

# CITY OF JACKSON, MICHIGAN

## PERSONNEL POLICY



**City Manager's Office**  
**Human Resources Division**

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161 W. Michigan Ave. • Jackson, MI 49201  
Phone: (517) 788-4046 • Facsimile: (866) 522-9005

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## **INTRODUCTION**

The Personnel Policy contained in the pages of this document in no manner should be construed as a contract or promise to any employee or prospective employee that the procedures, classifications, class grades, or benefits contained will remain in effect or continue in existence. This document is merely an outline of the procedures, classifications, class grades, and benefits which existed at the time of the enactment by the City Council. The procedures, classifications, class grades, and benefits contained herein may be altered, decreased, changed, or eliminated at any time by action of the City Council, and the interpretation of the procedures and this entire document shall be in the sole discretion of the City Council.

It must be specifically understood by each and every employee or prospective employee that this document does not constitute a contract of employment between the City of Jackson and any employee or prospective employee or a continuing promise of the continuation of any provisions contained herein. Specifically, no employee or prospective employee should rely upon this document or any of the provisions contained herein as a condition of continuing employment or as a condition of accepting employment.

Equal Employment Opportunity Statement -The City of Jackson will provide equal employment opportunities to qualified persons without regard to race, creed, color, sex, age (40 and older), religion, national origin, citizenship, ancestry, pregnancy, sexual orientation, gender identity, gender expression, family medical history and genetic information, physical and mental disability, military & veteran status, arrest record, marital status, height, or weight as required by applicable law.

At-Will Employees - None of the language contained within this Personnel Policy shall be deemed to vest any employee with any "just cause" rights that prevent their dismissal without cause. It is the policy of the City that all employees of the City are "at will" employees, and, subject to the terms and conditions of applicable labor agreements, the City retains the right to discharge any employee without cause.

Performance Evaluations - The City Manager may establish a system of performance evaluations. If established, the system shall be incorporated into this policy.

Safety Committee - The City Manager may establish a Safety Committee. If injured, an employee shall file a claim in accordance with the Michigan Workers' Disability Compensation Act.

Residency Requirement – Non-union full-time City employees who maintained their residency status within the Jackson City Limits for the entire previous calendar year (12-month period) are eligible to receive a \$1,800.00 residency stipend in January of each year. (Note: This stipend will be prorated for partial-year residency on a monthly basis.)

In order to qualify for the residency stipend, the employee must meet the following residency requirements: Establish and occupy a dwelling within the limits defined in the previous paragraph; and maintain this dwelling as their primary residence at which they eat their meals, receive their mail, sleep, maintain their voter registration, driver's license address, tax address, and in all manners maintain as a normal residence.

All union employees are governed by the residency language in their respective labor agreements or past practice. Such past practice shall continue until a change is negotiated with the respective labor organization.

REF: Civil Service Rules and Regulations, Section 17, Residency Requirements.  
Michigan Public Act 212 of 1999

EFFECTIVE DATE:

- Revision dated July 1, 2024
- Revision dated May 1, 2022
- Revision dated August 14, 2018
- Revision dated November 15, 2017
- Revision dated January 10, 2017
- Revision dated May 10, 2016
- Revision dated December 15, 2015
- Revision dated November 17, 2015
- Revision dated July 14, 2015
- Revision dated April 27, 2015
- Revision dated December 19, 2014
- Revision dated October 1, 2014
- Revision dated July 1, 2008
- Revision dated July 1, 2006
- Revision dated July 1, 2005
- Revision dated July 1, 2004
- Revision dated September 1, 2003
- Revision dated April 1, 2003
- Revision dated July 1, 2002
- Revision dated March 1, 2002
- Revision dated July 1, 2000
- Revision dated September 21, 1998
- Revision dated August 15, 1997
- Revision dated January 21, 1997

## **SCOPE**

This Personnel Policy covers all employees of the City of Jackson and does not apply to affiliated organizations such as the Downtown Development Authority or Jackson Housing Commission. Those employees covered by labor agreements shall be governed by the provisions of said labor agreements. In the absence of specific provisions or 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 language shall prevail over this Policy for employees covered by a labor agreement.

## **REFERENCES**

Administrative Regulations  
Americans with Disabilities Act of 1990 (Federal Mandate) Civil  
Service Rules and Regulations  
Drug Policy (Administrative Regulation No. 29) Fair Labor Standards Act (Federal Mandate) Family  
Medical Leave Act (1993) (Federal Mandate)  
General Retirement Plan  
Genetic Information Nondiscrimination Act of 2008  
Jackson City Code  
Michigan Public Act 212 of 1999 (Residency) Michigan Public Act 152 of 2011  
Michigan Public Act 54 of 2011  
The Patient Protection and Affordable Care Act of 2010 (Federal Mandate) Rules of Conduct Workers'  
Disability Compensation Act 317 of 1969 (State of Michigan)  
Michigan Paid Leave Act (MPMLA)

## **ARTICLE I - PROMULGATION OF PERSONNEL POLICY**

Section I-1. Purpose of the Personnel Policy. It is the purpose of the City of Jackson Personnel Policy to establish an equitable and consistent personnel administration system for the City and its employees in order to ensure that the most effective and efficient services are provided to the City of Jackson community. It is also the purpose of this Personnel Policy to clearly explain the duties, rules, and expectations of the City and its employees and to accurately describe the rights and benefits offered to City employees in order to attract and retain a proficient and skilled workforce. Furthermore, this policy shall govern all City/employee relationships of a non-union nature and all City/employee relationships for union personnel where the labor agreement is silent. The City reserves and retains the unilateral right to amend, modify, change, add to, or terminate any provisions in this policy at any time.

## **ARTICLE II - APPLICATION AND INTERPRETATION**

Section II-1. Allocation of Existing Positions. The positions in the Class Specifications are hereby allocated to appropriate classes in accordance with the schedules attached hereto.

Section II-2. Interpretation of Class Specifications.

- A. Purpose and Effect of Class Specifications: Each class specification outlines the main characteristics and qualification requirements of a position in the class and gives examples of special duties that employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks of related kind or character or of lesser skills. Likewise, the assignment of an employee to a class does not preclude the assignment of duties from another class to the employee or the assignment of the employee to another class.
- B. Application of Specifications to Positions: In determining the class to which a position should be allocated, the specification of each class shall be considered in relation to the specifications of other classes in the Personnel Policy.
- C. Statement of Qualifications: The statement of qualifications in a class specification is intended to be used as a guide in determining the eligibility of candidates for competitive examinations; as an aid in the preparation of such examinations; and, for use in determining the relative value of positions in a class in relation to positions in other classes.

Section II-3. Employer's Rights. The City, as an employer and on behalf of the electors of the City of Jackson, hereby retains and reserves unto itself all powers, authority, duties, and responsibilities conferred upon and vested in it by law and by the Constitution of the State of Michigan and of the United States, the Jackson City Charter and City Code, and any modifications made thereto.

Further, all rights which ordinarily vest in and are exercised by employers are reserved to and

remain vested in the City, including, but without limiting the generality of the foregoing the right to:

- A. Manage the affairs of the City efficiently and economically, including the determination of quantity and quality of services to be rendered;
- B. Introduce new equipment, methods, machinery or change and/or eliminate existing equipment and institute technological changes, decide on materials, supplies, services, equipment and tools to be purchased;
- C. Determine the size of the workforce and increase or decrease its size;
- D. Hire, assign, and permanently or temporarily lay off employees;
- E. Direct the workforce, assign work and determine classifications, and prescribe and assign job duties, content, and classification;
- F. Establish, change, combine, or discontinue job classifications and prescribe and assign job duties, content, and classification;
- G. Discipline and discharge employees;
- H. Adopt reasonable work rules; and
- I. Select employees for promotion or transfer and determine the qualifications and competency of employees to perform available work.

### **ARTICLE III - ADMINISTRATION AND MAINTENANCE**

Section III-1. Responsibilities of the Director of Human Resources. All references to the City- County Director of Human Resources are synonymous with the City's title of Director of Human Resources. The Director of Human Resources shall direct necessary reviews and preparation of reports recommending appropriate action to ensure that the Personnel Policy is kept current and to assure that any important changes in duties and responsibilities in any existing positions and of new positions are reflected in the Policy. The Director of Human Resources shall provide, subject to the approval of the City Manager, for the reallocation of any position from one class to another class, whenever a change in duties and responsibilities of such position makes the class to which the position was previously allocated no longer applicable. Any actual reallocation to be made shall be made with the knowledge of the employee concerned and their Department Head.

The Director of Human Resources shall be responsible for the work of administering and maintaining the Personnel Policy. This shall include but not be limited to, the processing of salary advancements, the determination of proper salary rates within existing Policy provisions, and the preparation of recommendations for revisions to the Policy on the basis of changes in prevailing rates of pay for comparable positions outside the City Service.

Section III-2. Changes Requiring Approval of the City Council. The approval of the City Council shall be required for all policy changes to this document, but not for amendments of an administrative nature. Such changes shall take the form of amendments to this Personnel Policy.

Section III-3. Changes Requiring Approval of the City Manager. The approval of the City Manager shall be required for all administrative changes to this document. The City Council will receive written notice of all administrative amendments to the Personnel Policy at least fifteen (15) days before they take effect.

Section III-4. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict with the provisions of this Policy are hereby repealed.

Section III-5. Savings Clause. If any section, sentence, clause, or phrase of this Policy shall be held for any reason to be inoperative or unconstitutional, void or invalid, the validity of the remaining portions of this Policy shall not be affected thereby, it being the intent of the City Council in adopting this Policy that no portion thereof or provision herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any other portion or provision and the City Council of the City of Jackson, Michigan, does hereby declare that it would have severally passed and adopted the provisions contained herein, separately and apart one from the other.

## **ARTICLE IV - PERSONNEL FILES**

Section IV-1. Personnel Files. A personnel file is maintained by the Human Resources Department on every employee of the City (except Parks and Recreation seasonal employees, City Clerk election workers, Police Reserve Officers, and School Crossing Guards). However, the aforementioned seasonal employees and election workers' personnel files must be retained in accordance with Federal, State, and City laws, ordinances, and regulations by the hiring departments. All material in these files is strictly confidential and secured under the custodianship of the Human Resources Department. All personnel files are subject to the provisions of the Bullard-Plawecki Right-To-Know Act and the Freedom of Information Act. Medical records are secured in a file that is separate from the personnel records. Information in an employee's personnel file may include the following:

- A. Original application and accompanying documents (i.e., resume, transcripts, references, investigation reports, military papers).
- B. Personnel Action Requests or notices of pay changes and accompanying documents.
- C. Performance evaluation forms and related materials.
- D. Letters of commendation or complaint connected with employment.
- E. Promotional opportunity application and related materials.
- F. Forms pertaining to fringe benefit programs and related programs.
- G. Documents submitted by the employee.
- H. Certificates or notices of accomplishment of the employee in the area of training or employee development.
- I. Documentation of disciplinary action.
- J. Materials submitted as part of the record for an appeal or a decision or other action and copies of related proceedings.

Section IV-2. Official Access. The following personnel shall have the right to access an inspection of an employee's personnel file.

- A. The employee who is the subject of the file.
- B. An attorney or designee of the employee when the employee has provided written authorization to their file.

- C. Supervisory employees who are considering the employee for promotion, transfer, reassignment, demotion, dismissal, or other personnel action.
- D. The City Attorney or other appropriate agent when needed in connection with any legal action involving the employee and the City.
- E. Authorized representatives of the Human Resources Department.
- F. A person or persons making a proper legal request under the Freedom of Information Act (FOIA).

Section IV-3. Limited Access. Information in an employee's personnel file shall not be made accessible to anyone except the Human Resources Department, the employee, and those listed in Article IV, Section IV-2 above. The only information provided over the telephone is verification of any employee's job title, dates of employment, and salary. No other information will be given by phone unless the employee provides a written release absolving the City, its employees, agents, and officials from any responsibilities of the consequences of disclosure.

Section IV-4. Written Reprimands. Unless otherwise provided by law, whenever a reprimand is placed into an employee's file for the purpose of reflecting a negative facet of that employee's performance, the employee shall be provided a copy of the entry.

Section IV-5. Employee Access. An employee, upon written request to the Human Resources Department, may periodically review at reasonable intervals, generally not more than two (2) times per year, their personnel record. The review shall take place in the Human Resources Department during normal office hours, unless inconvenient to the employee due to an unusual shift or job site, at which time a mutually convenient time and place shall be arranged.

An employee may obtain a copy of information contained in their personnel file. If there is disagreement with information contained in the personnel file, an employee may submit a written statement explaining their position which shall then be made part of the personnel file, with a copy provided to the supervisor.

## **ARTICLE V – JOB CLASSIFICATIONS**

Section V-1. Job Classifications. Job classifications shall consist of the following classes of non- union positions, with such changes as may be made from time to time by the City Council by amendment to this Personnel Policy. All positions of the class shall be paid as set forth from time to time by action of the City Manager or City Council action. For purposes of this Personnel Policy, all employees and officials of the Jackson Housing Commission are not employees of the City of Jackson. For purposes of the Civil Service ordinance, all union personnel are deemed to be employees whose personnel rights and responsibilities shall be resolved under the provisions of their applicable labor agreement.

### Occupational List of Class Titles

- A. CLERICAL, ADMINISTRATIVE, AND FISCAL GROUP  
(Non-union positions – occupied or vacant)

\_\_\_\_\_ Class Title \_\_\_\_\_

Account Clerk Supervisor  
Administrative Secretary I

Administrative Secretary II  
Appraiser  
Evidence Management Coordinator Financial Analyst  
GIS Coordinator  
Labor Relations Technician Legal Secretary  
Community Development Planner  
Property Management Coordinator  
Purchasing Technician Recreation Services Coordinator Senior  
Appraiser  
Senior Citizen & Recreation Activities Coordinator Tax Supervisor

B. ENGINEERING, INSPECTION AND TECHNICAL GROUP  
(Non-union positions – occupied or vacant)

\_\_\_\_\_  
Class Title

Civil Engineer II Civil  
Engineer III  
Engineering Assistant  
Parking Manager/Engineering Assistant  
Wastewater Treatment Plant Industrial Pretreatment Supervisor

C. LABOR AND TRADES SUPERVISION GROUP  
(Non-union positions – occupied or vacant)

\_\_\_\_\_  
Class Title

Assistant Water Treatment Plant Supervisor  
Building Maintenance Supervisor  
Chief Wastewater Treatment Plant Operator LSL  
Service/DPW Foreman/Safety Supervisor Meter  
Services Supervisor  
Public Works Assistant  
Public Works General Foreman

D. APPOINTIVE OFFICIALS (Non-union positions – occupied or vacant). Unless otherwise noted, all contractual employees are at will and on scale.

\_\_\_\_\_  
Class Title

Administrative Assistant  
Administrative Assistant Treasurer & Clerk  
Administrative Assistant PW Fiscal Services  
Administrative Assistant to the Director of Police and Fire Services

Administrative Assistant to the City Manager  
Assistant to the City Manager  
Assistant City Assessor  
Assistant City Engineer  
Assistant City Manager/Operations  
Assistant City Manager/Community Development Director  
Assistant Finance Director  
Assistant Director of Human Resources  
Assistant Director of Community Development  
Assistant Director of Parks, Recreation, and Grounds  
Assistant Director of Public Works – Public Utilities Administration  
Assistant Superintendent of Wastewater Treatment Plant  
Assistant Director of Human Resources  
Building Inspector Chief Building Official  
City Assessor  
City Attorney  
City Clerk  
City Engineer  
City Manager  
Code Enforcement Officer I  
Code Enforcement Officer II  
Code Enforcement Officer III  
Code Enforcement Director  
Community Development Grant Coordinator  
CD Coordinator/Recreation Services Supervisor  
Community Development Director  
Department of Public Works/Utilities Fiscal Supervisor  
Deputy City Attorney  
Deputy City Clerk Deputy  
City Treasurer  
Deputy Director of Police and Fire Services, Fire Division  
Deputy Director of Police and Fire Services, Police Division  
Director of Finance/Purchasing Agent  
Director of Community Development  
Director of Parks, Recreation and Grounds  
Director of Police and Fire Services  
Director of Public Works  
Economic Development Director  
Economic Development Specialist  
Elections and Records Coordinator  
Elections and Records Administrative Assistant  
Electrical Inspector  
Grant Coordinator  
Grant & Front Office Supervisor  
Housing Rehab Specialist  
HR Manager  
Paralegal  
Planning Director  
Plumbing and Mechanical Inspector  
Public Information Officer  
Purchasing Coordinator  
Recreation Services Supervisor  
Records Management Supervisor (CD/Police)

Rehabilitation Coordinator  
 Senior Assistant City Attorney  
 Senior Planner (CD)  
 Staff Accountant  
 Staff Attorney  
 Superintendent of Parks and Golf Operations  
 Supervisor of Management of Information Services  
 Wastewater Treatment Plant Superintendent  
 Water Billing Supervisor  
 Water Treatment Plant Supervisor  
 Water and Sewer Maintenance Foreman

E. ELECTIVE OFFICIALS:

- Mayor and City Councilmembers
- City Treasurer (also serves as Income Tax Administrator)

F. POLICE DEPARTMENT GROUP  
(Non-union positions – occupied or vacant)

Class Title \_\_\_\_\_

- <sup>2</sup> Police Cadet
- <sup>2</sup> Compensation to be determined by ordinance of City Council.

G. PUBLIC SAFETY GROUP  
(Non-union positions – occupied or vacant)

Class Title \_\_\_\_\_

- <sup>3</sup> Community Service Officer
- <sup>4</sup> School Crossing Guard:
  - One appearance at a corner
  - Two appearances at a corner
  - Three appearances at a corner
- <sup>3</sup> Compensation to be adjusted annually with other job classification positions.
- <sup>4</sup> Compensation to be determined by ordinance of City Council. Persons classified as "School Crossing Guards," as above provided for, shall not be vested with any police powers, and their classification, in a class of the Public Safety Group, for the purpose of this Policy, shall not be deemed to be eligible to participate in any City pension plan.

H. PART-TIME APPOINTIVE OFFICIALS (Non-union positions – occupied or vacant)

\_\_\_\_\_ Class Title

- Administrative Hearing Officers

## **ARTICLE VII - PUBLICIZING OF VACANCIES**

Section VII-1. Equal Employment Opportunity/Affirmative Action. It is the policy of the City of Jackson to implement equal opportunity on an affirmative basis to all qualified employees and applicants for employment in accordance with State and Federal Law. Positive action shall be taken to ensure the fulfillment of this policy.

Section VII-2. Full-Time Positions in the City Service. The City reserves the right to fill certain highly technical, specialized, and/or managerial non-union positions from within as part of reorganization or internal department promotions. Otherwise, whenever a vacancy occurs in a position in the City Service such vacancy shall be advertised on the City's website, other public media, and association newsletters, professional journals, trade papers, or other suitable publications or electronic media as deemed appropriate. The advertising of vacancies in positions in the City Service is done not only to secure competent applicants but also to fulfill the obligations of the City to apprise interested qualified applicants of the vacancies and positions. Notwithstanding the above, vacancies in the common labor group and in seasonal, temporary provisional, and emergency positions need not be advertised if the City Manager or their designee determines there will be a satisfactory pool of applicants without such advertising.

Section VII-3. Anti-Nepotism. Effective November 18, 2015, the City will not hire the relative of any current employees, elected and/or appointed officials; however, the City Manager has the authority to waive this requirement when special circumstances can be demonstrated. For purposes of this section, "relative" shall mean any of the following family members whether by blood or marriage: spouse, child, step-child, foster child, parent, step-parent, foster parent, brother, step-brother, sister, step-sister, grandparent, grandchild, parent-in-law, son-in-law, daughter-in-law, niece, nephew and cousin or any other individual that is a member of the employee or elected official's household for which the employee or elected official is financially responsible. This policy ensures that all applicants are considered on the basis of their qualifications and are not given preferential consideration based on their relationship to current employees or elected officials.

However, employees who marry while employed shall have 90 days to transfer out of a superior- subordinate relationship resulting from the marriage. In the event the transfer cannot be made within the noted timeframe, the employee with the least seniority shall be terminated. This policy applies to all categories of employment, including full- and part-time and temporary or seasonal classifications.

REF: City of Jackson, Ethical Standards of Conduct Ordinance No. 2015-18

## **ARTICLE VIII - LENGTH AND CONTINUITY OF SERVICE**

Section VIII-1. Requirements as to Length and Continuity of Service.

- A. Service requirements for advancement within Salary Schedules and for other purposes as specified in this Policy shall require employment in the City Service without break or interruption.
- B. The following absences shall not affect the continuity of service and time on such absences

shall count toward length of service:

1. Authorized leave of absence with pay;
  2. Authorized leave of absence without pay of thirty (30) calendar days or less; or
- C. Absences for purposes of serving with the Armed Forces of the United States shall not break continuous service only if the laws of the State of Michigan and/or the United States require reinstatement without a break in service at the time the person completes military service and reapplies for employment.
- D. Leaves of absences without pay of over thirty (30) calendar days shall be deducted from the length of service but shall not have the effect of interrupting the continuity of service. Deduction from length of service may be accomplished by moving the employee's anniversary date forward by the appropriate number of calendar days.
- E. All absences without authorized leave of more than two (2) days shall be deducted from and shall interrupt continuous service.
- F. The Family Medical Leave Act and the Americans with Disability Act will be administered in accordance with those Acts (Ref: Article XIV, Section XIV-3).

## **ARTICLE IX - LAYOFFS/SEVERANCE**

### Section IX-1.

- A. Layoffs. Whenever the City in its discretion determines that a layoff is necessary due to a lack of funds, lack of work, or due to a reorganization, such layoff shall be made in such classifications as the City may designate. Layoffs shall be made in accordance with procedures to be developed by the Director of Human Resources.
- B. Recall from Layoffs. The order of recall of laid-off employees shall be in the inverse order in which the employees were laid off and shall be subject to the same conditions as prescribed in a lay-off. However, it shall only apply to classified employees and shall not exceed a two (2) year call back period.
- C. Severance. Severance from the City service shall be in accordance with procedures to be developed by the Director of Human Resources and approved by the City Manager and shall only be available for all those employees with an at-will employment agreement. Severance codified in an employment contract is governed by the employment contract in increments of days or months.
- D. Constructive Dismissal. All contractual employees titled as department heads or appointed officials shall have a signed at-will employment agreement which includes a constructive dismissal clause. The section shall state that all claims alleged to be a constructive dismissal (an employee terminates their employment in response to the employer's treatment of them) shall be submitted in writing to the Director of Human Resources no later than 30 days after the occurrence. The documentation must show that they have resigned in response to a

fundamental breach of contract by the employer (Employment Rights Act 1996). If the constructive dismissal claim is deemed to have merit, all such employees shall be granted their severance pay in accordance with their employment agreement.

REF: City of Jackson, Civil Service Rules and Regulations, Section 6.4 and Section 8.1a.

## **ARTICLE X - REQUESTS FOR CLASSIFICATION/COMPENSATION ADJUSTMENTS**

Section X-1. Employee Requests for Classification Adjustments. Any employee shall have the right to consideration of any request they may have with respect to a change in the classification of their position. The employee shall make their request initially to the head of their department. If the head of the department feels that the request is reasonable, they shall notify the Director of Human Resources of the request and give their opinion or recommendation. If the head of the department feels the request is not a reasonable one, they shall reject the request, but notify the employee of their right to appeal to the Director of Human Resources. The Director of Human Resources shall give due consideration to the requests they receives from Department Heads and employees, and in those cases where they feels a change in classification is required, they shall recommend to the City Manager such action on the matter as they may deem appropriate. The decision of the City Manager shall be final.

Section X-2. Employee Requests for Compensation Adjustments. Any employee shall have the right to the consideration of any request they may have with respect to changes in the application of the Personnel Policy to their position. The employee shall initially make their request to the Department Head, who shall promptly seek to arrive at a solution which is consistent with the Personnel Policy and acceptable to the employee. When the Department Head is unable to resolve such a request in a manner which is satisfactory to the employee, the matter shall be submitted to the Director of Human Resources for review. In the event the employee remains unsatisfied after review by the Director of Human Resources, they may appeal to the City Manager. The City Manager shall review such appeal and issue a decision on it within 45 days. The decision of the City Manager shall be final.

## **ARTICLE XI - COMPENSATION**

Section XI-1. Salary Schedules. The pay of City employees shall be on the basis of appropriate bi-weekly and/or hourly salary schedules as set from time to time by the City Ordinance for each of the respective classes of positions in the City service as established by this policy or by labor agreement. Said schedules as contained in Appendix A and as revised from time to time by City Council action, shall be deemed as part of this Personnel Policy. (Salary Schedules for those employees belonging to a union are contained in the respective labor agreement.) Each salary schedule shall consist of a minimum entrance rate, intermediate salary rates, and a maximum rate.

### A. Merit Award Policy

A Merit Award may be granted to an employee to recognize accomplishments which directly impact the efficiency, economy, and effectiveness of city operations and/or positively impact the City's service to the public.

Recognition of merit pay will be based on the high level of performance of the employees to the City of Jackson. Merit pay will not be withheld, denied, or awarded for an illegal reason including discrimination based on sex, race, age, religion, national origin, marital status, covered veteran status, disability, or membership in the Uniformed Services.

The City Manager has authority to approve merit awards, based upon the Human Resources Manager's recommendations.

The Merit Award may be made for a period of exceptional productivity. A complete and approved performance appraisal as determined by the City Manager, must be completed by the employee's supervisor detailing the employee's achievements. Depending on the employee's performance appraisal the following actions may be taken:

1. No increase
2. An amount equal to ½ step in the employee's current salary/wage grade
3. 1 full-step increase in the employee's current salary/wage grade

### Section XI-2. Compensation for Hourly Paid Employees.

- A. Employees to be paid in accordance with the applicable labor agreement and ordinance.
- B. Part-time, seasonal and temporary positions shall be paid in accordance with Section XI-7.

Section XI-3. Full-Time Basis of Salary Schedules. The salaries prescribed by action of the City Council are fixed on the basis of full-time service for normal work weeks as indicated for the several groups in Article V. of this Personnel Policy.

### Section XI-4. Entrance Salary Rates.

- A. Starting Rate on Initial Employment. Original appointment to any position shall be made at the entrance rate and advancement from the entrance rate to the maximum rate within a pay

range shall be as approved by the City Manager. The City Manager may approve an initial compensation rate higher than the minimum rate for the class when, in their opinion, the needs of the City Service make such action necessary. However, in all cases, a PAR request shall be submitted to, and reviewed by, the Director of Human Resources, and subsequently approved by the City Manager, in advance of hiring all new employees (full-time, part-time, temporary and/or seasonal).

- B. Starting Rate on Return to Duty. When an employee returns to duty in the same classification after a separation from the City service of not more than one (1) year, which separation was not due to discreditable circumstances, such employee shall receive the payrate received at the time of separation and shall subsequently serve at their reentry rate for at least such period as is normally required for advancement to the next higher rate per the terms of the Merit Award Policy.
- C. Starting Rate on Return from Military Service. Any employee who leaves or has left the City service to enter the active service of the Armed Forces of the United States shall, upon severance of service, be entitled to reinstatement in accordance with the applicable laws prevailing at the time the employee makes application for reinstatement.
- D. Rate of Pay Upon Demotion. In case an employee is demoted, credit shall be given for continuous service in the higher-paid position in determining the proper rate in the Salary Schedule for the lower-paid position, provided that the salary rate after demotion shall not be higher than that prior to demotion.
- E. Starting Rate in New Positions (Non-union). Whenever an employee not represented by a union is placed in another position not previously held, or a union employee accepts a non-union position they have not previously held, the employee shall be compensated at a rate deemed appropriate by the City Manager in the salary schedule established for this position. However, a PAR must be submitted and approved in advance of the employee moving into the new position.
- F. Rate of Pay Upon Promotion (Non-union). Whenever an employee not represented by a union, or a union employee accepting a non-union position is promoted to a position in a higher-class grade than the position they currently holds, the employee shall be compensated at a rate deemed appropriate by the City Manager in the salary schedule established for the position. Future step increases, if applicable will be based on the terms of the Merit Award Policy. However, a PAR must be submitted and approved in advance of the employee's promotion.
- G. Rate of Pay Upon Position Reclassification (Non-union). An employee not represented by a union and whose position is reclassified to a higher-class grade, shall be compensated at a step rate deemed appropriate by the City Manager in the class grade schedule established for the position. Future step increases, if applicable will be based on the terms of the Merit Award Policy. However, a PAR must be submitted and approved in advance of the employee's reclassification.

Section XI-5.

- A. Probationary Period. After initial appointment or promotion to a position in the City Service, the first one thousand and forty (1,040) hours actually worked in the position shall be

considered the period of probation. The probationary period for any employee represented by a union shall be in accordance with provisions of their respective labor agreement for their employee classification.

In the event that the employee does not satisfactorily complete the probationary period, they shall be separated from the service and shall not have recourse to appeal their separation before the Civil Service Commission, except that in the case of promotion from a position in which an employee had Civil Service status, they will revert to such position as they may be entitled to under Civil Service rules, provided the employee's failure to satisfactorily complete probation was not for a reason which necessitated the employee's termination.

Section XI-6. Recommendations for Salary Advancements within Grade. The Department Heads shall recommend in writing to the Director of Human Resources the advancement in salary of their employees who have met the requirements for salary advancement as enumerated above per the Merit Award Policy. All such requests shall be reviewed by the Director in advance of the City Manager's approval.

Section XI-7. Computation of Salaries of Part-Time, Seasonal and Temporary Employees. Part-time, seasonal and temporary employees may be employed on an as-needed basis and if employed shall be paid only for hours actually worked and at an hourly rate established by the City. Part-time, seasonal and temporary employees shall not be eligible for any fringe benefits during their employment.

Section XI-8. Special Salary Provisions.

- A. Plus, Rates for Special Skills: In any case when an employee is qualified for and is temporarily required, in writing by their supervisor, to regularly serve in and accept responsibility for work in a higher class or position, such employee shall receive the entrance salary rate of that class grade or their present rate plus one class grade, whichever is higher, while so assigned, subject to the approval of the City Manager. A non-union, non-exempt employee, who is required to work in a higher class or position continuously for a period of five (5) or more consecutive days, shall be deemed "temporarily required to regularly serve and accept responsibility for work in a higher class position," as is a non-union exempt employee who is required to work in such higher class or position continuously for a period of thirty (30) or more consecutive days, unless either employee is so assigned for training purposes. In case of vacancies in the City Service where a non-union employee is required in writing by the City Manager to fill a vacancy in a higher class or position and assume full responsibility for that position until it is permanently filled, such employee shall be compensated for the duration of such assignment as though permanently promoted to the position in accordance with Article XI, Section XI-4, H. of the Personnel Policy.
- B. In any case when a non-union employee is regularly assigned in charge of one or more persons in positions of the same class grade, such employee shall be paid at the corresponding step rate in the next higher-class grade upon recommendation of the Department Head and approval of the City Manager.

Section XI-9. Temporary Acting Positions. When an employee is required by their supervisor to temporarily transfer from one job classification to another, the employee shall continue to be paid at the rate applicable to their permanent job classification; provided, however, if the employee is transferred for a period in excess of forty (40) working hours during a pay period to a job classification for which the maximum rate of pay is higher, the employee shall automatically receive the

higher salary rate for the time actually worked out of grade.

Section XI-10. Step Increases for Temporary Acting Positions. In any case where an employee is placed in a temporary acting position, they shall continue to accrue service credit for all salary and benefit purposes. When an employee is due to receive a step increase and they are currently working in a temporary acting position, such step increase shall be processed via the following steps: (1) process PAR returning employee from temporary acting position to their regular position; (2) process PAR for step increase at their regular position; (3) process PAR to take employee back up to temporary acting position. The effective date may be the same on all three PAR's. When such employee returns to their former position, they will do so at a rate of pay that allows them to receive the step increase they would have received had they been working in their regular position at the time of the step increase date.

Section XI-11. Tuition Reimbursement. Effective November 18, 2015, the City agrees to furnish all non-union employees, when such costs that are not covered by other programs, the cost of job-related course work (up to \$20,000) for any applicable, previously approved and budgeted, classes and/or certification. The employee is further restricted from reimbursement if the City has previously reimbursed the employee for any other degree and/or if the employee is requesting reimbursement associated with a second similar degree (i.e., second bachelor's degree or second master's degree). Any such programs or courses must have written approval of and shall be at the sole discretion of the City Manager, as recommended by the department head, prior to taking such courses to be eligible for reimbursement and the employee must agree to and sign a form indicating an understanding of all program stipulations. In order to be eligible for reimbursement, the employee must demonstrate matriculation. Additionally, the employee must continue to work for the City for four (4) years following final reimbursement. The employee that voluntarily leaves his employment with the City shall be responsible for refunding any reimbursements received within the prior four (4) years.

## **ARTICLE XII - OVERTIME WORK**

Section XII-1. Overtime Administration. In emergencies, a Department Head may prescribe, with the approval of the City Manager, reasonable periods of overtime work to meet operational needs. Such overtime shall be reported and justified as required by the City Manager.

Section XII-2. Compensation for Overtime. Employees of the City of Jackson shall be compensated for authorized overtime work in accordance with applicable laws or labor agreements.

Section XII-3. Leave Time in Lieu of Overtime Compensation for Certain Employees and Appointed Officials.

- A. Employees who are legally exempted from coverage by the Federal Fair Labor Standards Act, who are not covered by a labor agreement, shall be considered salaried employees who shall be paid an annual salary, prorated on a biweekly basis, regardless of the number of hours worked in a given two-week period, subject to the standards established below.

It is generally understood that the salaried employees described in this section, by the nature of their work, titles and duties are expected to work in excess of the normal work day and/or workweek when it is necessary to accomplish their assignments, and that the salaries established for their positions provide appropriate compensation for the anticipated responsibilities, and not for a specific number of hours of work per day, week or year.

Effective July 1, 2000, in recognition of the flexibility these employees exercise in performing work assignments outside the regular work day, these employees may adjust their work schedules within a work day to take care of personal business, as the work load will allow and in accordance with any procedures established by the City Manager, without deducting said hours from any leave bank (such as sick or vacation leave time).

- B. Employees who are legally covered by the terms of the Fair Labor Standards Act (i.e., not exempt), who are not covered by a labor agreement, shall be considered hourly employees. All such hourly employees shall be eligible for compensation for all hours worked in excess of forty (40) per week at a rate of one and one-half times their normal hourly rates. Effective July 1, 2000, this group of hourly employees may be offered the opportunity to choose to earn compensatory leave time in lieu of overtime compensation for all hours worked in excess of forty (40) per week at a rate of one and one-half times the additional hours worked, subject to a maximum compensatory leave bank of forty (40) hours. If the employee is to be offered the opportunity to choose between overtime payment or accruing compensatory time off, the employee and the supervisor must reach that understanding prior to the performance of the additional work. Compensatory time off will be scheduled between the employee and their supervisor, taking into account workload, scheduling concerns and the employee's preferences. Compensatory leave banks for hourly employees shall be payable in cash at the time of an employee's termination of employment through resignation, retirement, dismissal or death, subject to the maximum accrual limit of forty (40) hours.

REF: Exempt Employees (Administrative Regulation No. 27)  
Overtime Compensation (Administrative Regulation No.28)

## **ARTICLE XIV – DISCIPLINE/RULES OF CONDUCT**

Section XIV-1 - At will employees by definition serve at the pleasure of the City Manager and may be dismissed at any time for any reason without recourse to any procedure.

Section XIV-2 - Temporary, part-time or probationary employees may be disciplined or terminated without recourse to the disciplinary procedure provided in the City of Jackson Rules of Conduct.

Section XIV-3 - All notices of discipline will be forwarded to the Human Resources Department by the Department Head for placement in the employee's personnel file.

Section XIV-4 - All City of Jackson employees are expected to perform their assignments with a level of care and commitment that indicates they are putting forth a reasonable effort to effectively and safely perform their public service responsibilities. Full-time employees who choose to work more than one job are expected to follow Civil Service guidelines regarding the additional employment, which includes notifying their supervisor about the additional job, and ensuring that their job with the City is treated as their primary employment. If an employee suspects a potential conflict of interest between their job with the City and their second job or outside interest, the employee is responsible to raise the question with their department head.

Section XIV-5 - All City of Jackson employees are expected to treat all people 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 XIV-6 - Grounds and procedures for discipline and/or termination of employees are as outlined in the following City of Jackson Rules of Conduct:

### **RULES OF CONDUCT**

Applicable to all Michigan Association of Public Employees and non-union employees except at will employees.

Section 1. For violations of any of the following rules an employee shall be subject to severe discipline up to and including discharge:

- A. Refusal to comply with supervisor's instructions or other insubordinate conduct.
- B. Gross neglect of duty.
- C. Immoral or indecent conduct.
- D. Intentional falsification of employer's records.
- E. Knowingly making the time card of another, having one's time card marked by another or unauthorized altering of a time card.
- F. Theft or intentional destruction of employer's or another employee's property or

removal of City property from employer's premises without authorization of the employer.

- G. Unauthorized use of the employer's property (including computers and other various forms of media).
- H. Sleeping on the job.
- I. Drinking or possessing any alcoholic beverage on employer's time, premises or equipment or reporting to work while under the influence of alcoholic beverages. Possession or use of a controlled substance on employer's time, premises or equipment or reporting for work or working under the influence of a controlled substance.
- J. Conviction of a felony while an employee of the City of Jackson.
- K. Deliberate or careless conduct endangering the safety of himself or others.
- L. Damage or destruction of the employer's or public's property in excess of \$500.
- M. Abusive, threatening or coercive treatment of members of the public, fellow employees or supervisor.
- N. Conviction of any moving traffic violation for which an employee receives 6 or more points during a 12-month period while driving the employer's vehicles.
- O. Absence from work for three consecutive, regularly scheduled working days without an excuse acceptable to the employer.
- P. Suspension or loss of driver's license (employees who are required to drive in the service of the employer).
- Q. Sabotage.
- R. Permitting any person who is not an employee to enter or ride in a City vehicle without authorization of the employer.
- S. Failure to be available for 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 of a sworn police officer or granted permission by the City Manager.
- V. Intentionally discriminating against another employee or member of the public while in the performance of one's duties, based upon a legally protected classification. (Examples: race, gender, color, ethnic heritage, disability, religion, age, height, weight.)
- W. Accepting or asking for special benefits or payments from a member of the public, business, etc., to either perform required duties or to influence the manner in which duties are performed.
- X. Any other offense of equal magnitude to the above.

Section 2. For the commission of the following offenses an employee shall receive a counseling memo for the first offense. For a second violation of the same rule, a written reprimand is appropriate. If an employee receives: (1) two written reprimands (for the same or different offenses) within a period of twelve (12) consecutive months; or (2) discipline under Section 1 of these rules and one written reprimand under this

section (within a period of twelve [12] consecutive months); or (3) two written reprimands or disciplinary suspensions (for the same or different offenses) within a period of eighteen [18] consecutive months, such employee shall thereupon be subject to discharge upon commission of the third offense.

- A. Late to work without an excuse acceptable to supervisor.
- B. Carelessness which necessitates the scrapping or repairing of employer's equipment or property or unintentional damage or destruction of the employer's or public's property of less than \$500.
- C. Inattentiveness to work, failing to start work at the designated time, quitting work before proper time or leaving the job during the working hours without permission of the supervisor. Inattentiveness at work includes lack of productivity, use of work time to perform personal business, unreasonable use of phones (work or personal) during work hours for personal calls, playing computer games outside break or lunch periods, etc.
- D. Smoking in unauthorized areas.
- E. Minor violations of safety rules or safety practices.
- F. Failure to report to work without giving the employer advance notice unless it was impossible to give such advance notice.
- G. Creating or contributing to poor housekeeping in the building or equipment of the employer.
- H. Vending, soliciting or collecting contributions on the employer's time or premises without written authorization from the employer.
- I. Posting, removing or defacing any matter on the employer's bulletin board or property without authorization from the employer.
- J. Failure to perform work as instructed in an efficient and timely manner. Poor workmanship.
- K. Accepting gratuities inconsistent with the City's ethics ordinance, but not arising to the level of the violation referred to in Section 1. W., above.
- L. Any offense of equal magnitude to the above.

- REF: (1) Article XI, Section XI-4, F. Rate of Pay Upon Demotion.
- (2) Any absence without leave shall be handled in accordance with Article XV-8, Absence Without Leave.
- (3) Administrative Regulation No. 29, Drug Policy.

**ARTICLE XV - VACATION AND OTHER LEAVE TIME**

Section XV-1. Vacation Leave.

A. Crediting Employees with Vacation.

Employees in the City service not covered by a labor or at will/fringe employment agreement, except temporary, part-time and seasonal employees shall be allowed vacation leave with pay as follows:

Years of Service	Vacation Accrued Each Year
Hire date to year two (2)	Eighty (80) hours per year (prorated 1 <sup>st</sup> year)
Years two (2) through four (4)	Ninety-six (96) hours per year
Years five (5) to year seven (7)	One hundred twenty (120) hours per year
Years seven (7) to year ten (10)	One hundred forty-four (144) hours per year
Years ten (10) to year thirty (30)	One hundred sixty (160) hours per year
Years 30 and beyond	One hundred sixty (160) hours per year

Vacation credit shall accrue annually in January of each year ( prorated 1<sup>st</sup> year until the following January).

C. Vacation Carryover.

Appointed City officials (City Assessor, City Clerk, City Attorney, and City Manager) shall be allowed to maintain up to twelve (12) calendar weeks in their vacation bank and may annually carryover four (4) weeks until that amount is reached. Any carryover in excess of twelve (12) weeks by the City Assessor, City Clerk and City Attorney must be approved by the City Manager.

An employee may automatically carry over 80 hours of unused vacation time to the next calendar year.

In the event that an employee has been unable to use their accrued vacation during the calendar year and has more than the allowable yearly carryover, the employee may submit a written request to the City Manager to be compensated for the unused vacation bank hours, subject to the following conditions: (1) the request for compensation in lieu of vacation will indicate the employee was not able to schedule the vacation consistent with work demands or scheduling problems; (2) the department head will approve the payment.

C. Vacation Use and Scheduling. Vacation leave may normally be granted in periods of not less than one (1) week, and not more than the maximum accumulation allowed. Vacation use of less than a full week will be considered by department heads on a case- by-case basis and will not be unreasonably denied. Vacation leave will not be granted in excess of vacation credit earned by service prior to the starting date of leave.

Department heads shall schedule vacation leave with particular regard to seniority of employees and in accordance with operating requirements and, insofar as possible, with the written request of the employees. Department heads shall prepare such reports of leave taken as may be required by the City Manager.

Any legal or declared holiday falling within a vacation period shall not be counted as a day of vacation leave. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.

Vacation Pay Out Upon Termination of Employment.

1. If an employee with less than five (5) years of service, who is otherwise eligible for vacation with pay, quits or is discharged and is not reinstated prior to the end of the calendar year in which the employee quits or is discharged such employee will receive, along with their final paycheck, the pro-rated vacation pay for which the employee qualified as of such anniversary date.
2. Employees with five (5) or more years of service are eligible to use vacation and/or receive a lump sum payout for vacation in the employee's final year of service (whether terminating or retiring), subject to the employee being physically present and working at least five hundred (500) hours during said year. If said employee takes a vacation during the final year and leaves the employment of the City without working the required five hundred (500) hours, any vacation paid to the employee shall be deducted from the employee's final wages or other payoffs.

Section XV-2. Sick Leave. Effective with the initial date of employment, every officer and employee, not covered by a labor agreement, in the City Service, except temporary, part-time and seasonal employees who do not qualify for sick leave per the Paid Medical Leave Act, 2018 Public Act MPMLA, shall be granted one (1) work day sick leave allowance for each completed calendar month of service, during which the employee has actually worked or been on approved leave with pay. However, those on sick leave exceeding one hundred twenty (120) hours per month shall not accumulate sick leave during the applicable months. It is the policy of the City of Jackson to comply with the Paid Medical Leave Act, 2018 Public Act 338 (MPMLA). Part-time employee's shall be paid sick leave in accordance with this act (MPMLA).

Such sick leave allowance may only be used by an employee when incapacitated to perform their duties due to sickness or injury, when quarantined, or in the event of serious illness or death in the employee's immediate family. All foreseeable leave for such purposes shall require specific prior approval of the Department Head. In the event of sick leave for any purpose, the Department Head may require a certificate from a medical doctor or other competent professional individual giving information as to the circumstances involved.

The immediate family for these purposes shall be regarded to include the parents, spouse, children, brothers, sisters, grandparents, grandchildren and immediate in-laws, domestic partners, and foster or step relatives thereof.

A non-union employee shall receive the amount of pay they would have received on a regular eight (8) hour straight time basis for time necessarily lost during their normal scheduled work week, not to exceed three (3) days, to make arrangements for and to attend the funeral of a member of their immediate family. Additional days may be allowed upon approval of the Director of Human Resources and said additional days shall be deducted from sick leave.

The City's sick leave policy is compliant with the State of Michigan Earned Sick Time Act, MCL 408.964, Sec. 4, as amended, which provides that sick time allowance may be used for the following reasons:

- The employee's mental or physical illness, injury, or health condition; medical diagnosis, care, treatment of the employee's mental or physical illness, injury, or health condition; or preventative medical care for the employee.
- 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 medical care for a family member of the employee.
- If the employee or the employee's family member is a victim of domestic violence or sexual assault, the medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim service 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.
- For closure of the employee's primary workplace by 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.

Upon retirement or voluntary resignation and after no less than three (3) years of continuous service, non-union employees may be paid for unused sick leave as follows:

Date of Hire	Maximum Number of Days (up to)
On or Before June 30, 1990  AND Regardless of hire date, all those with an at will employment agreement and titled as a Department Head of above	90 days
July 1, 1990, through June 30, 1995	70 days
July 1, 1995, through June 30, 2000	50 days
July 1, 2000, through June 30, 2005	30 days

July 1, 2005, through June 30, 2010	20 days
July 1, 2010, through June 30, 2015	10 days
On or After July 1, 2015	5 days

Unless otherwise provided by contract (employment or union), this provision shall only apply to persons who retire, are eligible for immediate pension benefits, voluntarily retire or resign as noted above.

Employees not covered by a labor agreement shall be paid, in cases of duty-related death, an amount equal to fifty percent (50%) of salary for unused sick leave with a maximum of up to one hundred eighty (180) days' accumulation. Such benefits shall be payable to the employee's designated beneficiary or, where such beneficiary has not been designated, to the personal representative of the employee's estate.

Effective July 31, 2000, employees not covered by a labor agreement, who are eligible to accrue sick leave and who have a sick leave balance, may use up to sixteen ( 16) hours of accrued sick leave per fiscal year to attend to personal business and/or civic functions. (Such time shall not be used for vacation, recreation or similar purposes.) Requests to schedule sick leave for personal business will generally be made in advance and are subject to department head approval. There shall be no carryover of unused personal business use of sick leave from one fiscal year to another fiscal year.

Additionally, effective August 1, 2015, all future sick leave banks shall be capped at 1,440 hours (180 days) for those with less than the capped amount in their bank. Anyone who subsequently reaches the cap shall be exempt from receiving additional sick time until their bank falls below this threshold.

Section XV-3. Family Leave Policy.

A. Purpose. To define the policy and procedure of the City with regard to family leave required by the Family and Medical Leave Act of 1993.

B. Definitions.

"*Serious health condition*" means an illness, injury, impairment, or physical or mental condition that involves continuing inpatient or outpatient care at a hospital, hospice, or residential care medical facility under the supervision of a licensed physician.

"*Son or daughter*" means a biological, adopted, or foster child or stepchild, or legal ward.

"*Spouse*" means a husband or wife; it does not mean an unmarried domestic partner.

C. Policy. Employees who have worked for the City for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twelve (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 biological parent who has a serious health condition; and

4. The presence of a serious health condition which renders the employee unable to perform the functions of the employee's position.

In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless the employee and the City agree in advance to such an arrangement. If both spouses are employed by the City, the combined leave for the family unit shall not exceed twelve (12) weeks.

In the case of unpaid leave for serious health conditions, the leave may be taken intermittently or on a reduced hour basis only if such leave is medically necessary. If intermittent or reduced hour type of leave is required, the City may in its sole discretion temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave.

Employees on an approved FMLA for themselves or other eligible person shall not abuse or misuse the FMLA leave or commit FMLA fraud. Any employee found to committing FMLA fraud, abuse or misuse, may be subject to disciplinary action up to and including immediate termination of their employment. For example, an employee on an approved FMLA to care for the serious health condition of their spouse, child or parent and who is discovered to be spending substantial time away from providing such care, may be considered to be misusing or abusing FMLA leave and/or committing FMLA fraud and may be subject to disciplinary action up to and including immediate termination of their employment.

During a family leave, the City will continue to pay its portion of the health insurance premiums covering the employee and their family. The employee must continue to pay their share of this premium, if applicable. Failure of the employee to pay their 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 their job or the failure to return is due to circumstances beyond the control of the employee. While on family leave under this policy, the employee shall not accrue vacation pay, sick pay, 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.

Use of leave banks:

- (1) Health Related Leaves: Unless the employee is eligible for benefits pursuant to the Worker's Compensation Statute, in all cases involving the employee's absence from work due to the employee's own, or a family member's, serious health condition, as defined by the Act and its regulations, the employee shall be required to use their unused sick leave

credits. If the employee uses all their accrued sick leave while absent or does not have any unused sick leave credits, the employee must then use their accrued unused vacation time off until all, but forty (40) hours are expended (or until the vacation bank is exhausted, at the employee's option) or the employee returns to work. Use of such paid leave time shall be concurrent with the twelve-week FMLA benefit period.

- (2) Parental Leaves: In all cases involving the employee's absence from work to care for an infant or newly adopted child (i.e., not medically necessary), the employee will first use up to five (5) days of unused sick leave credits. If the absence continues beyond five (5) days, the employee shall use their accumulated vacation days until all, but forty (40) hours are expended (or until the vacation bank is exhausted, at the employee's option) or the employee returns to work. Use of such paid leave time shall be concurrent with the twelve-week FMLA benefit period.
- (3) Medical verification: For all qualifying absences involving the serious health condition of the eligible employee or their family member, the terms of the Family and Medical Leave Act will be assumed to be effective for absences of more than three (3) consecutive days. Additionally, upon return from the FMLA leave granted for the employee's own serious health condition, the employee will provide a medical statement indicating the employee is fit to perform the essential functions of his job.

NOTE: The Family Leave Policy does not override any less restrictive labor agreement provisions regarding the use of vacation/sicktime.

Employees who return to work from family leave within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Applications for family leave must be submitted in writing. Applications shall be submitted at least thirty (30) days before the leave is to commence, or as soon as possible if thirty (30) day notice is not possible. Appropriate forms supported by adequate medical or other necessary documentation must be submitted to the Personnel Department to initiate a family leave or to return the employee to active status.

Section XV-4. Disability Leave. Any appointed official, officer or employee of the City who suffers an injury or illness as a result of a service-connected accident or condition may be granted, upon proper authorization by the City Manager, leave with full pay for a period not to exceed three (3) calendar months for each incident; provided, however, that such period of time may be extended up to an additional nine (9) calendar months at the discretion of the City Manager. The City Manager's discretion will be predicated upon satisfactory medical evidence secured by the City.

Provided, further, that a deduction in the pay granted under this section may be made to the extent of any sums the appointed official, officer or employee may receive from any workers' compensation fund to which the State, County or City contribute. In the event of service-connected illness or injury resulting in extended absence, the employee may elect to supplement any Workers' Compensation benefits to which he is entitled by use of ordinary sick leave credit and vacation leave credit to the maximum extent of such credit.

Section XV-5. Military Leave. Any employee who presents official orders requiring their attendance for a period of training, examinations, or other active duty as a member of the United States Armed Forces, including the Michigan National Guard, shall be entitled to military leave without any form of discrimination, and upon return shall be eligible for reinstatement as per the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law.

Section XV-6. Special Leave.

- A. In addition to leaves authorized above, a Department Head may authorize an employee, not covered by a labor agreement, to be absent without pay for personal reasons for a period or periods not to exceed thirty (30) working days in any calendar year. The City Manager may authorize special leaves of absence with or without pay for any period or periods not to exceed three (3) calendar months in any one (1) calendar year for purposes that are deemed beneficial to the City Service.

The City Council, upon the recommendation of the City Manager, may grant leaves of absence with or without pay in excess of the limitations above for the purpose of attending extended courses of training at a recognized university or college and for other purposes that are deemed beneficial to the City Service.

- B. Jury Duty. An employee, upon completing his probationary period, who is summoned and reports for jury duty as prescribed by applicable law, for each day on which he reports for or performs jury duty and on which he otherwise would have been scheduled to work for the Employer, shall be paid the difference between what he receives from the Court as daily jury duty fees and what he would have earned from the Employer on that day on the basis of eight (8) hours of work at this regular hourly rate of pay, provided that if such employee is excused from jury duty during regular working hours he promptly returns to work. The Employer's obligation to pay an employee for jury duty as above provided is limited to a maximum of ninety (90) days in any calendaryear.

In order to receive the payment above referred to, an employee must give the Employer prior notice that he has been summoned for jury duty and must furnish satisfactory evidence that he reported for or performed jury duty on the days and to the extent for which he claims such payments and produce satisfactory evidence as to the amount he was paid by the Court for such jury duty. The provisions of this section are not applicable to an employee who, without being summoned, volunteers for jury duty.

C. Court Witness.

1. When a non-union non-exempt employee, as a result of performing their duties as a City of Jackson employee, is subpoenaed to make a court appearance or appearance before an administrative agency during off-duty hours, the employee shall be paid for the actual time necessarily spent at the court or before the administrative agency at time and one-half (½) their hourly rate of pay. As a condition of receiving such payment, the employee shall assign the court or administrative agency appearance fee to the City of Jackson.
2. When a non-union exempt employee, as a result of performing their duties as a City of Jackson employee, is subpoenaed to make a court appearance or appearance before an administrative agency, the employee shall be paid actual straight time. The exempt employee may retain the court or administrative agency appearance fee.
3. When a union employee, as a result of performing their duties as a City of Jackson employee, is subpoenaed to make a court appearance or appearance before an

administrative agency during off-duty hours, the employee shall be paid according to the appropriate union labor agreement.

Section XV-7. Absence without Leave. An officer or employee who is absent from duty shall report the reason therefore to their supervisor prior to the date of absence when possible and in no case later than noon of the first day of absence. All unauthorized and unreported absences shall be considered absence without leave and deduction of pay shall be made for the period of absence.

Such absence may be made the grounds for disciplinary action up to and including discharge. If an employee is absent without leave for three (3) or more regularly scheduled working days, said employee shall be terminated from employment unless said employee presents a justifiable reason acceptable to the City Manager. Any exceptions may be made in the discretion of the City Manager if extenuating circumstances or an emergency made said notification impossible.

- REF: (1) Article VIII, Length and Continuity of Service.  
(2) Sick Leave Policy, Administrative and Supervisory Personnel (Admin. Rule No. 30)

## ARTICLE XVI - HOLIDAYS

### Section XVI-1.

A. All regular, full-time employees not covered by a labor agreement shall receive their regular compensation for the following legal holidays or parts thereof:

<u>Day</u>	<u>Month</u>	<u>Holiday</u>
1st	January	New Year's Day
3rd Monday	January	Martin Luther King Day
3rd Monday	February	President's
Day Friday (immediately preceding Easter)		Good
Friday Last Monday	May	Memorial
Day		
19th	June	Juneteenth
4th	July	Independence Day
1st Monday	September	Labor Day
11th	November	Veteran's Day

4th Thursday	November	Thanksgiving Day
Friday (immediately after Thanksgiving)	November	
24th	December	Christmas Eve Day
25th	December	Christmas Day

If a holiday falls on an employee's regularly scheduled day off, the employee shall celebrate such holiday on their closest regularly scheduled working day. If a salaried employee other than a Department Head or Assistant Department Head is required to work on such holiday, such work shall be treated as overtime work, to be compensated for at two (2) times regular rate of pay in addition to holiday pay.

In addition to the above, any day may be designated as a holiday by proclamation of the Mayor, upon the approval of the City Council.

- B. An employee shall forfeit their right to payment for any such holiday if they have an unexcused absence on their last regularly scheduled work day preceding such holiday or on their first regularly scheduled work day following such holiday.
- C. **Part-Time Employees and Paid Holidays** – Part-time employees are defined as those working in regularly budgeted positions which work year-round and work on an average of 29 hours per week are not eligible for paid City holidays. Department heads may adjust the part-time employee's work hours/days during holiday weeks, at their discretion based upon operational needs, but such adjustment is not mandatory and such adjustment may not exceed the budgeted hours for the position. Seasonal and temporary workers are not eligible for paid City holidays.

## **ARTICLE XVII - INSURANCE**

Section XVII-1. Health Insurance Benefits. The City may in its sole discretion choose to offer a single health insurance plan or a variety of health insurance plans to eligible full-time employees. The plan year runs from July 1 to June 30. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash-in-lieu of health benefits for any non-union employee or non-union retiree. The City retains the right to change active employee/retiree insurance providers and active employee/retiree health insurance plan design for all non-union active employees and non-union retirees, regardless of dates of retirement or employment. Substantive changes in the City's health insurance plans (i.e., dependent coverage, elimination/addition of a benefit, etc.) shall be submitted by City administration to City Council for review and adoption. This applies to all non-union active employees and non-union employees retiring from any City sponsored pension systems.

Section XVII-2. Health Insurance Credits. Effective July 1, 2016, non-union full-time officers or employees in the City Service, not covered by a labor agreement, except temporary, seasonal and part-time employees, shall be provided an amount not to exceed seven hundred (\$750) dollars in any given fiscal year, for the employee, their spouse and dependent children for dental and/or vision insurance expenses. In addition, the above-mentioned employees will receive the following insurance credits not to exceed their eligible coverage levels: Single - \$1,500; Two Person - \$1,850 and Family - \$2,200 in any given fiscal year, for the employee, their spouse and dependent

children under age 26 for health insurance expenses. In the event the employee selects to opt-out of any combination of health, dental and/or vision coverage, the employee will receive the opt-out balance, prorated and paid on a bi-weekly basis. There shall be no carryover of unused benefits from any fiscal year to another. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash-in-lieu of health benefits for any non-union employee or non-union retiree (if eligible).

Section XVII-3. Life Insurance. Administrative and Supervisory Employees in the City Service, not covered by a labor agreement, except temporary, part-time and seasonal employees and the Director of Police and Fire Services, Deputy Police Chief, and Deputy Fire Chief (Ref: Article XVI, Section XVI-6), shall be provided a term life insurance equal to one times their annual earnings, but in no case shall it be less than \$30,000.00 or more than \$125,000, and rounded to the next highest multiple of \$1,000 and at no cost to the employee. There is an additional provision for payment of double face value for accidental death benefits and benefits for dismemberment. Furthermore, all employees with at will employment agreement which guarantee a higher dollar value paid for by the City shall be allowed to maintain such coverage at their own cost.

Section XVII-4. Medical, Surgical, Hospitalization and Prescription Drug Insurance. Medical, surgical and hospitalization and prescription drug insurance shall be provided to all non-union employees, including the Director of Police and Fire Services, Deputy Police Chief and Deputy Fire Chief in accordance with this Personnel Policy and shall not be tied to any collective bargaining agreement.

A. Current Officers and Employees. It is the current intent of the City to provide for current full-time regular employees or full-time officers in the City service, who are not covered by a labor agreement, a medical, surgical, prescription drug and hospitalization insurance plan of the City's choosing. Such health insurance plans may be modified, changed or discontinued altogether at the City's discretion. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash-in-lieu of health benefits for any non-union employee or non-union retiree (if eligible). Such benefits are not provided to temporary, part-time and seasonal employees. Non-union employees eligible for such health insurance plans are required to pay no less than twenty (20%) percent of premium share for such coverage. However, the following exceptions apply:

1. Wellness Incentive Program. All employees shall be enrolled in an outcome-based wellness program designed to improve the overall health of our employees while also reducing health insurance costs. Employees seeking eligibility for the gym membership will only be reimbursed up to \$60/month after demonstrating via a facility usage report no less than fifty-two (52) visits every six (6) months during the fiscal year or prorated for the duration of their 6-month period.
2. In the event of non-duty disability leave of absence of an employee with resulting incapacity to work, the Employer will continue to pay its portion of premiums (with the employee paying at least twenty (20%) percent) of said insurance and on the insurance provided for in Article XVII, Section XVII-3, above, hereof only for the period of time equal to such employee's accrued sick leave or for a period of six (6) months during disability, whichever is the greater.

Spouse Healthcare Eligibility – For all benefit eligible employees, if a member's spouse who is a full-time employee with another employer and who is eligible for medical coverage under their own employer's plan but elects not to enroll in that plan even if they have to pay for coverage, is NOT eligible for coverage under the City of Jackson's plan, except as provided as follows. A member's spouse may be put on the City of Jackson's plan as secondary once a copy of the primary insurance cards are received by the City of Jackson. If the premium share of the spouse's costs for their own employer's health insurance plan is more than \$1800 annually for single coverage or more than \$2400 annually for two person or family coverage, effective July 1, 2022, the spouse is not required to enroll in their employer's plan and shall be covered under the City of Jackson's plan. The spouse may be covered by the City of Jackson's plan upon becoming ineligible to be covered by the other source.

B. Duty Disability Retirees. Duty disability retirees are defined as those who are totally physically disabled to work, or who subsequently become totally physically disabled to work as a result of an illness or injury sustained in the course of their duties while employed by the City of Jackson and are eligible for immediate pension benefits pursuant to a City of Jackson Retirement Plan. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash-in- lieu of health benefits for any non-union employee or non-union retiree (if eligible). Non- Union Employees hired on or after December 11, 2012, shall participate in the Retiree Health Savings Account and shall not be eligible for traditional retiree health insurance plans. Non- Union employees hired before December 11, 2012, in a City sponsored the pension plan who retire on or after February 1, 2013, as a duty-disability retiree, may be eligible for retiree health insurance. Such insurance may also cover the spouse to whom the retiree is married to at the time of retirement if such spouse meets the City's spouse health insurance eligibility requirements and the insurance will cover the dependent children under twenty (26) years of age. The duty-disability retiree who retires on or after February 1, 2013, must pay a portion of the retiree health insurance premium as follows: Duty-disability retirees must have at least fifteen (15) years of service to be eligible for retiree health insurance and the retiree must pay the percentage of the premium share for retiree health insurance as is codified in Tables A in the Non-Duty Disability and Service Retiree sub-section in this Article. An employee who retires on a duty disability pension on or after July 1, 1979, and subsequently ceases to be covered by the City's insurance because of their employment or their spouse's employment and resulting insurance may upon termination of such coverage elsewhere, reenter the insurance coverage as specified in this section. If a retiree who is receiving retiree health insurance should expire, the retiree's surviving eligible spouse and/or dependent children may continue coverage while they remain eligible and while they continue to receive pension benefits. The cost of such continuation will be the responsibility of the survivor(s) and will be paid from the pension benefit on a payroll deduction basis and only applicable until the surviving spouse and/or/dependent children have other health care benefits for which they are eligible. The applicable retiree and City premium share contributions shall continue in such cases where said survivors are eligible per policy.

C. Non-Duty Disability and Service Retirees.

1. General: Non-Union Employees hired on or after December 11, 2012, shall participate in Healthcare Savings Plan (HCSP) and shall not be eligible for traditional

retiree health insurance plans. The City will provide access to retiree health insurance for non-union employees hired before December 11, 2012, defined in Article XVII, Section XVII-4.A., above, and who are members of a City sponsored pension plan, when they become non-duty disability and retirees according to the following table [including their spouses at the time of retirement (assuming their spouse meets the City's eligibility requirements and their dependent children under twenty-six (26) years of age], and as otherwise provided in this section. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash-in-lieu of health benefits for any non-union employee or non-union retiree (if eligible). The non-duty, duty-disability retiree or service retiree eligibility and retiree health insurance premium share contributions are as follows:

A. Non-Union Employees in a City sponsored pension plan hired before December 11, 2012

TABLE A

<u>Non-Union Full-Time City Retiree Eligibility for Retiree Health Insurance</u>	<u>Retiree Premium Share</u>
35 years of service and any age	20%
27 years of service and 58 years of age	25%
10 years of service and 65 years of age	30%
Duty disability retiree, must have at least 15 yrs. of full-time City service to be eligible for retiree health insurance	30%
Non-duty disability retiree must have at least 20 yrs. of full-time City service and 60 years of age to be eligible for retiree health insurance.	50%

Footnote:

- ❖ Any employee with no less than 30 years of full time City service (non- reciprocal) as of April 1, 2016, who as of that date does not receive City health insurance may retire any point thereafter with the ability to receive City sponsored retiree health care upon losing coverage from a spouse. If said employee enters the City's health insurance plan between age 55 and 58 the premium share contribution would be 35%, if between age 59 and 61 the premium share would be 30% and after the age of 62 it would be 20%.
  
- ❖ Full time Local Government Service shall mean full time work performed or

pension service held for a city, village, township, county, or a subdivision thereof. (Jackson Housing Commission Employees are not eligible for City Healthcare Benefits)

- B. Non-Union Employees in a City sponsored pension plan hired before December 11, 2012, shall be subject to the following terms of eligibility for retiree health insurance in accordance with Table D below:

TABLE B

Non-Union Full-Time City Retiree Eligibility for Retiree Health Insurance	Retiree Premium Share
<p>Prescription drug coverage limited to only three (3) years from retirement or until Medicare eligible, (whichever is less).</p>	<p>Retiree must pay the same premium share percentage for prescription drug coverage as they pay for retiree health insurance coverage.</p> <p>When such retired employee reaches an age or otherwise becomes eligible for Medicare coverage, the City shall pay a maximum of \$325 per month for the retiree or \$450 for the retiree and spouse to purchase Medicare supplemental and prescription drug coverage. The retiree (and spouse at such time as they reach age 65) shall be removed from the City's insurance plan upon reaching age 65.</p>
<p>New Non-Union Employees Hired On or After</p>	<p>NA</p>
<p><u>December 11, 2012 - Eligible for Healthcare Savings Plan (HCSP) Only. No retiree health insurance shall be offered. City contributes \$1,750/yr., with \$100 inflationary adjustment every five (5) years. Employee contributes \$750/yr., with \$50 inflationary adjustment every five (5) years.</u></p> <p>Non-Union Supervisory Contractual Employees hired on or after December 11, 2012 – Eligible for Healthcare Savings Plan Only. No retiree health insurance shall be offered. City contributes \$3,000/yr., with \$100 inflationary adjustment every five (5) years. Employee contributes \$350/yr., with \$50 inflationary adjustment every five (5) years.</p>	

<p>Medicare Eligibility – City to pay maximum of \$325 per month for retiree or \$450 for retiree and spouse to purchase Medicare supplemental and prescription drug coverage. Upon reaching Medicare age shall be removed from City’s insurance plan at that time.</p>	<p>Retiree responsible for securing their own Medicare supplemental and prescription drug coverage with the City providing partial stipend as noted.</p>
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Non-Union ACT 345 managers (including the classifications of Director of Police and Fire Services, Assistant Director of Police and Fire Services – Fire Division, and Assistant Director of Police and Fire Services – Police Division) shall remain in the ACT 345 pension system and may be eligible for retiree health insurance. Active employees hired before July 1, 2012, and working in or promoted into a non-union ACT 345 manager classification will be eligible for retiree healthcare and the retiree premium share shall be in accordance with the table below. Such insurance may also cover the spouse to whom the retiree is married at the time of retirement if such spouse meets the City’s spouse health insurance eligibility requirements, and the insurance will cover the dependent children under twenty (26) years of age.

Years of Service	Retiree Healthcare Premium Share
25-29	30%
30	20%

Non-Union Retirements On or Before December 2012 – Non-union employees in a City sponsored pension plan who retire ON OR BEFORE December 11, 2012, or who retire between December 11, 2012 and January 31, 2013, shall pay 10% of the retiree health insurance/prescription drug/Medicare supplement premium share effective July 1, 2013; shall pay 15% of the retiree health insurance/prescription drug/Medicare supplement premium share effective 7/1/2014; and shall pay 20% of the retiree health insurance/prescription drug/Medicare supplement premium share effective July 1, 2015. Such retirees who are paying 20% or more for retiree premium share will continue to pay at that premium share level. Such retirees will also have their Medicare stipend paid by the City amended to \$325 per month for retirees or \$450 for the retiree and spouse effective February 1, 2013. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash- in-lieu of health benefits for any non-union employee or non-union retiree (if eligible).

Deferred Retirement— Employees who terminate service before they are eligible to receive a City of Jackson service retirement pension, for a reason other than disability, (i.e., “deferred retirees”) are not eligible to participate in any health insurance plan provided by the City to its retirees until the date in which they can draw retirement benefits. To be eligible for health insurance benefits as a service retiree, non-duty disability retiree or duty- disability retiree, the employee must acquire the minimum years of service credit as stipulated in the relevant sections of this policy, excluding service credit earned pursuant to the application of the Reciprocal Retirement Act (MCL 38.1101, et seq.) and excluding service time purchased pursuant to the Employee Retirement System ordinance (Jackson City Code, 2-501, et seq.).

The applicable insurance coverage and the City’s liability to pay its portion of the premium shall cease if the retired employee accepts employment with another employer who provides health insurance coverage or if the retired employee’s spouse is/was employed and the spouse’s employer provides health insurance coverage. An eligible retiree may reenter the City-provided insurance program if they discontinues City-provided insurance because they was eligible for insurance coverage through their employment or their spouse’s employment, and such other insurance coverage is

subsequently terminated.

If a retiree who is receiving retiree health insurance should expire, the retiree's surviving eligible spouse and/or dependent children may continue coverage while they remain eligible and while they continue to receive pension benefits. The cost of such continuation will be the responsibility of the survivor(s) and will be paid from the pension benefit on a payroll deduction basis. The applicable retiree and City premium share contributions shall continue in such cases.

4. NON-UNION RETIREE OPT-OUTS (Cash-in-lieu) OF RETIREE HEALTH INSURANCE - Effective February 6, 2013, all non-union employees eligible for retiree health insurance, regardless of date of retirement, who are pre-age 65, who must opt-out if they have other comparable coverage available to them, will receive the following opt-out payment: Single opt-out is \$2,500 per year; Two-person opt-out is \$2,850 per year, or Family Opt-out is \$3,200 per year. The annual opt-outs are prorated and paid on a per month basis. This applies to non-union employees retiring from the City under any City sponsored pension systems. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash-in-lieu of health benefits for any non-union employee or non-union retiree (if eligible).

Section XVII-5. Long Term Disability. The City agrees to furnish and pay for the cost of a Long-Term Disability Policy for all employees effective July 1, 1997, or as soon thereafter as processing will allow. The benefit level shall be sixty percent (60%) of each employee's salary, with a benefit duration to age 65, and shall include a ninety (90) day elimination period. Such policy shall be "guaranteed issue," subject to the 3/12 preexisting condition clause, with the exact terms and conditions of the policy subject to availability within the market place.

Section XVII-6. Director of Police and Fire Services, Assistant Director of Police and Fire Services – Fire Division, and Assistant Director of Police and Fire Services – Police Division. Wages, benefits, and terms and conditions of employment for the positions of Director of Police and Fire Services, Assistant Director of Police and Fire Services – Fire Division, and Assistant Director of Police and Fire Services – Police Division shall be in accordance with this Personnel Policy and shall not be tied to any collective bargaining agreement. The City reserves and retains the unilateral right to amend, modify, change, add to or terminate any benefit level, employer contribution, employee contribution or co-pay, premium, benefit plan, or cash-in-lieu of health benefits for any non-union employee or non-union retiree (if eligible).

## **ARTICLE XVIII – WORKERS' COMPENSATION ADMINISTRATIVE PROCEDURES**

All workers' compensation claims as submitted by City employees shall be processed under the guidelines of the Michigan Workers' Compensation Act.

Section XVIII-1 - Reporting of Incidents. When an employee is injured, the employee's supervisor or department representative shall contact the Personnel and Labor Relations Department via telephone. The Human Resources Department will contact the medical clinic to give authorization for treatment and let them know that the injured employee will be coming in. If an employee is injured after hours when the clinic is not open, the employee may be taken to the hospital for treatment. The department will then notify the Human Resources Department of the injury via telephone on the first working day following the incident.

Section XVIII-2 - Life-Threatening Injuries. When an employee is involved in a serious or life- threatening injury, they will be transported immediately to the hospital. The employee's department will notify Human Resources as soon as possible following the incident.

Section XVIII-3 - Written Employee Incident/Injury Report. A written "Incident/Injury Report" shall be completed by the employee's department and forwarded to the Human Resources Department within five (5) working days of the incident. This report is needed in order to assure a timely filing of the workers' compensation claim with the insurance company.

Section XVIII-4 – Employee's Time off Due to Injury/Illness. The employee and/or department shall keep the Human Resources Department up to date on the following: Time off work due to workers' compensation injury/illness; return to work date; and days worked on light duty.

Section XVIII-5 - Prescriptions for Work-Related Injuries. Not all pharmacies will accept workers' compensation claims. Employees should contact the Human Resources Department for a referral to an appropriate pharmacy.

Section XVIII-6 -Medical Reports/Bills - The original of all medical reports and bills for services shall be forwarded to the Human Resources Department which will in turn forward same to the workers' compensation insurance carrier. Employees are responsible for informing any medical provider that an incident is work related. Work related incidents shall not be charged to an employee's health care insurance (i.e., BC/BS or HMO).

REF: ARTICLE XV, Section XV-4 - Disability Leave.

## **ARTICLE XIX - PERSONALLY OWNED AUTOMOBILE**

Section XIX-1. Automobile Allowance. An officer or employee of the City who is required and specifically authorized by the City Manager to use their personally owned automobile in the conduct of City business shall be paid, therefore, in accordance with Administrative Regulations as established by the City Manager. The City Manager may, at their discretion, increase the mileage allowance to equal, but not exceed, any mileage allowance determined by the Internal Revenue Service as an appropriate amount for tax purposes.

## **ARTICLE XX – HARASSMENT**

Section XX-1. Policy Against Harassment. All City employees and potential employees are entitled to be treated with dignity and respect in the workplace. More specifically, City employees and potential employees are entitled to work in an environment that is free of intimidation, humiliation, insult and offensive acts or speech based on race, color, national origin, religion, age, gender, disability, pregnancy, height, weight, sexual orientation, marital and other legally protected status.

Every City employee is responsible to avoid personal conduct that violates this policy, to participate in periodic training regarding prohibited harassment and discrimination, and to act to eliminate all forms of prohibited harassment and discrimination in the course of employment. In most circumstances, a City employee who believes they are being harassed in violation of this policy will be expected to advise the harasser that their conduct is offensive and/or ask that the conduct be stopped.

Every supervisor is responsible to be vigilant in identifying conduct that may reasonably be identified as prohibited harassment or discrimination within their area of responsibility, to coach subordinates to avoid behaviors that may reasonably be perceived as harassment or discrimination, to investigate alleged harassment or discrimination within their area of responsibility, and to take appropriate corrective action when improper harassment or discrimination has taken place.

The City administration will schedule periodic training for all employees regarding respectful workplace expectations and illegal discrimination and harassment. Allegations of illegal discrimination and harassment by and toward City employees will be investigated in a fair, impartial and expeditious manner. Supervisors and department heads who are investigating allegations of prohibited harassment or discrimination will be provided support by the Director of Human Resources and/or the City Manager/designee. In those instances, in which a violation is substantiated, immediate action will be taken to remedy the situation and prevent its recurrence. Additionally, the City administration will act to prevent retaliation toward any individual who files a complaint of, or participates in an investigation related to, discrimination or harassment as defined in this policy.

Employees who violate this policy will be subject to discipline, up to and including discharge.

### Section XX-2. Definitions.

Discriminate: to base employment decisions related to opportunities, benefits, privileges, working conditions, or evaluation standards in whole or in part on the person's race, creed, color, sex, age (40 and older), religion, national origin, citizenship, ancestry, pregnancy, sexual orientation, gender identity, gender expression, family medical history and genetic information, physical and mental disability, military & veteran status, arrest record, marital status, height, or weight as required by applicable law. Prohibited discrimination does *not* include some employment actions based on a protected status, such as: efforts to recruit a diverse pool of qualified applicants, accommodations made for temporary or permanent disabilities, job assignment restrictions for minors, or preferences in some positions for multi-lingual candidates.

Harass: verbal or physical conduct designed to threaten, intimidate or coerce based on a protected status.

Harassment includes verbal taunting which impairs an employee's ability to perform their job. Examples of inappropriate verbal conduct include racial or ethnic slurs, verbal abuse or kidding of a sexual nature, including comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes," or any other tasteless, sexual comment, innuendo or action. Examples of inappropriate non-verbal and physical conduct include distribution (including by e-mail), display or discussion of any written or graphic material that ridicules, denigrates, insults or otherwise shows hostility or aversion toward an individual or group because of a protected status. Inappropriate physical conduct could include pushing, blocking or otherwise physically intimidating an employee based upon a legally protected status.

Hostile Work Environment: Conduct may produce a hostile work environment if the conduct has the purpose or effect of unreasonably interfering with an employee's work performance (e.g., reduces personal productivity or time available to work at assigned tasks) or creating an intimidating or offensive work environment.

Sexual Harassment: includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or (3) the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment (i.e., "hostile work environment"). Examples of unwelcome sexual advances include patting, pinching, pushing against, hugging, cornering, kissing, fondling, or any other similar physical contact. Examples of requests for sexual favors include subtle or blatant expectations, pressures or requests of a sexual nature.

### Section XX-3. Complaint Process.

#### A. Reporting an Incident – Victim

When an employee believes they are the victim of prohibited harassment or discrimination, the employee is strongly encouraged to tell the offending party/parties that the conduct is offensive and unwelcome. In some situations, the employee will achieve their desired result based on this action alone. The affected employee is also strongly encouraged to document all incidents of harassment or discrimination as soon as practical after they occur, including identifying other possible witnesses, in order to facilitate investigation of the employee's complaint. It is helpful if the employee drafts a written complaint before speaking with a supervisor or administrator; otherwise, the employee will be required to sign a written complaint shortly after orally reporting the allegations.

The complaint may be filed with any of the following:

1. Employee's immediate supervisor
2. Another supervisor in the employee's "chain of command"
3. Employee's department head
4. Director of Human Resources
5. City Manager or Assistant City Manager/Operations
6. Michigan Department of Civil Rights
7. U.S. Equal Opportunity Commission

#### B. Reporting an Incident – Observer

When an employee observes prohibited harassment or discrimination toward another City employee, the witnessing employee is strongly encouraged to document all related information as soon as practical, including the identities of the victim(s) and other possible witnesses, in order to facilitate investigation of the complaint. The observer should then relay all relevant information to any of the following:

1. Employee's immediate supervisor
2. Another supervisor in the employee's "chain of command"

3. Employee's department head
4. Director of Human Resources
5. City Manager or Assistant City Manager/Operations

NOTE: Supervisors and department heads are encouraged to consult with the Director of Human Resources or the Assistant City Manager/Operations for assistance in conducting a fair and comprehensive investigation.

C. Investigation

The investigator will assist the complainant to provide a written complaint, if one has not been provided. The investigator will speak with the injured persons, identified witnesses, and the alleged wrongdoer. If available, documentary evidence will be reviewed and preserved (such as emails, video or audio tapes, cell phone records, etc.). If appropriate, the investigator will observe the area in which the alleged misconduct occurred. The investigator will summarize the findings and share them with the appropriate administrator for final action.

D. Confidentiality

Employees may request confidentiality when making an inquiry about potentially filing a complaint (so long as specific details about the alleged misconduct are not provided), when asking general questions about this policy, or related nonspecific matters, and those requests will be honored to the fullest extent possible. Employees may also confidentially seek advice on handling uncomfortable work situations or relationships through the Employee Assistance Program.

Confidentiality and anonymity cannot be guaranteed if the complainant provides specific details about alleged misconduct or wants the administration to take some corrective or disciplinary action. The employer will attempt to ensure individuals who are part of the investigation and decision-making processes exercise appropriate discretion within the context of the employer's legal obligation to act upon the charge of prohibited discrimination or harassment. While meeting that obligation, the employer will take into consideration the nature of the information provided, the privacy of the individuals involved, and the wishes of the complainant.

E. Retaliation

Retaliation against any employee for filing a harassment or discrimination complaint is prohibited. Retaliation against any employee or other person assisting, testifying or participating in the investigation of a harassment or discrimination complaint is prohibited. Employees who have engaged in retaliation prohibited by this policy will be subject to discipline, up to and including discharge.

## **ARTICLE XXI – PENSION IMPROVEMENTS**

Section XXI-1. Retirement Plan Eligibility. Unless noted to the contrary within this policy and/or in an employment agreement, all employees eligible for membership in the City of Jackson Employees Retirement System (ERS) or other comparable City sponsored plans shall come under the terms of said Retirement System and the following table:

The age and service conditions for voluntary retirement are as follows:(1)[Non-union benefit group general.] The table below applies to non-union benefit group general but does not include those members of non-union benefit group general who have elected deferred retirement prior to the effective date of this section.

10 years of service and 65 years of age
27 years of service and 58 years of age
35 years of service and any age
*Because of the Reciprocal Retirement Act of 1961, years of service shall include employment by any city, village, township, or county.

Those employees who separate city service with less than a full-service retirement and defer their retirement benefits may do so until their retirement age requirement.

Hire Date	Minimum years of age in order to draw a deferred retirement benefit
Hired prior to December 31, 2011	56
Hired between January 1, 2012, and December 31, 2017	60
Hired between January 1, 2018, and December 31, 2023	64
After January 1, 2024	68

Section XXI-2. Full-time non-union employees hired before July 1, 2012, shall participate in the City's Employees Retirement System (ERS), a defined benefit pension plan, with a 2.0% pension multiplier unless they have an at will employment agreement that states otherwise. The deduction for pension purposes shall be a city contribution rate of 12.04% and a rate of 7.5% as of July 1, 2024.

Full-time non-union non-contract employees hired on or after July 1, 2012, shall participate in the ERS defined benefit (DB) plan with a 1.25% pension multiplier and shall also participate in the City's Municipal Employees Retirement System (MERS) defined contribution (DC) pension plan, thus participating in a hybrid pension plan. The City shall contribute 4% on behalf of the non-union employee with the employee contributing a minimum of 4% up to 20% to the DC pension plan. Full-time at will contractual employees who are appointed by the City Manager and who are offered a pension plan, shall be offered hybrid pension plan consistent with this section of

the Personnel Policy unless their employment agreement states otherwise. The deduction for pension purposes shall be a city contribution rate of 12.04% and a non-union employees' contribution for the DB portion of the hybrid plan shall be 5.50% as of July 1, 2024.

The above deduction levels in this section may change as per the yearly valuation of the Actuary but that amount is subject to final City Council approval.

Employees covered by a collective bargaining agreement shall be governed by terms of the applicable collective bargaining agreement for pension purposes.

Section XXI-3. Effective July 14, 2015 , the calculation of the Final Average Compensation (FAC) shall be as follows:

Hired before December 31, 1996: The average of the employee's last three (3) consecutive years of credited service.

Hired on or after January 1, 1997, and before June 30, 2012: The average of the employee's last four (4) consecutive years of credited service.

Hired on or after July 1, 2012, and before December 31, 2016: The average of the employee's last six (6) consecutive years of credited service.

Any employee hired on or after January 1, 2017: the average of the employees last eight (8) consecutive years of service.

Any employee hired on or after January 1, 2018: the average of the employees last nine (9) consecutive years of service.

Any accrued sick time, vacation time, and overtime shall not be counted towards the final average compensation.

Section XXI-4 Pension Cap. The maximum annual pension amount for all employees governed by the Personnel Policy shall be:

General Employee Retirement Plan Employees (Hired before June 30, 2012)		Hybrid Pension Plan Employees (Hired on or after July 1, 2012)	
Years of Service	Pension Cap as percentage of FAC	Years of Service	Pension Cap as percentage of FAC
Over 10 and less than 20	35%	Over 10 and less than 20	24%
Over 20 and less than 25	47%	Over 20 and less than 25	28%
Over 25 and less than 30	54%	Over 25 and less than 30	32%
Over 30 and less than 32	62%	Over 30 and less than 35	41%
Over 32 and less than 35	68%	35 and less than 40	45%

Over 35 and less than 36	70%	40 and less than 45	47%
Over 36 and less than 38	71%		
Over 38	73%		

## **ARTICLE XXII – INFORMATION TECHNOLOGY POLICIES**

Section XXII-1. Software Licenses. All users of City-owned information technology equipment will abide by licensing agreements that the City has entered into with software manufacturers. No software will be installed on a City computer without written permission of the designated Manager in the MIS Department.

Section XXII-2. Software Standardization. Software standards will be established by the MIS Department to maximize the compatibility of data exchange between City computers and to ensure cost effective interdepartmental communications and other exchanges.

Section XXII-3. E-Mail Use. The City of Jackson e-mail system was established for City of Jackson business, and there is no right to privacy for users of the City's e-mail system, except as a particular message may be exempt from disclosure pursuant to the Freedom of Information Act. The City Manager will establish and enforce standards for users of the City's e-mail system. If an official, employee or volunteer uses the e-mail system for personal matters, the use must be *de minimis* and meet the same standards established for professional use.

Section XXII-4. Internet Use. The City of Jackson internet system was established to support performance of City business, and there is no right to privacy for users of the City's internet system. The City Manager will establish and enforce standards for users of the City's internet system. If an official, employee or volunteer uses the internet system for personal matters, the use must be *de minimis* and meet the same standards established for professional use.

Section XXII-5. Misuse of Information Technology. The use of City-owned information technology is a privilege that may be revoked. Misuse and/or abuse of City-owned technology may result in disciplinary action and/or referral to law enforcement authorities for legal intervention.

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## **APPENDIX B – DEFINITION OF TERMS/WORD USAGE**

- Anniversary Date – The annual anniversary date of continuing employment with the City as a regular full-time employee.
- City Sponsored Pension Plan/System – Shall include the defined benefit plan, defined contribution plan, the hybrid system, or any other pension system offered to a full time City employee.
- Classification Plan - A listing of the positions in the City government group by job classifications.
- Common Labor Group – Any non-department and/or division head position.
- Compensation - Monetary exchange for services rendered to the City by an employee and including longevity pay (if applicable).
- Compensatory Time - Time off the job in lieu of overtime for exempt employees for time worked beyond forty (40) hours per week.
- Demotion - A change in employment status from a position in one job classification to a position in another job classification having a lower maximum salary limit than the original job classification.
- Department Head - Those employees of the City in charge of an established City department.
- Discipline - Corrective action taken by supervisory personnel to change or control the behavior of subordinate employees.
- Dismissal - Permanent separation from City service for inefficiency, misconduct, repeated infractions of the rules or other just cause.
- Employee - Those persons in the employ of the City of Jackson who are covered by these rules in whole or in part.
- Employee Organization - Any formally recognized employee group engaged in collective bargaining with the City which results in a written contract.
- Exempt Employees - As defined by the Fair Labor Standards Act.
- Full time Local Government Service – Full time work performed for, or pension service achieved for a city, village, township, county, or a subdivision thereof.
- Grievance – Any at will non-union employee complaint including, but not limited to an allegation that a provision of this Personnel Policy has been violated.

- Disabled Person - Anyone who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- Immediate Family – Unless otherwise specified, it shall include parents, spouse, children, brothers, sisters, grandparents, grandchildren and immediate in-laws.
- Job Classification - A group of positions sufficiently alike in duties, authority, and responsibility to justify the same title, qualifications, and payscale.
- Layoff - The temporary or permanent separation of an employee as the result of the abolishment of the position or the reduction of work.
- Narcotics - Substances defined as narcotic by state and/or federal regulations and not prescribed by a qualified physician.
- Non-Exempt Employees -As defined by the Fair Labor Standards Act.
- Non-Union Employees - Employees who are not represented by an Employee Organization.
- Overtime - Time worked beyond eight (8) hours per day or forty (40) hours per week for hourly employees and for which they can expect time-and-one-half their hourly rate of pay.
- Overtime Exempt - Employees who are not granted overtime pay for hours worked in excess of forty (40) hours per week.
- Part-Time Employee – Employees who regularly work not less than twenty (20) but no more than 29 hours per week.
- Performance Appraisal - A report form filled out by the immediate supervisor of an employee rating the employee's quantity and quality of work and work attitudes.
- Position - A group of duties and responsibilities assigned or delegated by the City Manager requiring a full-time or part-time employee.
- Probation - A working test of the abilities of an employee to carry out the responsibilities of a position.
- Probationary Employee - An employee who has not yet completed the required probationary period.
- Qualified Person with a Disability - A person who, with reasonable accommodation, can perform the essential function of the job in question.

- Regular Full-Time Employee - An employee who is scheduled to work the standard work week of a department, holds title to a Full-Time position, and whose employment is expected to continue in duration.
- Seasonal Employee - An employee appointed for a limited period of time - especially one hired for a specific season of the year.
- Supervisor - An individual with the authority to assign, direct and review the work of subordinates.
- Suspension - Temporary separation from City service with or without pay for disciplinary reasons.
- Temporary Employee - One who is appointed for a twelve (12) month or less period and not holding title to a position.
- Vacancy - A position duly created by the City Council, established in the budget, and not currently occupied by an incumbent.
- Verbal Reprimand - A verbal rebuke given to an employee by a supervisor for infractions of the rules.
- Workers' Compensation - Compensation for a disability or death as a result of personal injury suffered in the course and scope of employment; or disability or death due to an occupational disease contracted in the course and scope of employment.
- Written Reprimand - A written statement prepared by an employee's supervisor stating an infraction of the rules by the employee and providing pertinent information about the infraction.

## **WORD USAGE**

- The words "shall" or "will" are to be construed as mandatory and the word "may" as permissive.
- The masculine gender shall be construed to include the feminine gender.

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