parties, both internal and external.

Section 16.4 - Actions Constituting Fraud

The terms embezzlement, misappropriation, and other fiscal wrongdoings refer to, but are not limited to:

1. Any dishonest or fraudulent act;
2. Forgery or alteration of any document or account belonging to the City of Mason;
3. Forgery or alteration of a check, bank draft, or any other financial document;
4. Misappropriation of funds, securities, supplies, or other assets;
5. Impropriety in the handling or reporting of money or financial transactions;
6. Profiteering as a result of insider knowledge of City activities;

7. Disclosing confidential and proprietary information to outside parties;
8. Disclosing to other persons securities activities engaged in or contemplated by the City of Mason;
9. Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City of Mason;
10. Failing to document leave time;
11. Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; and/or;
12. Any similar or related inappropriate conduct.

16.5 - Other Inappropriate Conduct

Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management, Human Resources, and the City Manager.

If there is any question as to whether an action constitutes fraud, contact the City Manager for guidance.

16.6 - Investigation Responsibilities

The City Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the City Manager will issue reports to appropriate designated personnel and, if appropriate, to the City Council.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with Legal Counsel and the City Manager, as will final decisions or disposition of the case.

16.7 – Confidentiality

The City Manager treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the City Manager immediately, and should not attempt to personally conduct investigations or interview/interrogations related to any suspected fraudulent act (see REPORTING PROCEDURE section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the City of Mason from potential civil liability.

16.8 Authorization For Investigating Suspected Fraud

The City Manager may appoint an Investigator or an Investigation Unit. Members of the Investigation Unit will have:

1. Free and unrestricted access to all City records and premises, whether owned or rented; and
2. The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

16.9 Reporting Procedures

Great care must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects fraudulent activity will contact the City Manager immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquiries should be directed to the Investigations Unit or the City Attorney. No information concerning the status of an investigation will be given out. The proper response to any inquiries is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The reporting individual should be informed of the following:

1. Do not contact the suspected individual in an effort to determine facts or demand restitution.
2. Do not discuss the case, facts, suspicion, or allegations with anyone unless specifically asked to do so by the City Attorney or City Manager.

16.10 Termination

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the City Manager and the City Attorney before any such action is taken. The Investigation Unit does not have the authority to terminate an employee. The decision to terminate an employee is made by the employee's management. Should the City Manager believe the management decision inappropriate for the facts presented, the facts will be presented to executive level management for a decision.

16.11 Administration

The City Manager is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.