

AGENDA
CITY OF CHARLEVOIX CITY COUNCIL MEETING

Monday, November 19, 2012 - 7:00 p.m.
210 State St, City Hall, Second Floor City Council Chambers, Charlevoix, MI

- I. Invocation or Pledge of Allegiance**
- II. Roll Call of Members Present**
- III. Inquiry Regarding Possible Conflicts of Interest**
- IV. Consent Agenda**
 - A. City Council Meeting Minutes – November 5, 2012 Regular Meeting PG 1-7
 - B. Payroll Check Register PG 8-10
 - C. Accounts Payable Check Register PG 11-16
 - D. Mayoral Proclamation - Toys for Tots Week PG 17
- V. Public Hearings**
- VI. Reports**
- VII. Requests, Petitions and Communications and Actions Thereon**
 - A. Discussion Regarding Community Fireplace PG 18-27
 - B. Consideration to Approve Alternate Alignment for Lake to Lake Trail PG 28-35
 - C. Consideration of Employee Handbook PG 36-84
 - D. Approval of Job Descriptions PG 85-98
 - E. Organizational Items PG 99
 - 1. Meeting times/days
 - 2. Appointment of Deputy Mayor
 - F. Appointments PG 100
- VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**
- IX. Resolutions**
- X. Ordinances**
- XI. Miscellaneous Business**
- XII. Adjourn**

A quorum of the Planning Commission and DDA may be in attendance.

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

MAYORAL PROCLAMATION

WHEREAS The U.S. Marine Corps created a community action program known as "Toys for Tots" in 1947 and over the years has solicited and distributed over 400,000,000 toys; and

WHEREAS Two Thousand and Sixty-Eight (2,068) toys were collected and distributed to 450 children in the Charlevoix School District in 2011, and

WHEREAS The Northern Detachment of the Marine Corps League has a mission to provide a tangible sign of hope to economically disadvantaged children at Christmas time.

NOW, THEREFORE, I Norman L. Carlson, Jr. Mayor of the City of Charlevoix, Michigan, do hereby proclaim December 2nd through December 8th as "Toys for Tots Week" in Charlevoix.

Date

Mayor



CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Discussion Regarding Community Fireplace

DATE: November 19, 2012

PRESENTED BY: Mayor Carlson

Mark Buday

ATTACHMENTS:

1. Letter from Chip Terrill
2. Legal interpretation from Bryan Graham regarding Planning Commission review
3. Email from John Winn
4. Letter from Julee Roth

BACKGROUND INFORMATION: Mark Buday of Mark Buday Associates has agreed to assist the City in redesigning the proposed fireplace in East Park. Mr. Buday was instrumental in developing the final design of East Park and has agreed to assist the City free of charge. He has submitted the following questions for Council to consider at our meeting:

1. Does the park need a fireplace?
2. If so, where should it be, what is its function and what should it look like?
 - A. How does the present location of the fireplace fit into the other uses of the park?
 - B. Are there other locations in the park where the fireplace will be as visible from Bridge Street yet not block other important views to the water?
 - C. Are there seasonal events that would benefit from a fireplace and plaza?
 - D. How can a fireplace enrich and be integrated into the other features of the park?
 - E. Once an acceptable location is identified, what is the appropriate size and configuration?
 - F. How does the scale, form and materials of other built elements in the park influence the fireplace

We sincerely thank Mr. Buday for his generous donation of time and resources!

At the meeting, Mr. Buday will be soliciting input from City Council members regarding future design parameters for the fireplace. Based upon Council's input and public comment, he will

redesign the fireplace and bring back to City Council for review and possible approval. Members of the Planning Commission and DDA have been invited to the meeting and are encouraged to give input on the fireplace.

City Staff has made a concerted effort to inform the community of this meeting. A front page article was published in the Charlevoix Courier on November 9, 2012. We have also informed residents of the meeting through the City's web-site and Facebook page.

Mr. Polakowski has requested to read a short statement at the meeting. He is representing viewpoints voiced at Landscape Architecture Forums at the Charlevoix Library regarding the fireplace.

RECOMMENDATION: Discussion.

A FIREPLACE: THE GIFT THAT KEEPS ON TAKING

RECEIVED

THIS FIREPLACE WILL CONTINUE FOR YEARS TO TAKE OUR \$, OUR VISTA AND UNDERCUT OUR COMMON SENSE OF COMMUNITY

NOV 12 2012

CITY OF CHARLEVOIX

I OPPOSE A FIREPLACE IN EAST PARK BECAUSE:

#1 THE PRECEDENT-COST

This is not a gift. Instead, it is an offer for CHX to have a fireplace but only if CHX is willing to pay costs not funded by the donor of increased liability insurance, natural gas and maintenance. If it were a true gift with minimal cost to the city, the donor would have had to have given the city at least \$ 150,000.00 to cover the projected costs of construction, insurance, natural gas and maintenance over the next 15-20 years.

The city currently calculated the cost of natural gas alone based on slightly less than 4.65 hours/day 365 days/year or 1700 hours of usage/year for a total cost per year to the city of at least \$ 6,700.00 or \$ 67,000/10 years if rates stay the same.

Such is NOT LIKELY because the city relied on natural gas CCF rates provided by DTE Energy in August 2012 which rates were close to historic lows for the past 30 years and they have already gone up over 15% just since August.

Nat Gas rates are projected to increase by 50% by 2017. See studies by the Federal Energy Regulatory Commission (where I was a Judge for over 10 years) and commodity trading indices, all publicly available via the internet. So realistically, the city will instead be paying over \$ 10,000/yr instead of \$ 6,700.00 for Nat Gas alone. Further, there is a high degree of probability that Nat Gas costs to the City for ht fireplace could increase to over \$ 15,000/year by 2020.

Does not this community have many deserving deferred projects for \$ 10-15k/yr. Bottom line: this is NOT a gift but an unfunded mandate/demand on the city to pay what the donor is not willing to -- I give you a fireplace but you pay its ongoing costs.

#2 THE PRECEDENT-OBSTRUCTING THE VISTA.

From Bridge St, our community and any visitor to it's main thorough-fare, this fireplace will block/disrupt the flow of the East Park vista of CHX's harbor and Round Lake which vista makes CHX unique in the entire USA. Many tax dollars have been spent by this community including all of us taxpayers to create this unique vista which is the centerpiece of CHX the Beautiful's heart and its marketing efforts. This vista and its green space must be preserved. A fireplace is just so contrary to the scenic beauty that we have all achieved together.

#3 THE PRECEDENT-

Apparently with no policy in place the CHX City Council hurtled forward without a set policy and no guidelines and without any input (now being corrected) from its Planning Commission, the very body established for just such occasions.

Suggested policy considerations: Has the person being memorialized or donating ever set foot in CHX? What did they contribute to this community as to be deserving of taking space front and center in one our most precious community assets? Will we only learn of their identities of person being memorialized when the plaque is unveiled? Does the donor really want a memory to their special person be a memory that is opposed by a majority of the community in which it is being located?

#4 WHY A FIREPLACE?

I see no value added to East Park by its presence.

I went to the west side of Bridge St across from the proposed fireplace and looked down and then walked down to the Harbor and looked up to visualize the fireplace. Even with the use of Onaway stones the fireplace no matter how well dressed it is, the fireplace in my humble opinion is out of step with the rest of East Park. And the Onaway stone no matter how attractive is nothing more than lipstick on a pig. This fireplace will cast no warmth. Given that fact, the concept that it will become a community gathering spot in the dead of winter is rather farcical. Do you honestly think that folks will be standing around to view a non-warming natural gas flame contained behind a glass enclosure that is up on a pedestal. This will not be the Kennedy flame in Arlington National Cemetery for many

reasons. Plus it will off-gas heat and fossil fuel emissions through its 20' stack. And importantly, it demeans and takes away from our sense of community because its design offends many if not most who are part of this community. To take down a tree to replace it with a fireplace in East Park is just dumb.

#5 A RUSH TO JUDGEMENT/FLAWED PROCESS:

We are in this predicament and we all share some responsibility for the predicament because:

(a) the Council allowed itself to be pressured to make its decision with poor notice to the community it represents. The council initially made no proactive effort to seek input from the community it represents nor from its own Planning and Shade Tree commissions. This lack of proactive effort was particularly egregious given the Council's admitted realization that it was not getting much community feedback. Why did Council initially ignore the only FEEDBACK IT DID GET THAT WAS OPPOSED TO THE PROJECT. Why in this electronic day and age was nothing put out on the City website; and

(b) the donor and his/her rep created unnecessary pressure to have the project done by Apple Fest, and

(c) we the citizens of this community were a bit asleep at the switch in realizing the gravity of what was taking place. All three of us bear responsibility for our shared predicament.

I am heartened by the community's outpouring and activism, by the donor's demonstrated flexibility, and the Council's willingness to work to see this done right.

As we all do share of love for Charlevoix the Beautiful which was, I believe, the motivation of all here involved, donor, City Council and citizens.

My preference is to take what has been constructed to a height of 22", dress the 22" base and top with Onaway stone, create a planter on its top for Petunias and have additional seating in the centerpiece of the Harbor's view.

Delbert R. "chip" Terrill, Jr.

CHX Class of '65

Lover of CHX since I came here as a 3 year old in 1950

charlevoixboy@gmail.com

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
www.upnorthlaw.com

Bryan E. Graham
Peter R. Wendling

Lori A. Lockett
Eugene W. Smith

James G. Young, Of Counsel

M E M O R A N D U M

TO: Rob Straebel, Manager **VIA EMAIL**
City of Charlevoix

FROM: Bryan E. Graham *BEB*

DATE: November 15, 2012

SUBJECT: Whether the planning commission is legally required to review and approve the fireplace before the construction is completed

You have requested an opinion concerning whether the planning commission is legally required to review and approve the fireplace to be built in East Park before the construction is completed. This question involves an interpretation of Section 61(1) of the Michigan Planning and Enabling Act, MCL 125.3861(1). This statute provides:

A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

The issue presented is whether an improvement within a previously established park must be submitted to the planning commission under the above statute before that improvement is completed. I have found no case law addressing this issue under the current statute and under Section 10 of the former township planning act.

Because there is no case law addressing the precise question presented, the issue must be analyzed under the traditional rules of statutory construction. The primary task in construing a statute is to discern and give effect to the intent of the Legislature. *Shinholster v Annapolis Hosp*, 471 Mich 540, 548-549 (2004). The words contained in a statute provide the most reliable evidence of the Legislature's intent. *Id.* at 549. In addition, the interpretation of a statute should seek to avoid a construction that would produce absurd results. *Twp of Casco v Sec'y of State*, 261 Mich App 386, 391 (2004).

A careful analysis of the statutory language reveals that there are three independent categories of public improvements specified in the statute. These categories are made evident by the use of semi-colons in the subsection. The three categories are: (1) a street; (2) a square, park, playground, public way, ground, or other open space; or (3) a public building or other structure.

Therefore, before a new public improvement within any of the three categories is constructed, the project must be submitted to the planning commission. For example, a new public street must be reviewed by the planning commission, a new park or playground must be reviewed by the planning commission, and a new public building or structure that is built as an independent project must be reviewed by the planning commission. The statutory purpose of this review is to evaluate whether the nature and location of the public improvement is consistent with the master plan and will not have an unreasonably adverse impact on the surrounding neighborhood.

However, when an improvement is constructed within an existing public improvement within any of the categories, then there is no legal requirement that the matter be referred to the planning commission. For example, re-paving or curbing an existing street (a new public structure) does not require planning commission involvement, installing a new swing set or teter-toter (public structures) in a playground does not require planning commission involvement, and building a new bath house in an existing park (a public building) does not require planning commission involvement.

If the statute were interpreted to require every new public building or structure (where ever constructed) to be referred to the planning commission, then this would lead to the absurd result that every routine decision related to the management of public streets and property be reviewed by the planning commission.

As stated above, statutes must be interpreted to avoid absurd results. Therefore, it is my opinion that Section 61(1) of the planning enabling act does not require that the proposed fireplace to be built within East Park be referred to the planning commission.

If you have questions, please do not hesitate to contact me.

BEG

cc: James G. Young, City Attorney (via email)

Rob Straebel

From: John Winn [john@winndecks.com]
Sent: Wednesday, November 14, 2012 1:05 PM
To: Rob Straebel
Subject: fireplace

Just want to make sure we are on the same page regarding all options.

1. Proceed as is, no additional cost.
2. Make modification to existing chimney. No additional cost.
3. Remove existing and do not replace. Cost \$15,400.
4. Move to another location within East Park. Cost \$ 13,900.

NOTE: If another location is more costly than original, the additional cost has been pledged if

others raise the \$ 13,900. Donor also agrees to pay the first five years of gas expense if moved.

Linda Weller

RECEIVED

From: JuleeRoth@yahoo.com
Sent: Thursday, November 15, 2012 11:54 AM
To: Linda Weller
Subject: East Park Fireplace comments

NOV 15 2012

CITY OF CHARLEVOIX

I wish for this to be read and included in the City Council packets for the meeting on Nov 19, 2012, thank you,
Julee

September 4, 2012

To the Charlevoix City Council and the People of Charlevoix:

Recently I came before the city council on two seemingly separate issues – the streets and our Lighthouse. I really came before you to point out that these are the same issues, with the same underlying cause (implementing a program without thinking it through) and they affect the safety and beautification of town. The fireplace is just the latest example.

Agreeing to paint the Lighthouse an unsafe color – without considering the opinions of the public and safety of boaters is a City Council problem.

Agreeing to allow residents to dump debris in the streets with no scheduled pick-up day or a written and enforceable clean-up plan – just something that operates on the whim and randomness of the Street Department without consideration of the public - is a City Council problem.

Agreeing to allow the dumping of unfiltered storm water without consideration of the health and safety of the public is a City Council problem.

Agreeing to allow the “new” fireworks without creating a safety ordinance is a City Council problem.

Agreeing to allow a helicopter to fly incessantly overhead without consideration for the public is a City Council problem.

Agreeing to spend money on frivolous expenditures like the fireplace while not offering or taking the money away from programs like the petunias, children and education – programs that build community spirit and affluence - is a City Council problem.

As you can see, the list can go on and on. But these ARE real public problems. And you agreed to remedy them when you took the City Council job.

As a City Council member you are out-of-touch if you cannot consider what the public is saying to you – don't wait for us to complain to you and then dismiss it. Listen to the public, even if it is just one lonely voice. Sixty per cent – 60% - of the public want a white Lighthouse – did City Council listen when it made that \$29,000 mistake? Forty per cent of your property tax revenue comes from voices you dismiss as “just summer people”. How many of those voices are you dismissing when they make a complaint before making another costly mistake?

What we the residents and non-residents of Charlevoix are asking: use your voice to keep Charlevoix safe and beautiful. Be mindful of why we are taking the time to raise some very serious concerns. Do what is right to keep Charlevoix the Beautiful. Stop with the fireplace project. Stop wasting our precious tax dollars. Consider that the public has a voice – and has ideas. Form a citizens committee – include summer residents (taxation with representation) and proceed slowly considering all our voices. It does work to everyone's benefit.

Sincerely,

Julee Roth
Charlevoix Concerned Resident

Linda Weller

From: Boogiebobs Records [info@boogiebobsrecords.com]
Sent: Thursday, November 15, 2012 1:06 PM
To: Linda Weller
Subject: Fireplace

Hi Rob,

I am just voicing my opinion on the Fireplace again for the record.
Please DO NOT let this thing get built.

Thanks,
Bob Bergmann
1st Ward

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve Alternate Alignment for Lake to Lake Trail

DATE: November 19, 2012

PRESENTED BY: Rob Straebel

ATTACHMENTS:

1. Map of Alternate Location of Trail
2. Quote for Additional Engineering
3. Email from MDOT Representative
4. IGA-Lake to Lake Multi Use Trail

BACKGROUND INFORMATION: The City submitted and was awarded a \$288,000 grant for the Lake to Lake Trail. The original design was to utilize an old rail bed that is owned by St. Mary's Cement Company. Early in the discussions, MDOT officials stated that a 12 or 20 year easement with St. Mary's would most likely suffice for grant purposes. Based upon this, we executed a Grant of Access Agreement with St. Mary's for 12 years.

After receiving grant funds, MDOT is now stating that the St. Mary's easement needs to be dedicated in perpetuity. St. Mary's officials have stated they cannot grant a trail usage agreement in perpetuity. Hence, the City must find an alternate alignment whereby connecting Ferry Beach (Lake Charlevoix) with Fisherman's Island State Park (Lake Michigan). Grant dollars must be expended in 2013.

Staff has worked with Performance Engineers and is proposing the attached alternate alignment using Stover Road to connect to Ferry Beach. To do this, Performance Engineers will need to redesign the location along Stover Road. This additional work will cost a total of \$31,500 (\$3,500 for survey work, \$14,000 for Preliminary Design and \$14,000 for Final Design). According to the agreement with Charlevoix Township, both City and Township are to share these costs.

The City Manager has spoke to MDOT officials about these extra engineering costs that are a result of inaccurate information early in the process. Although they cannot reimburse the city for the extra engineering costs, they may be willing to increase the grant amount to a larger percentage from 75% funding to 80% funding. They appear to be willing to work with us on this.

RECOMMENDATION: Motion to approve paying 50% of extra engineering costs or \$15,750 for realignment of Lake to Lake Trail contingent upon Charlevoix Township's approval of paying the same amount.



Performance Engineers Inc.

Civil / Structural Engineering

October 29, 2012

Mr. Rob Straebel / Mr. Dale Glass
City of Charlevoix / Charlevoix Township

Re: Lake to Lake
Multi Purpose Trail Redesign

PE Proposal No.: 2012456

Dear Rob and Dale:

As you know, the Michigan Department of Transportation is now requiring that we obtain a perpetual easement for the abandoned railroad right of way that is currently under the ownership of St. Mary's Cement. Previously, it was understood that a 12 year easement would be acceptable.

At this time, it appears that St. Mary's is unwilling to provide a perpetual easement for the multi purpose trail. With this portion of the project unavailable, MDOT has challenged us to find a new route utilizing US-31 and M-66 along with Stover Avenue to access Ferry Beach. They have assured us that the same amount of funds that were agreed to previously will be reserved for this modified route.

Survey

The first step to be undertaken will be to obtain topographic survey information. We recommend using North Star Land Surveying, (because Ferguson and Chamberlain appear to be too busy to handle this work at this time). This is the critical starting point for establishing right-of-way, topography and locating obstructions and road crossings. The cost for this work is \$3,500. With this information we will develop a conceptual plan for how to situate the multi-use trail within the right of ways etc. This plan will be reviewed and approved by you before we move on to any further steps.

Preliminary Engineering Design Incorporating Conceptual Design

The topographical survey will be used to create a map of existing facilities and potential obstructions for the proposed trail. The trail will be designed to allow for proper separations between road edges and obstructions along with smooth vertical transitions.

Final Engineering Design

Once preliminary designs have been agreed upon, final design will be completed to meet MDOT requirements necessary for obtaining proper bidding and approvals. The plans already completed will be revised to address comments of MDOT and combined with approximately six new sheets necessary to complete the new route being proposed. These plans will be subject to MDOT approval and will then be bid out for construction during 2013.

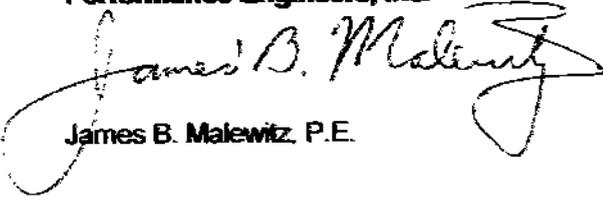
Performance Engineers would provide the services described above for the following fees.

- Topographic Survey (by North Star Land Surveying): \$3,500
- Preliminary Design: \$14,000
- Final Design : \$ 14,000

\$31,500

As you evaluate your options on how to proceed, please feel free to contact us with any questions, or if you should need any additional information we would be more than willing to assist. However, if you would like to proceed based on the scope of work presented above and the terms and conditions attached hereto, please sign and fax back to our office.

Sincerely,
Performance Engineers, Inc.



James B. Malewitz, P.E.

Rob Straebel

From: Opsommer, Matt (MDOT) [OpsommerM1@michigan.gov]
Sent: Thursday, February 23, 2012 9:58 AM
To: Rob Straebel
Subject: ENH2012-001 - City of Charlevoix

Categories: Red Category

Good Morning Rob,

Sorry I missed your call yesterday (as well as your previous phone calls). I was in Bay City most of the day. Also, I apologize for the delay overall, I was assigned to an information technology project in January that took up a majority of my time. Since we haven't been able to connect by phone, I thought I would try sending you an email.

Your application was reviewed and is moving through the approval process. I have just a few follow-up questions for you.

Is there a plan to construct anything on Bells Bay Road. Some of the reviewers were confused about how Bells Bay Road fit into the project. Based on our previous conversations, I did not think that Bells Bay Road was part of the project from a construction standpoint. My understanding was that the project limits would end at Bells Bay Road and nonmotorized users would share the road with traffic to continue to the state park. Is this the plan? Did you want to include any way finding signs for nonmotorized users to continue to the state park or do you think it will be pretty obvious how to get there?

In terms of the connection to the Little Traverse Wheelway, is it already signed for nonmotorized users? If it is not currently signed, would you be open to including way finding signs for nonmotorized users to connect from the Lake to Lake trail to the Little Traverse Wheelway?

And last but not least, the easement from St. Mary's Cement Co. Previously, I had told you that we would need at least a 12 year easement for a TE project. The 12 year easement was a special exception previously granted by the Federal Highway Administration. In discussions with MDOT Local Agency Programs, we are not sure if FHWA will approve a 12 year easement again. The normal length would be a 20 year easement, which would cover the expected life of the trail. Do you think St. Mary's would grant a longer easement than 12 years?

A final note on our funding. The proposed highway bill that has been introduced in the U.S. House of Representatives does not include a mandatory set aside for TE funds that the previous highway bill, SAFETEA-LU, did. The proposed bill in the House makes TE funding optional for states. We are still planning a program for 2013 but I wanted to take the chance to remind you that funding may or may not be available. We should know more in the coming months.

I should be in the office all day today so please call me at your convenience with any questions you might have.

Matt Opsommer
MDOT - Office of
Economic Development
517-241-1317

**INTERGOVERNMENTAL AGREEMENT
LAKE TO LAKE MULTI-USE TRAIL**

BACKGROUND

The City of Charlevoix (the City) and Charlevoix Township (the Township) believe that it will benefit the greater Charlevoix area, summer residents, and tourists as well as the year round residents of their respective entities to develop a pedestrian, bicycle, equestrian, cross country ski, snowshoe, and snowmobile trail between Lake Michigan and Lake Charlevoix (the Trail). The Trail project includes the development of a parking lot/trailhead on M-66. The State of Michigan is offering a Transportation Enhancement Grant (the Grant) that can be used to construct the Trail. The Michigan Department of Transportation requires the City to be the applicant; however, the Township encourages and supports the City in applying for the grant. To foster intergovernmental cooperation and the efficient use of public resources, this Agreement is intended to describe the rights and obligations of the City and Township regarding applying for the Grant and, if the Grant is awarded to the City, the rights and obligations of the parties regarding the Trail into the future.

AGREEMENT

The parties agree as follows:

Grant application:

1. **Grant.** The City will apply for the Grant and may disclose this Agreement or any of its provisions to the State of Michigan. The City shall be the fiscal agent for the grant and be responsible for administrative grant submittal requirements.

If the Grant is awarded, the following provisions shall become effective:

2. **Matching funds.** The City and Township agree to pay twenty-five percent (25%) of all project costs. The City and Township shall each pay ten percent (12.5%) of all project costs. It is understood that project costs are estimated to be \$382,000. However, additional costs, including design, engineering, and inspection fees, and cost overruns are possible. The City and Township hereby agree to all additional costs and cost overruns and any such additional costs or cost overruns shall be paid equally by the parties when such obligations become due.
3. **Additional grants.** The parties shall work cooperatively to obtain any additional grants that can be used to help reduce the amount of matching funds that the parties must pay. All additional grants shall be shared equally (50%/50%) between the parties even if only one party received the additional grant.
4. **Trail construction.** The City shall solicit bids for the project on behalf of the City and Township. Each party shall agree upon and approve the same bid. All construction documents shall be signed by both parties as well as the successful bidder. All project payments and other construction contractual provisions that require approval of the

owner shall be reviewed and approved by authorized representatives of each party. The representative of the City shall be the City Manager or such person as the City Manager shall designate. The representative of the Township shall be the Township Supervisor or such person as the Township Supervisor shall designate. The City will hire one inspector whose selection shall be approved by the Township and that the costs shall be part of the project costs and be shall be equally shared between the City and Township.

5. Post-completion activities. Once the Trail has been constructed and accepted by both parties, each party hereby agrees and acknowledges that it shall be solely responsible for inspection, maintenance and repair of the Trail within its own jurisdictional boundaries. Neither the City nor the Township shall be responsible for grooming the trail for snowmobile use as local snowmobile clubs have grooming equipment and have historically completed this task. Each party shall have the sole obligation to keep that portion of the Trail within its jurisdictional boundaries useable and safe for pedestrians and bicycles in the spring, summer and fall, and snowmobile/cross country skiing/snowshoeing use in the winter as weather permits. It is further agreed that both parties will carry general liability insurance for any trail improvements within their jurisdictional boundaries upon completion of the project.
6. Term of Agreement. The term of this Agreement shall be for a maximum period of twelve (12) years commencing on the date of the grant of easement by St. Mary's Cement Company to Charlevoix Township; subject, however, to the following provisions. The initial term of the Agreement shall be for a period of six (6) years from the date of the grant of easement. Thereafter, the Agreement shall be automatically renewed for six (6) successive one (1) year periods unless either party notifies the other that it desires to terminate the Agreement on the sixth anniversary date or any anniversary date thereafter. In such event, a written Notice of Intent to terminate the Agreement shall be delivered to each of the respective signatories, or the successors in office, at the office of the respective signatories, or their successors in office, at the offices of the respective governmental parties no less than sixty (60) days prior to the intended date of termination.
7. Relationship of the parties. This Agreement creates certain rights and obligations between the parties. This Agreement neither creates nor gives any rights or causes of action to a third party. Once the Trail has been accepted by the parties as having been constructed as specified in the construction documents, each party shall perform its obligations related to the Trail independent of the other party.
8. Indemnification. Each party shall indemnify and hold harmless the other party, its public officials, officers, council/board members, successors, assigns, agents, servants, employees, and insurance companies from any damages, legal fees or expenses, awards, demands, rights, and causes of action which arise out of that party's duties and obligations contained in this Agreement.
9. Easement. The project is contingent upon a grant of easement for public access to the Trail from St. Mary Cement Company to Charlevoix Township. If a grant of access easement does not occur with terms acceptable to the City or Township, the City and/or the Township may terminate this Agreement in their sole discretion.

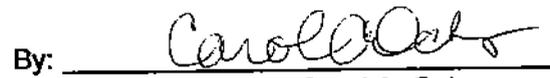
IN ACKNOWLEDGMENT of this Agreement authorized representatives of the parties have executed this document.

CITY OF CHARLEVOIX

Dated: 12-5-11

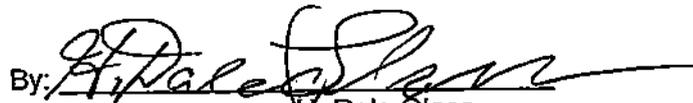
By: 
Norman L. Carlson, Jr.
Its: Mayor

Dated: 12-5-11

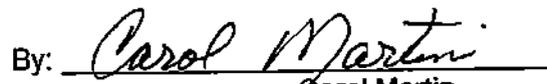
By: 
Carol A. Ochs
Its: Clerk

CHARLEVOIX TOWNSHIP

Dated: 11-22-11

By: 
H. Dale Glass
Its: Supervisor

Dated: 11-23-11

By: 
Carol Martin
Its: Clerk

November 21, 2011



DRAFT 10--24--12

LAKE TO LAKE TRAIL; ALTERNATE ROUTE

CHARLEVOIX
TOWNSHIP
ILLINOIS
Charlevoix

DATE	BY	SCALE	DATE	BY
	N/A			
PROJECT NO.			SHEET NO.	
10-24-12			1	

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve Revisions to the Employee Handbook

DATE: November 19, 2012

PRESENTED BY: Rob Straebel

ATTACHMENTS: Draft Employee Handbook

BACKGROUND INFORMATION: The purpose of an employee handbook is to let employees know what is expected so that they have the opportunity to perform effectively. It is a working guide to the understanding of the day-to-day administration of personnel policies and practices. Portions of the current employee handbook were written in 1991. Since then various memos to employees were distributed, policies adopted, federal and state laws mandated, City resolutions passed, and handbook sections revised. Information was scattered, difficult to find, and difficult to understand for administration purposes.

Over the past many months, considerable work has been done to identify the contents of a proper employee handbook, and then add, rewrite, and compile the needed information. The result is the November 2012 version of the City of Charlevoix Employee Handbook. To get the handbook to this stage, it has been reviewed by our employment attorney and all department heads. It was then made available to all employees for comment. The November 2012 version of the City of Charlevoix Employee Handbook is the result of many discussions and revisions.

Highlights:

- ❖ The Handbook applies to ALL City employees, although those who are included in collective bargaining agreements have other specific personnel policies and practices contained in collective bargaining agreements that supersede this Handbook.
- ❖ Two City resolutions included.
- ❖ Nine standalone policies incorporated.
- ❖ COBRA and FMLA incorporated meeting federal notification requirements.
- ❖ Smoking Policy incorporated meeting state law.
- ❖ Clarifications were made as to what benefits apply to what employment classification.
- ❖ Handbook organized in a logical sequence with a detailed table of contents.
- ❖ Sections added that were not included in earlier versions that provide employees with valuable information (e.g. paid time off and benefit plans) and assist employees in being great employees (e.g. attendance, rules of conduct).

RECOMMENDATION: Motion to Approve revised City of Charlevoix Employee Handbook.

City of Charlevoix

Employee Handbook

EMPLOYEE HANDBOOK

City of Charlevoix
Charlevoix, Michigan
231-547-3270
www.cityofcharlevoix.org
November 2012

Approved by City Council: _____

THIS EMPLOYEE HANDBOOK IS NOT INTENDED TO SERVE AS A CONTRACT OF EMPLOYMENT – EXPRESS OR IMPLIED. Unless otherwise stated by contract, the City of Charlevoix offers all employment “at will”. That is, either the employee or the employer may terminate employment at any time, with or without cause and with or without notice.

This employee handbook is intended solely for informational and guidance purposes with respect to areas of employment relations covered within it. The information in this handbook reflects the policies, procedures, and benefits in publication. THE CITY RESERVES THE RIGHT TO CHANGE, DELETE, OR ADD POLICIES, PROCEDURES OR BENEFITS AT ANY TIME, IN ITS SOLE DISCRETION, WITH OR WITHOUT NOTICE.

THIS EMPLOYEE HANDBOOK IS, AND SHALL REMAIN, THE PROPERTY OF THE CITY OF CHARLEVOIX. THE HOLDER OF THIS HANDBOOK MUST SURRENDER IT UPON TERMINATION/RESIGNATION OR UPON RECEIPT OF A NEW HANDBOOK.

NOTE: The City of Charlevoix is also referred to in this Handbook as “the City”.

TABLE OF CONTENTS

SECTION 1: GENERAL INFORMATION

- 1.1 APPLICABILITY AND SCOPE OF COVERAGE - 5
- 1.2 PURPOSE OF THE HANDBOOK - 5
- 1.3 RESERVATION OF RIGHTS - 5
- 1.4 EXCLUSIVE POLICY STATEMENT - 5
- 1.5 EMPLOYMENT AT-WILL - 5
- 1.6 EQUAL EMPLOYMENT OPPORTUNITY POLICY - 6
- 1.7 AMERICANS WITH DISABILITIES (ADAAA) AND MICHIGAN PERSONS WITH DISABILITIES CIVIL RIGHTS ACT (PWDCRA) – 6
- 1.8 WORKPLACE HARASSMENT – 6
- 1.9 RELATIVES/NEPOTISM – 7

SECTION 2: EMPLOYMENT POLICIES

- 2.1 EMPLOYMENT REFERENCE CHECKS & BACKGROUND INFO – 8
- 2.2 EMPLOYMENT CLASSIFICATION – 8
- 2.3 INTRODUCTORY PERIOD & PERFORMANCE EVALUATIONS– 9
- 2.4 ATTENDANCE – 9
- 2.5 CODE OF ETHICS AND CONFLICT OF INTEREST – 9
- 2.6 RULES OF CONDUCT – 10
- 2.7 SUBSTANCE ABUSE – 11
- 2.8 POLITICAL ACTIVITIES – 11
- 2.9 RESIDENCY – 12
- 2.10 DISSEMINATION OF INFORMATION – 12
- 2.11 CONFIDENTIALITY – 12
- 2.12 SOCIAL SECURITY NUMBER PRIVACY– 12
- 2.13 PRIVACY POLICY DISPOSAL/SHREDDING OF SENSITIVE DATA – 13
- 2.14 KEEPING US INFORMED – 13
- 2.15 SECONDARY EMPLOYMENT AND COMMUNITY INVOLVEMENT – 13
- 2.16 JOB POSTINGS – 14
- 2.17 RESIGNATIONS AND TERMINATIONS - 14

- 2.18 PERSONAL PROPERTY - 14
- 2.19 RIGHT OF INSPECTION AND SEARCH – 14
- 2.20 USE OF CITY VEHICLES – 14
- 2.21 VEHICLE SAFETY– 15
 - 2.21 (a) Idling Guidelines for City Vehicles – 15
- 2.22 USE OF OTHER CITY PROPERTY – 16
- 2.23 PERSONAL TELEPHONE CALLS & TEXTS – 16
- 2.24 COMPUTERS, EMAIL, AND VOICEMAIL – 16
- 2.25 CELL PHONE AND PAGER USE, LAPTOPS, & GAS CARDS – 17
- 2.26 SOCIAL MEDIA/NETWORKING – 17
- 2.27 SMOKING POLICY – 18
- 2.28 WORKPLACE VIOLENCE – 18

SECTION 3: HOURS AND PAY PROCEDURES

- 3.1 WORK SCHEDULES – 19
 - 3.1 (a) City Employees Responding to Emergencies – 19
- 3.2 TIME RECORDING – 20
- 3.3 COMPENSATION/PAY – 20
- 3.4 OVERTIME – 21
- 3.5 COMPENSATORY TIME – 21
 - 3.5 (a) Compensatory Time for Exempt Employees – 22
- 3.6 PREMIUM PAY/ON CALL/PER DIEM FOR EXEMPT EMPLOYEES – 22

SECTION 4: EMPLOYEE BENEFITS

- 4.1 PAID TIME OFF
 - 4.1 (a) Holidays – 23
 - 4.1 (b) Personal Days – 23
 - 4.1 (c) Vacation – 23
 - 4.1 (d) Sick Leave and Sick & Accident Benefits – 24
 - 4.1 (e) Conferences and Training – 25
 - 4.1 (f) Leaves of Absence – 26
 - Funeral Leave
 - Jury Duty
 - Military Leave
 - 4.1 (g) Requests for Time Off – 26
 - 4.1 (h) Leave of Absences – Without Pay – 26
- 4.2 BENEFIT PLANS
 - 4.2 (a) Retirement – 26
 - 4.2 (b) Medical/Dental/Vision Insurance – 26
 - 4.2 (c) Section 125 Plan and Flexible Spending Account (FSA) – 27
 - 4.2 (d) Medical Opt-Out Reimbursement – 27
- 4.3 HEALTH SAVINGS ACCOUNT (HSA) – 27
- 4.4 LIFE INSURANCE – 28
- 4.5 OTHER INSURANCE – 28
- 4.6 MEMBERSHIPS – 28
- 4.7 EDUCATION/TUITION ASSISTANCE – 28
- 4.8 SOCIAL SECURITY AND MEDICARE – 29
- 4.9 UNEMPLOYMENT AND WORKER COMPENSATION – 29
- 4.10 FAMILY MEDICAL LEAVE ACT (FMLA) – 29
- 4.11 COBRA – 35

SECTION 5: SAFETY POLICIES

- 5.1 EQUIPMENT – 38
- 5.2 PROTECTIVE DEVICES – 38
 - 5.2 (a) Protective Device Reimbursement - 38
- 5.3 REPORTING ACCIDENTS, INJURIES, AND SAFETY VIOLATIONS – 39
- 5.4 HAZARDOUS MATERIALS – 39
- 5.5 SAFETY RULES – 39

APPENDIX A - RESOLUTION NO. 2009-06-03 - ESTABLISHING CODE OF ETHICS AND CONFLICT OF INTEREST POLICY – 40

APPENDIX B - RESOLUTION No. 2006-03-01 - RESOLUTION ESTABLISHING SOCIAL SECURITY NUMBER PRIVACY POLICY – 43

RECEIPT AND ACKNOWLEDGMENT PAGE – 47

**** End Table of Contents ****

EMERGENCY
PREPARED BY
DATE

SECTION 1: GENERAL INFORMATION

1.1 APPLICABILITY AND SCOPE OF COVERAGE

This Handbook summarizes personnel policies and benefits that are applicable to all City employees (unless otherwise noted). For example, employees who are members of a union that have a signed current/valid Collective Bargaining Agreement with the City will be entitled only to those benefits specified in the union contract. All other aspects of this Handbook will apply to union employees unless abridged or modified by the Contract: the union contract shall be the governing document for such abridgements or modifications.

Similarly, the City may enter into individual employee contracts at certain levels. In such cases, the contract terms will take precedence; the Handbook will apply only when the contract is silent.

1.2 PURPOSE OF THE HANDBOOK

The Handbook is designed to acquaint the employee with the City, to provide a ready reference for most employment questions, and promote uniform understanding and application of the City's policies, procedures, practices, and benefits. Moreover, the Handbook identifies individual authority for policies, procedures, practices, and benefits.

The contents of this Handbook constitute only a summary of the employee benefits, personnel policies, and employment regulations in effect at the time of publication. In the insurance and benefit plans, the current insurance or benefit plan documents will provide further details.

1.3 RESERVATION OF RIGHTS

The City reserves the right to make changes in policies, procedures, or benefits at any time, with or without notice; however, changes will apply prospectively only. Changes in policies, procedures, or benefits described in this Handbook may be made only by the City Manager with appropriate City Council approval. No one is authorized to add, delete, or otherwise alter the policies stated in the Handbook through oral or written statements except as stated above. This Handbook should not be viewed as creating any kind of employment contract. The employee has the right to terminate his/her employment at any time and the City has the same right.

1.4 EXCLUSIVE POLICY STATEMENT

The policies stated in this employee handbook are the property of the City and supersede all previous policies, practices, and/or verbal statements of anyone associated with the City, its predecessors and/or its authorized agents.

1.5 EMPLOYMENT AT-WILL

This Handbook is not intended nor does it create or imply the existence of a contract of employment. Employment with the City is "at-will" unless covered under a contract. This means that an individual employee or the City may terminate the employment relationship at any time, with or without cause, with or without notice. This standard of employment is applicable to all employees, regardless of status, unless an employee has a written employment contract with the City. No representative of the City has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the foregoing with the exception of an agreement in writing, signed by the City Manager. The City Charter, however, provides that the City Council may enter into employment contracts with individuals for certain enumerated positions, such as the City Manager position.

1.6 EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal employment opportunity employer and provides employment and advancement opportunities to its employees without discrimination because of race, color, religion, sex, age, national origin, disability, military status, genetic information, or any other protected characteristic established by law. This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, promotion, training, benefits, termination, or other terms and conditions of employment. All positions are filled on the basis of the applicant's qualifications for the job: ability, experience, and education required to perform the position.

If an employee believes that he or she has been the victim of discrimination, he/she should bring the matter immediately to the attention of the department head, Human Resources, or the City Manager. After receiving such a complaint, the City will undertake a full and complete investigation of the charges. If it is determined that discrimination has occurred, the City will take steps to eliminate that discrimination and will take disciplinary action against any employee whom it determines engaged in discriminatory behavior. The City prohibits retaliation against any employee who reports discrimination or harassment or who participates in an investigation of such reports.

1.7 AMERICANS WITH DISABILITIES (ADAAA) AND MICHIGAN PERSONS WITH DISABILITIES CIVIL RIGHTS ACT (PWDCRA)

Consistent with the Americans with Disabilities Act and Amendment Act (ADAAA) and the Michigan Persons with Disabilities Civil Rights Act (PWDCRA), the City does not discriminate against qualified individuals with regard to job application procedures, hiring, termination, employee compensation, advancement, job training, or other terms, conditions, and privileges of employment. Moreover, the City will make every effort to make reasonable accommodations for individuals with disabilities.

Pursuant to MCLA 37.1210(18), the PWDCRA, a person with a disability or handicap who requires reasonable accommodation to perform the essential functions of his/her job, must notify the City Manager of that need, in writing, within 182 days after the need is known.

1.8 WORKPLACE HARASSMENT

It is the position of the City that harassment of applicants, employees, and others on the basis of race, religion, color, national origin, ancestry, handicap, medical condition, disability, marital status, age, gender, and genetic information is unacceptable and will not be tolerated. It is also the position of the City that no one will be retaliated against for making a complaint of harassment. This policy applies to all employees, contractors, vendors, and others who represent the City.

Sexual harassment has been defined generally as including "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, whenever (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) an employee's reaction to the conduct is used as a basis for employment decisions affecting that employee; or (3) the conduct has the purpose or effect of interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment."

- No employee or applicant should be subjected to unsolicited or unwelcome sexual overtures, nor should any employee or applicant be led to believe that an employment opportunity or benefit will in any way depend upon "cooperation" of a sexual nature.
- Sexual harassment is not limited to demands for sexual favors. It also may include such actions as (1) sexually-oriented verbal "kidding," "teasing," or jokes; (2) repeated

offensive sexual flirtations, advances, or propositions; (3) continued or repeated verbal abuse of a sexual nature; (4) graphic or degrading comments about an individual or his or her appearance; (5) the display of sexually suggestive objects or pictures; (6) subtle pressure for sexual activity; and (7) physical contact or blocking movement.

- Sexual harassment does not refer to occasional compliments of a socially acceptable nature or consensual personal and social relationships (without a discriminatory employment effect). It refers to behavior which is not welcome and which is personally intimidating, hostile, or offensive.

Other prohibited forms of harassment include jokes, verbal abuse and epithets, degrading comments, the display of objects and pictures and other offensive conduct relating to an individual's race, religion, color, national origin, ancestry, handicap, medical condition; disability, marital status, or age as defined and protected by applicable law.

Any employee who feels that he or she has been the subject of harassment (or who has reason to believe that someone else has been the subject of harassment) has the obligation to notify the City Manager or any other department head immediately. The complainant is expected to provide information that the City requests, including a detailed account of the incident(s) complained of, witnesses (if any), dates, and other information considered relevant by the City. A prompt investigation of the matter will be made. All employees - whether complainant, witness or accused - are required to be truthful, accurate, and cooperative during the City investigation(s).

Anyone who is found to have engaged in workplace harassment will be subject to appropriate discipline, which may include termination of employment. Nevertheless, no one should be presumed to be in violation because an investigation is being conducted.

1.9 RELATIVES/NEPOTISM

The City of Charlevoix is committed to a policy of employment and advancement based on qualification and merit and does not discriminate in favor of or in opposition to the employment of relatives.

Definitions:

Relative/Family Member. Family member is defined as one of the following: relationships by blood or adoption - parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin; and relationships by marriage (as defined by state law) - husband, wife, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above, and cohabitating couples/significant others.

Direct Supervisory Position. Direct line of authority through which employees can initiate or participate in decisions directly benefiting the relative. Such decisions include (but are not limited to) hiring, retention, transfer, promotion, wages, training, and leave requests.

Relatives of persons currently employed may be hired only if they will not be working directly for or directly above a relative, or if they will not occupy a position in the same line of authority. Due to the potential for perceived or actual conflicts of interest, the following restrictions apply to the hiring of relatives:

- Individuals will not be hired or promoted into a position that would create a conflict.
- If employees begin a dating relationship or become relatives, partners or members of the same household, and one party is in a supervisory position, the higher ranking person is required to inform the department head and City Manager of the relationship.
- Employees who find themselves in a position of perceived or actual conflict of interest will have 60 days to resolve the situation on their own, for example, by means of a transfer within or employment outside the City. Thereafter, the employees' supervisors will work with the City Manager to determine the most appropriate action for the specific situation. This may include transfer or, if necessary, termination of one of the employees.

If action is taken by the City, such as a reduction-in-force, which results in an involuntary circumstance in which two relatives, partners, or members of the same household report to each other, one of the employees must be reassigned within 60 days. During those 60 days, the senior ranking employee may not have involvement or direct input in the employment decisions of the other employee and must defer such decisions to the City Manager or his/her designee.

Any exceptions to this policy must be approved by the City Manager and must be accompanied by written justification.

SECTION 2: EMPLOYMENT POLICIES

2.1 EMPLOYMENT REFERENCE CHECKS AND BACKGROUND INFORMATION

The City may conduct background checks (including criminal, credit, references, driving record history, et al) of applicants and employees for/in certain positions. An authorization signed by the applicant is required as a prerequisite for employment with the City. This requirement does not change the at-will nature of employment with the City. Similarly, it should not be interpreted as a job offer.

2.2 EMPLOYMENT CLASSIFICATION

Employees are classified by two different categories for payroll and benefit purposes (regular or seasonal). These classifications do not guarantee employment for any specific period of time, and therefore the employee is still at-will.

Each City employee will be classified in one of the following categories:

Regular full-time - An individual who has been hired to work at least 30 hours a week, 130 hours per month, or 1560 hours per year in a position/appointment of indefinite duration. These employees are eligible for benefits.

Regular part-time - An individual who has been hired to work less than 1560 hours a year in a position/appointment of indefinite duration. These employees are only eligible for some benefits as set forth elsewhere in the Handbook.

Seasonal or Temporary - Seasonal or temporary employees are hired for a specific season, a specific task or a specific time, usually less than six months but not to exceed 12 months. All seasonal employees are non-union, at-will, and are not eligible for benefits.

In addition to the above categories, each employee is designated as either EXEMPT or NON-EXEMPT as required by Federal Law. Non-exempt employees are entitled to compensation at time and a half for each hour worked over 40 in a work week. Exempt employees are paid on a salary basis and are not entitled to overtime.

An employees' EXEMPT/NON-EXEMPT status is determined by the employee's job duties meeting certain tests set forth in the Fair Labor Standards Act and such classification may only be changed by management with written notification. Questions regarding EXEMPT or NON-EXEMPT status should be directed to the City Manager.

2.3 INTRODUCTORY PERIOD & PERFORMANCE EVALUATIONS

A specified period of time (normally three months), is set aside during which a newly hired, promoted, or transferred employee's performance is evaluated. However, this period does not alter the at-will nature of employment. One's employment may be terminated by the City or the employee at any time for any reason or no reason, with or without notice.

All employees receive regular performance evaluations.

2.4 ATTENDANCE

The regular, daily attendance of each employee is essential to the successful operation of the City. Regular and prompt attendance at work is required of all employees. However, it is understood that unavoidable circumstances may require an employee to be absent or tardy on occasion. If any employee will be absent/tardy, he/she must notify his/her supervisor within a half hour of his/her scheduled starting time.

An absence may be excused for personal or family illness, jury duty, a death in the immediate family, or several other reasons that require an employee to miss a part of or all of a scheduled workday. An employee must be able to substantiate the reasons for an absence should the City ask him/her to do so. Such absences will be recorded as excused if the employee asks his/her supervisor for the necessary time off in advance and obtains prior approval.

An employee's failure to request advance approval, or to report his/her absence in the manner described above, will result in the absence being recorded as unexcused. All instances of absence/tardiness will be noted in employees' attendance records and may heavily affect his/her evaluation. If an employee's attendance record indicates frequent absences, he/she will be required to document reasons for subsequent absences at the request of management, so the absence can be excused. Unexcused or excessive tardiness or absenteeism could result in disciplinary action up to and including termination.

Unreported absences (no call, no show) for three (3) consecutive days will be deemed an immediate, voluntary resignation.

2.5 CODE OF ETHICS AND CONFLICT OF INTEREST

The City Council passed an "Establishing Code of Ethics and Conflict of Interest Policy" (Resolution 2009-06-03). This policy applies to all employees. See Appendix A to view this resolution.

2.6 RULES OF CONDUCT

As representatives of the City, employees are expected to dress* and conduct themselves in a professional manner while representing the City. They are required to report to work on time, ready to work in a safe and efficient manner and to follow the rules required of the assigned department, written or implied. Employees will immediately report any safety violation to his/her supervisor. (See Section 5 – Safety Policies.)

* It is the City's expectation that employees dress appropriately while representing the City, especially if they are dealing with the public in person. Our employees must use their own good judgment and err on the side of caution.

Honesty and integrity are important personal qualities. Dishonesty in any form, including but not limited to falsifying one's employment application or any other records connected with one's employment, will not be tolerated, and will be grounds for discipline up to and including immediate termination. The City expects strict adherence to all Federal, State, and Local laws.

Following is a list of unacceptable behaviors which may result in disciplinary action up to and including termination. Other inappropriate behaviors or actions may be subject to disciplinary action up to and including termination as well.

1. Making false statements as to the reasons for being absent or reasons for not properly reporting an absence.
2. Failure to call-in an absence in a timely manner.
3. Leaving work without the supervisor's permission.
4. Abuse of sick/time off policies.
5. Failure to start work promptly after breaks and meal periods.
6. Unauthorized possession of City property or another employee's property.
7. The making or publishing of any vicious, defamatory, malicious, or deliberately false statements concerning any employee, supervisor, the City or its work or services.
8. Theft or misappropriation of City property or another employee's property.
9. Deliberately damaging, misusing, destroying, abusing, or misplacing property/records belonging to the City or another employee.
10. Disorderly conduct, horseplay, threatening, or abusive behavior or interfering with another employee or supervisor.
11. Discourteous conduct toward citizens or other employees.
12. Use of offensive or abusive language.
13. Instigating a fight or fighting on City premises at any time.
14. Sabotage.
15. Refusal to perform a job assignment or insubordination.
16. Carelessness, failure to meet work standards, or failure to follow instructions.
17. Sleeping on City time.
18. Conviction of a felony while a City employee.
19. Violation of the City's Substance Abuse Policy.
20. Smoking in unauthorized places.
21. Causing hazardous or unsafe working conditions.
22. Violation of a safety rule.
23. Violation of the City policy governing telephone, computer, and voicemail usage.
24. Failure to immediately report any work-related injury or illness.

2.7 SUBSTANCE ABUSE

Employees are the City's most valuable resource and employee health and safety are paramount. Hence, the City of Charlevoix is committed to maintaining a workplace free from drugs and alcohol. Moreover, the public has a right to expect that City personnel are physically and mentally prepared to perform their duties at all times. All employees must understand their responsibility to preserve the public's trust and confidence. Therefore, consent to and compliance with this policy is a condition of employment.

Employees are prohibited from the use, possession, storage, manufacture, distribution, or sale of illegal drugs (including marijuana and inhalants), illegal drug paraphernalia and/or alcohol while on duty or when performing or in a state of readiness, such as lunch or rest breaks, and whether on or off City premises. Employees shall not report to or be at work after consuming alcohol and/or after taking illegal drugs. In addition, employees shall not intentionally misuse any prescription or over-the-counter medication. Misuse includes using another individual's prescription medication or providing a prescription medication to an individual other than the one for whom the prescription was written. Employees must notify their department heads of the anticipated use of any medication that can affect the employee's physical or mental ability to perform required work.

Employees shall be subjected to drug and alcohol testing if a reasonable suspicion is presented, if they are involved in a work-related accident, and/or if they are charged with a drug-related criminal offense. Employees normally shall be sent for testing only while reporting to, at work, or on the employer's premises. Reasons for testing shall be documented in writing and provided to the employee.

Employees must notify their department head within five (5) days of any criminal drug statute convictions. Future conviction, guilty plea, or plea of *nolo contendere* (no contest) for a drug-related criminal offense; a refusal by the employee to consent and to cooperate regarding drug and alcohol testing, including without limitation, tampering or substitution of a specimen; testing positive for an illegal drug or alcohol; and any other violation of this policy will result in disciplinary action up to and including immediate termination from employment.

Consistent with the Drug Free Workplace Act, the City of Charlevoix requires all employees to abide by the conditions set forth here.

2.8 POLITICAL ACTIVITIES

All City employees shall be entitled to exercise their rights as citizens subject to applicable State and Federal laws. To the extent political activity of certain kinds and types may interfere with the performance of their duties, employees shall be expected to follow the guidelines below:

- While on City time or in the course of performing their job duties, employees will refrain from all election-related activity, electioneering, and/or campaigning.
- Employees will not work as poll workers or challengers in local City elections.
- No City employee will be required or expected to contribute funds, time, services, or assistance to any election campaign or issue or to support any candidate or issue in any election.

- No employee will serve as an elected official of the City, nor shall he/she serve in any elected position that may produce a conflict of interest with the City.
- Employees are prohibited from using their official capacity as an employee with the City to influence, interfere with or affect the results of an election.

In addition, a City employee is not eligible to be a member of the City Planning Commission [Section 15(5) of the planning enabling act, MCL 125.3815(5)].

2.9 RESIDENCY

Within 90 days of their date of employment, all regular full-time employees are required to reside within twenty (20) miles of the nearest boundary of the City of Charlevoix. The City Manager may allow an additional 90 days for a new employee to comply with residency requirements. If the employee's spouse is employed by a public employer and a conflicting/competing residency requirement results, this section shall not apply to the City of Charlevoix employee (prohibited by MCL 15.602).

2.10 DISSEMINATION OF INFORMATION

When dealing with the public, employees must keep in mind that they should be courteous and provide factual answers to questions. Questions pertaining to areas outside the employee's level of responsibility or expertise are to be referred to the proper department or department head.

All news relating to policy will be released via the City Manager's office. Hence, dissemination of information to the public shall be approved by the City Manager and handled only by those employees with direct knowledge of and responsibility for the subject.

2.11 CONFIDENTIALITY

Employees of the City may, from time to time, come in contact with information that is confidential. Any and all information gathered or heard by employees during their employment will be construed as the property of the City and must be held confidential. Such information may include, but is not limited to, the identity of customers, business plans, financial information, information concerning other employees, or other business-related information. Requests for information that may be confidential will be directed to the City Manager. Moreover, the information remains the property of the City after termination.

2.12 SOCIAL SECURITY NUMBER PRIVACY

In accordance with the Social Security Number Privacy Act, the City will keep all social security numbers confidential and will not disclose social security numbers unlawfully. Personnel and payroll records are kept in locked file cabinets, accessible only to the City Treasurer/payroll, Human Resources, and the City Manager. The City uses one's social security number only for limited administrative purposes, as allowed by law. Currently, these include: to verify employment, to investigate driving history, and to administer City benefit programs. In accordance with record retention guidelines any documents containing social security numbers will be shredded. Any person who violates this privacy policy is subject to discipline up to and including termination.

Note: See Appendix B for City of Charlevoix Resolution No. 2006-03-01, Resolution Establishing Social Security Number Privacy Policy.

2.13 PRIVACY POLICY DISPOSAL/SHREDDING OF SENSITIVE DATA

The City has procedures in place for the disposal of sensitive data in compliance with the Federal Trade Commission regulation of 2004. This regulation dictates the proper disposal of consumer report information and records under the Fair and Accurate Credit Transaction Act of 2003 (FACTA, Pub.L. 108-159, 111 Stat. 1952) and the Fair Credit Reporting Act (FCRA 15 USC 1681 et seq.). Accuracy, privacy, limits on information sharing, and new consumer rights to disclosure are included in the FACTA (Pub. L. 108-159, 111 Stat. 1952). These added sections are intended primarily to help consumers fight the growing crime of identity theft.

Sensitive data includes:

1. Personal information including telephone numbers, addresses, and/or social security numbers.
2. Credit checks, background checks, or consumer reports.

All employees that have access to or obtain sensitive data must keep the information confidential. Should any document containing sensitive data need to be disposed of, such document will be shredded. Employees in violation of this policy will be subject to discipline up to and including termination of employment.

2.14 KEEPING US INFORMED

The employee's current address, telephone number, emergency contact, and information about family status must be recorded in the office. Any changes in this information must be reported immediately in writing to Human Resources. This is very important to the employee and the City in the event of an emergency and in connection with such things as Social Security, reporting tax withholding, insurance benefits, correspondence, changes in work schedules, etc. Notify the City whenever changes occur in the following areas:

1. Change of home address and/or telephone number;
2. Marital status (marriage, divorce, or legal separation, etc.)
3. Birth or death in the immediate family;
4. Legal change of name;
5. Changes in citizenship status;
6. Changes affecting insurance programs, such as beneficiaries;
7. Health issues or disabilities that require a workplace accommodation; or
8. Work-related injury or illness.

2.15 SECONDARY EMPLOYMENT AND COMMUNITY INVOLVEMENT

A regular employee may accept secondary employment on his/her own time if it does not interfere or conflict with the employee's performance of his/her primary City job.

This policy also applies to City employees who wish to perform a second City job, such as a seasonal position. The City may also refuse to approve the hiring of a current City employee for a second City position, seasonal or otherwise, for any reason, including but not limited to avoiding overtime liability. Exempt City employees are prohibited from taking a second job with the City.

Similarly, employees are encouraged to engage in community and charitable activities, including directorships in non-profit community organizations, as long as such involvement does not conflict with City interests or create demands that interfere with the employee's primary City job duties.

2.16 JOB POSTINGS

All open positions will be posted at City Hall and on the City's website. Employees are responsible for monitoring job opening notices and for completing and submitting an application form during the posting period for a particular job. All job postings should contain the job title, department, rate of pay, a brief description of the hiring specifications and duties, and the closing date.

To be eligible to apply for a posted position, the employee must meet the minimum hiring specifications for the position and be capable of performing the essential functions of the job, with or without accommodation.

2.17 RESIGNATIONS AND TERMINATIONS

Although the employee or the City may terminate the employment relationship at any time, the City requests that the employee provide a minimum of a two week notice of his/her intent to resign. Failure to provide this notice will be noted in the personnel file and may affect the employee's eligibility for re-employment with the City.

Upon retirement, resignation, or termination, employees are expected to return the City's equipment (e.g. keys, pagers, files, papers) in good working condition within 24 hours of departure. If equipment is not returned, a payroll deduction may be arranged to recover the replacement cost(s) of said equipment.

If possible, the City Manager or his/her designee will conduct an exit interview with a departing employee.

An employee whose employment ended in good standing may be considered for re-hire.

2.18 PERSONAL PROPERTY

Employees should exercise care over any personal property or effects (purses, money, etc.) they bring onto the City premises. The City is not responsible if such items become damaged, lost, or stolen.

2.19 RIGHT OF INSPECTION AND SEARCH

The City reserves the right to search City vehicles and lockers if a reasonable suspicion exists, based on specific objective facts and reasonable inferences drawn from those facts, that stolen property, unauthorized prescription drugs (prescription drugs not prescribed for the person who has them), illegal drugs, controlled substances, or alcohol will be found on the person or in the particular place to be searched.

2.20 USE OF CITY VEHICLES

City-owned vehicles used by City employees will be available for official use during working hours only. The exceptions to this rule are at the discretion of the City Manager and the department head to determine an employee's access to City vehicles outside working hours. Authorization of extended use will be made in writing. All City employees will pick up and return the City vehicle to the same designated parking area at the beginning and end of each work period (i.e., start of shift to lunch hour; end of lunch hour to end of shift; start to end of any work periods; or in response to emergency service calls).

There will be no smoking or pets allowed in City vehicles. City vehicles interiors will be kept neat and free of garbage. Interiors will be wiped down and exteriors washed as needed.

2.21 VEHICLE SAFETY

When driving City vehicles or when driving any vehicle for the purpose of conducting City business, traffic laws and safety rules must be complied with, as well as the rules stated in the Substance Abuse policy. Also, all employees driving such vehicles must have a valid driver's license and have the valid driver's license on their person at all times.

Under no condition are employees allowed to give non-employees permission to drive City vehicles. The picking up of hitchhikers or transporting unauthorized persons/packages is strictly prohibited. Seatbelts must be worn at all times.

If an employee is involved in any accident while operating a City vehicle, he/she is to notify his/her supervisor immediately. In addition, it is the employee's responsibility to notify the City Manager or department head of any change of status (restriction, suspension, etc.) on his/her driver's license prior to driving any City vehicle or when driving any vehicle for the purpose of conducting City business.

Cell phone usage while driving greatly compromises reaction time and is a dangerous distraction. Talking on a cell phone while driving is legal, however, texting is illegal. The City highly recommends that employees avoid using their cell phone while driving and instead pull over to a safe area or use a hand-free device.

2.21 (a) IDLING GUIDELINES FOR CITY VEHICLES

On June 20, 2011, City Council passed the following:

I. PURPOSE

These idling guidelines are intended to reduce City operation expenses, lower emissions produced by City vehicles and improve air quality for residents and visitors. The City of Charlevoix strives to improve the quality of life for its residents by protecting the natural environment.

II. RESEARCH

Well-documented research has proven that:

1. Excessive warm-ups are harmful to the engine and the environment.
2. Excessive idling hurts engines and the environment.
3. Block heaters are good for engines and the environment.

III. GUIDELINES

No City of Charlevoix vehicle or piece of equipment should be left running when the driver is not present after proper start procedures. A City vehicle will not be permitted to idle unnecessarily, unless it is being operated according to the manufacturer's specifications or unless specifically exempted below. Diesel and gas engines are subject to different exemptions. There shall be no idling near air intakes, e.g. ambulance docks, or near groups of people, e.g. parades.

IV. EXEMPTIONS

A. For Fire, Police and Public Works Vehicles

1. Fire, Police and Public Works vehicles may be allowed to idle at the scene of an emergency response where lights and other accessories are needed in order to respond to the situation. This includes vehicles that need to run in order to charge batteries and run lights, etc. for their primary function.
2. Fire, Police and Public Works vehicles may be allowed to idle during non-emergency response situations, such as traffic detail, only when idling is necessary to perform the job at hand.

3. Emergency vehicles, such as ambulance, police and fire, which may have contents sensitive to extreme heat and cold may be allowed to idle as necessary to maintain adequate internal temperatures.

4. Vehicles with passenger compartments that need to be maintained at a reasonable temperature may be permitted to idle during extremely hot or cold weather conditions.

B. For All Vehicles

1. Any vehicle that needs to be running during service or repair is permitted to idle, but only for as long as absolutely necessary.

2. Any vehicle that needs to defrost its windshield in order to drive safely is permitted to idle, only for as long as it takes to defrost and maintain a clear windshield.

C. Additional Diesel Engine Specific Exemptions

1. Regardless of weather conditions, a diesel engine may be permitted to warm up for no more than five (5) minutes.

2. It is encouraged that block heaters (with timers) be installed and used in diesel-powered vehicles, in which case the above exemption for diesel engines will not apply, except when the vehicle is away from its garage.

3. Exemption C.1, above, does not apply if a vehicle is already warmed up and an operator stops the vehicle for a short time (i.e. quick coffee break) or if the diesel vehicle is stored inside and the inside temperature is substantially higher than outside.

There will be an educational period of fifteen (15) calendar days during which supervisors should educate their employees regarding these guidelines. After this period, it will be the responsibility of supervisors to enforce these guidelines. Department heads will be asked to monitor compliance and report to the City Manager within six (6) months of these guidelines taking effect. Department heads will also be encouraged to make suggestions for improvements or changes, especially in cases where the guidelines cause hardships, and are unworkable or lead to unsafe conditions.

2.22 USE OF OTHER CITY PROPERTY

Personal use of other City property (e.g., copy machine, cell phone) is permitted only with approval by the City Manager or his/her designee. Permission to use the City's property must be approved prior to use. Failure to obtain permission to use City property for personal use while on the job may result in discipline, up to and including immediate termination.

2.23 PERSONAL TELEPHONE CALLS & TEXTS

Employees may make local calls/texts (or receive personal calls/texts) only in case of emergency or on work breaks. Lengthy or frequent calls may result in the loss of this privilege. Violation of this policy will result in discipline up to and including immediate termination.

2.24 COMPUTERS, EMAIL, AND VOICEMAIL

The City's computers, computer files, the email system, software, and telephone systems are intended for City business only. All information on City computers and email and voicemail systems is the sole and exclusive property of the City.

Because of the nature of this data, the City reserves the right to access all information on the City computers and email and voicemail systems, even when personal passwords have been assigned. Employees do not have a personal privacy right to any matter created, received, or sent from the City's telephone, Internet or email systems. Therefore, employees should not put personal data or other information on these computers. Employees should not use a password, access a file, or retrieve any stored communication without authorization from the City. Email may not be used to solicit or to advocate non-city or purely personal interests, religious or

political causes. Inappropriate, offensive, off-color, sexual, or racial communication is a violation of City policies and strictly prohibited.

Employees are prohibited from downloading, copying, or acquiring any software without prior written consent from their department head. Email attachments must be scanned for viruses prior to viewing.

Where applicable, the City also reserves the right to access email and voicemail systems, even when personal passwords have been assigned. Again, employees should not use the email or voicemail system for personal messages. Placing inappropriate, offensive, off-color, sexual, or racial messages on the system is a violation of the City's no harassment policy and can result in termination.

An employee must receive permission from his/her manager to have his/her personal cell phone access his/her City's email account.

Employees should notify their department head upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment. To ensure compliance with this policy, computer and email usage may be monitored.

2.25 CELL PHONE AND PAGER USE, LAPTOPS, AND GAS CARDS

Personal cell phones may be used during business hours when business needs require immediate access to a co-worker. The City may issue a business cell phone for work-related communications. Use of City cell phones for personal use other than in emergency situations is prohibited. In order to avoid incurring a tax liability for the personal use of this equipment, the employee should use such phones for business purposes only.

Note, however, that unless approved by the City Manager, the use of personal cell phones rather than City-provided phones for City business is not reimbursable.

Employees who are provided with City equipment are expected to protect equipment from loss, damage, or theft. The employee may be held responsible for any unauthorized charges and for replacement/repair charges incurred from the loss, damage, theft, or negligent use of the equipment.

2.26 SOCIAL MEDIA/NETWORKING

This policy covers employee activity on all social networking sites including, but not limited to, LinkedIn, Facebook, Twitter, YouTube, blogs, and any other online social networking or any other form of online publishing or discussion.

Social-networking activities by City employees are subject to all existing policies that govern the use of the City's rules of conduct, communication, and computer systems, as well as those policies that protect the confidentiality of City information, and those which prohibit unlawful discrimination or harassment.

If an employee participates in social networking online, he/she must make it clear in his/her on-line activity that the views and opinions expressed are his/her own, have not been reviewed by the City, and do not represent the views and opinions of the City. Consequently, employees should not use the name, logos, or copyright protected material of the City.

The following additional prohibitions apply:

- Employees are prohibited from listing the City email address unless the social networking site is used purely for City business or professional purposes.
- Employees are prohibited from disclosing information about City business or details of particular projects.
- Employees are prohibited from posting anything obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful or embarrassing about a fellow employee. Employees must remain respectful of the City and its services.
- Failure to obey this policy will lead to discipline.

Any information an employee creates, transmits, downloads, exchanges, or discusses on any social media site is subject to compliance monitoring and may be accessed by the City at any time without prior notice.

2.27 SMOKING POLICY

In compliance with the Public Health Clean Indoor Air Regulation, the City is a smoke-free working environment. The Clean Indoor Air Regulation states: "Smoking is prohibited in all enclosed areas within this worksite without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, employer owned or leased vehicles if occupied by more than one employee, and all other enclosed facilities."

The regulation further states: "Smoking shall be prohibited near entrances, windows and ventilation systems of all worksites and public places where smoking is prohibited by this regulation. Any individual who owns, manages, operates or otherwise controls the use of any premises subject to jurisdiction under this regulation shall establish a no smoking area which extends a reasonable distance from any entrances, windows and ventilation systems to any enclosed areas where smoking is prohibited; such reasonable distance shall be a distance sufficient to insure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to insure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means. All smoking trash receptacles shall be placed outside the no smoking area in order to discourage smoking in these areas."

This policy applies to all employees, volunteers, citizens, vendors, or contractors.

Persons observing a violation of this policy should bring it to the attention of the City Manager. Complaints will be investigated and action taken to resolve the issue as soon as possible.

Persons found to have violated this policy will be subject to disciplinary action. Any fines directed to the City will be the fiscal responsibility of the person or persons in violation of this ordinance.

2.28 WORKPLACE VIOLENCE

The City is committed to providing a safe, secure work environment for its employees and to helping prevent violence, threats, or intimidating actions by or against any employee or visitor on or off the premises while engaged in business.

The City may, in its sole discretion,

- Conduct pre-employment criminal background investigations before extending an offer of employment (or make an offer of employment contingent upon the results of a criminal background check).
- Implement security measures to restrict unauthorized entry to the premises, allow security surveillance of the premises, and otherwise foster an orderly and safe working environment.
- Promote through education and practices the value of a nonviolent environment and lifestyle.
- Discipline employees, up to and including termination of employment, who threaten or commit acts of violence, abuse, or intimidation. Threats and acts of violence include, but are not limited to, acts communicated orally, graphically, electronically, nonverbally or in written form, with or without acts of force.
- Remove immediately any City visitor or employee who threatens or commits an act of violence on the employer's premises.
- Pursue criminal prosecution as appropriate of employees or others who commit criminal offenses against the City or its employees.
- Encourage all employees to promptly notify management of any work-related threats or acts of aggression, abuse, or intimidation by employees or non-employees. Such reports will be treated in a confidential manner, to the extent feasible. The City will not permit or condone any retaliation against any employee who makes a report in good faith pursuant to this policy.
- Provide counseling, medical, security, or other services as needed to employees who are victims or witnesses of work-related violence.

SECTION 3: HOURS AND PAY PROCEDURES

3.1 WORK SCHEDULES

Work Day - The standard work day consists of eight (8) hours, although actual starting and ending times are dependent upon the needs of the various City departments.

Work Week - The standard work week is forty (40) hours, consisting of five (5) work days of eight (8) hours per day.

Police and Fire Personnel - Police and Fire Departments schedules will vary.

Flex Time - In some instances, when mutually agreed upon by the employee and the department head, the standard work day and work week schedule can be modified to provide for a "flex time" schedule which can include increasing the number of hours within a work day and decreasing the number of days in a work week.

Telecommuting - In some instances, when mutually agreed upon by the employee and the department head, a regular employee may perform all or a portion of his/her job duties from a location other than his/her regular work site.

3.1 (a) CITY EMPLOYEES RESPONDING TO EMERGENCIES

City employees who are also Paid-On-Call employees of the Charlevoix Fire Department shall be allowed to respond to emergencies while at work under the following conditions:

1. The employee is engaged in a task that will not endanger a fellow employee or the public if the employee does not stay at their post.

2. The employee will only respond to true emergencies where lives are thought to be in danger, or there is a reasonable likelihood of significant property damage (no duty crew runs).
3. The incident commander shall allow that employee to return to their regular job as quickly as practical.

Note: Since EMS crews (unless there is a general call for all EMS personnel, which only happens in the case of a mass casualty incident) are scheduled in advance, this process does not include EMS runs.

When called to respond to an emergency while at work, the employee will clock out of their regular department, and clock in at the fire department. Upon returning to their regular job shift, the employee will clock back in.

3.2 TIME RECORDING

Accurate records of time worked are essential to both the employee and the City. The City has provided a means for accurately recording time worked, lunch periods, overtime, absences, etc. Accordingly, work performed by hourly employees must be recorded in accordance with specific departmental practice. Employees must "record in" when their shift/work day starts and "record out" at the end of their working time. All employees are required to record in and out using their own time card/sheet. Under no circumstances is an employee to record another employee's time or permit another employee to record his/her time. If an employee forgets to record in or out, he/she must see his/her supervisor in order to record the correct time.

3.3 COMPENSATION/PAY

The City strives to ensure that all employees are paid fairly and that internal and external equity are maintained within the limits of its revenue stream. Hence, the City participates in and reviews the results of periodic salary surveys.

Pay will be at the rate provided on the "Employee Change of Status Report" form.

All employees are subject to deductions from pay for State and Federal income tax and Social Security/Medicare. In addition, all regular full-time employees are subject to deductions from pay for retirement. No other deductions will be made unless authorized by the employee or required by a governmental unit.

The work week for hourly employees begins Sunday at 12:01 a.m. and ends the following Saturday at midnight. The pay period shall be composed of two work weeks and the work year is 26 pay periods. Employees will be paid on Friday of every other week for work performed the preceding pay period. If the regular pay day falls on a holiday or weekend, pay will be received on the prior working day. Arrangements for obtaining paychecks prior to a regularly scheduled pay date must be approved by the Treasurer.

Whenever an hourly employee is called back in an emergency to work after regular working hours and after the employee has left his/her last work site, the minimum payment shall be two (2) hours of work at the rate of time and a half.

Employees should review their pay stubs regularly and report any discrepancies or errors to the City within 14 days of receipt of an erroneous paycheck, so that the City can investigate and issue a corrected check in a timely fashion.

3.4 OVERTIME

Non-exempt employees will be paid for all hours actually worked in excess of forty (40) hours in one week at the rate of one and one-half (1½) times their regular hourly rate. Only hours actually worked are used in the computation of weekly overtime. The City has designated holidays as hours worked for the purposes of calculating overtime for regular employees. Non-worked paid time such as sick, personal, comp, and/or vacation hours do not count toward the overtime computation.

Exempt employees are paid on a salary basis and are not entitled to overtime. Refer also to Section 3.5 (a) Compensatory Time for Exempt Employees.

Overtime will only be approved when it is not possible to adjust work schedules to provide essential staffing. All overtime must be approved in advance by the employee's supervisor.

An employee who works overtime without prior approval from his/her supervisor will be subject to discipline, up to and including termination.

Training and Travel - Time spent in approved training activities, meetings, and conferences is considered compensable for the purposes of calculating non-exempt overtime; however, time spent in travel is considered compensable time worked only in so far as it meets certain conditions.

Home-to-work travel – Generally home-to-work travel is not considered compensable time, regardless of how long the commute or whether the employee travels to a different worksite for the job.

Overnight travel – Travel away from home is work time when it crosses the employee's work day because it merely replaces other duties. Overnight travel outside the employee's normal work schedule is not compensable (in terms of calculating overtime pay) unless it is active/productive. That is, the time an employee spends working while traveling is considered active work and compensable. Similarly, time spent driving oneself (versus traveling as a passive passenger on a public conveyance) is also considered time worked. Again, meals and sleep time are not considered compensable hours worked in the calculation.

3.5 COMPENSATORY TIME

The determination to use compensatory time is left to the discretion of each department head. If the decision is made to allow the use of compensatory time, it must be administered in the same manner for each non-union non-exempt employee in that department.

All non-union non-exempt employees will be allowed to earn compensatory time, in lieu of overtime pay, at the rate of one and one-half (1½) hours for each hour worked in excess of 40 hours in a workweek, and must be approved in advance by the department head.

The use of compensatory time will be scheduled within each department between the department head and the employee involved. An employee must be permitted to use accumulated compensatory time unless it would unduly disrupt the department's operations.

An employee may accumulate a maximum of forty (40) hours of earned compensatory time and carry forward a maximum of sixteen (16) hours into the next calendar year. Any unused

hours above the maximum will be paid to the employee in the first pay of that next calendar year.

Upon termination or retirement, the employee will be paid for each hour of accumulated compensatory time at their final regular rate of pay. This payment will be made as a part of the final paycheck.

3.5 (a) COMPENSATORY TIME FOR EXEMPT EMPLOYEES

In special situations, an exempt employee may earn compensatory time with the prior approval of his/her supervisor.

All exempt employees who work on a holiday will receive compensatory time for hours worked.

Exceptions include Premium Pay situations and special employment agreements. Exempt employee comp time is earned at the rate of one hour for each hour worked.

Exempt employees may accumulate a maximum of forty (40) hours of earned compensatory time and may carry forward a maximum of sixteen (16) hours into the next calendar year and will not receive payment for unused compensatory time under any circumstances.

3.6 PREMIUM PAY/ON CALL/PER DIEM PAY FOR EXEMPT EMPLOYEES

Exempt employees may be eligible for additional compensation for performing work in addition to their normal job duties. In certain circumstances, such work may qualify the employee for premium pay defined as financial compensation in addition to the employee's annual salary. Such compensation must be approved in advanced by the City Manager.

When a department is lacking sufficient staffing for proper operations, an exempt employee, with the appropriate qualifications, may be required to fill in for a pre-determined amount of time. In such cases the employee will be paid time and a half (1½) at their base rate of pay for any hours beyond the normal workweek.

Certain City operations require that there be an on-call person at all times. In such cases when it is necessary for an exempt employee to participate in the on-call rotation, he/she will be paid at a flat rate of \$25.00 per day. If called out, payment will be at time and a half (1½) his/her base rate of pay, at a minimum of two (2) hours.

There may be situations that require an exempt employee to devote time and/or effort above and beyond the normal course of business. In those situations where such special circumstances exist, an exempt employee may be eligible to receive compensation at a per diem rate. The City Manager will determine eligibility and rate of compensation in advance on a case-by-case basis.

All forms of premium pay will be paid as part of the pay period in which the time or effort were incurred.

SECTION 4: EMPLOYEE BENEFITS

4.1 PAID TIME OFF

4.1 (a) HOLIDAYS

The City recognizes nine holidays each year. Regular full-time and part-time employees are granted their regular pay for the following days: New Year's, Good Friday, Memorial, Fourth of July, Labor Day, Thanksgiving, the day after Thanksgiving, the day before Christmas, and Christmas.

All exempt employees who work on a recognized holiday will receive compensatory time for hours worked.

Whenever a holiday falls on a Saturday, the preceding day will be recognized as a holiday. Whenever a holiday falls on a Sunday, the following day will be recognized as a holiday.

4.1 (b) PERSONAL DAYS

Regular full-time employees are credited three (3) personal leave days each calendar year (on January 1). Personal days are prorated for new or returning (from leave of absence) employees on the basis of hire or return date. These days must be taken in the calendar year in which they are credited or are forfeited. Personal days must be scheduled with and approved by the department head or the City Manager. Exempt employees must use Personal Days at a minimum in one-half (1/2) day increments.

<u>Hire Date or Date Returned to Work</u>	<u>Number of Personal Days</u>
January through April	3
May through August	2
September through December	1

No payment for unused personal days is made upon an employee's departure.

4.1 (c) VACATION

Regular full-time employees are eligible for paid vacation. Vacation is earned in one year and credited the following January 1 for use in that calendar year. New employees earn pro-rata vacation days/hours, which are credited January 1 following their hire date. Regular full-time employees earn additional vacation based on calendar years of service:

Calendar Year of Employment	Earn (days/hours)	Credited in year
1	10 / 80 or portion hereof	Jan 1 of next (2 nd) calendar year
2	10 / 80	3
3	11 / 88	4
4	12 / 96	5
5	13 / 104	6
6	14 / 112	7
7	15 / 120	8
8	16 / 128	9
9	17 / 136	10
10	18 / 144	11
11	19 / 152	12
12 or more	20 / 160	13 etc.

A vacation day is equal to eight (8) hours; however, non-exempt employees may take vacation in one-half (1/2) hour increments. Exempt employees must use vacation at a minimum in one-half (1/2) day increments. All vacation will be taken at the convenience of the department and must have prior approval of the department head; department head vacation is subject to prior approval of the City Manager. A maximum of ten (10) days of vacation may be carried forward from one calendar year to the next. Unused days in excess of ten (10) are forfeited.

Special or extenuating circumstances will be addressed on an individual basis and with the approval of the City Manager.

Unused and accrued vacation hours are paid upon an employee's departure.

4.1 (d) SICK LEAVE AND SICKNESS & ACCIDENT BENEFITS

Sick leave is provided to regular full-time employees for actual illness or injury; it should not be used as "personal leave". Sick leave may be taken to care for an ill parent, spouse, or child.

In order to qualify for sick leave or sickness and accident benefits, an employee must report to his/her supervisor as soon as possible prior to the beginning of a work day or scheduled shift. If the circumstances surrounding the absence make the timely reporting extremely difficult, then the employee must notify his/her supervisor as soon as possible.

On January 1 of each year, eligible employees are credited with seven (7) days/fifty-six (56) hours of paid sick leave. Non-exempt employees may use paid sick leave in half-hour increments. Exempt employees must use sick leave at a minimum in one-half (1/2) day increments. If the number of unused paid sick leave hours available from the previous year exceed 112 hours, then the employee will be paid for half those hours at the employee's regular rate of pay. Unused sick leave hours may be accumulated from year-to-year up to a maximum of 21 days (168 hours) – 14 days/112 hours plus 7days/56 hours.

To qualify for sickness and accident benefits, a regular full-time non-union employee must be unable to work for more than seven (7) consecutive work days because of accident or illness. The employee will receive regular pay for up to 26 weeks in a rolling 12-month period. For illness, the benefit begins on the eighth day (seven day qualification period). For an accident or hospitalization, the benefit begins on the first day (zero-day qualification period). An accident is an unexpected happening causing loss or injury which is not due to any deliberate misconduct on the part of the person injured and requires immediate medical attention.

Under no circumstances will an employee collect this benefit, sick leave pay and workers' compensation for the same period of time. Employees shall use their sick leave to cover the qualification period.

If the City has reason to believe an employee is misusing paid sick leave or sickness and accident benefits, a statement must be signed by the physician who attended the employee confirming the necessity of absence. The City also reserves the right to require periodic medical reports during leaves under this provision.

When an employee resigns or is discharged, all benefits under this section are null and void and the employee will not be reimbursed for any accumulated sick leave.

No payment for unused sick days is made upon an employee's departure.

NOTE: The 1983 Frozen Bank - Subject to the restrictions specified above for regular sick leave, employees hired before January 1, 1983, have sick leave credits from preceding years in a frozen bank for their use if their annual allotment or accumulation of seven (7) days does not cover an extended illness and their sickness and accident benefit can not be used until the eighth (8th) working day of an illness. Frozen bank hours from 1983 or earlier will be paid to an employee at the hourly rate the employee was earning on January 1, 1983 or the date they became department heads. Upon retirement, an employee with frozen bank hours from 1983 will be paid for half of the hours remaining in the bank at the wage rate the employee was earning on January 1, 1983. Except as provided in this paragraph or as documented in an employee's personnel file, no payment for unused sick leave will be allowed.

4.1 (e) CONFERENCES AND TRAINING

Leave with pay will be granted while employees (exempt and/or non-exempt) attend conferences or training sessions which have been approved in advance by the City Manager or department head. However, only non-exempt travel time is compensable if it meets the requirements specified by the Fair Labor Standards Act (FLSA). (See Overtime.) Employees who drive their own vehicle are reimbursed at the standard mileage rate.

4.1 (f) LEAVES OF ABSENCE

FUNERAL LEAVE

Three (3) work days with pay will be allowed in the event of a death in the immediate family of a regular full-time employee. Immediate family shall include: spouse, child, step-child, grandchild, parent, step-parent, sister, sister-in-law, brother, brother-in-law, mother-in-law, father-in-law, grandparents and grandparents-in-law of the employee.

JURY DUTY LEAVE

The regular full-time, part-time, and seasonal employee will be "kept whole" while performing jury duty. Consequently, employees on jury duty will be required to surrender/endorse over any checks received from the court(s) for services rendered. When not assigned to cases, employees must report to work for the remainder of the day. The City's obligation to pay an employee for jury duty is limited to a maximum of 20 work days in any calendar year.

MILITARY LEAVE

The City follows State and Federal law with respect to military service. Federal and State statutes mandate that the City grant unpaid leave to employees who voluntarily choose to serve in the Armed Forces and National Guard. Military leave must be allowed for active duty, training, or to meet military-related obligations, such as reporting for periodic physical fitness examinations. Employees who are members of the reserve components of the Armed Forces will be granted leave of absence without pay for summer components and/or other periods of activation and reactivation upon presentation of substantiating documentation. It is recommended that leaves of absence for this purpose be taken as a vacation whenever possible.

The City is required under the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) to reinstate those returning from services to their former job following discharge or release from active duty, reserve duty, or training.

Upon returning from military service, the employee's rate of pay will be adjusted to recognize any changes that would have occurred had the employee continued working for the City.

1. If the pay range increased, the rate of pay will be set at the point in the range that the employee would have reached if he/she had not left for military service.
2. If the employee returns to a more responsible job, the rate of pay will be based on the present rate for the position and will be at least the same as the lowest paid qualified person in a comparable position.

The USERRA requires the City to offer continuous medical coverage for up to eighteen (18) months to employees who were previously covered by the City's health plan and who are absent due to military service. Moreover, if the military service does not exceed thirty-one (31) days, the employee cannot be required to pay more than had he/she remained actively employed.

The time spent on military leave will be treated as continuous employment for the purpose of accruing credited service for vacation, personal days, retirement plans, et al. The City must also allow returning employees the chance to make up missed employee contributions to defined contribution pension plans and must make corresponding City contributions.

4.1 (g) REQUESTS FOR TIME OFF

A "Request for Absence Report" form must be completed by the employee when requesting time off (with or without pay).

4.1 (h) LEAVE OF ABSENCES – WITHOUT PAY

Regular full-time employees may be granted leaves of absence without pay as determined by the City Manager. All requests for leave shall be in writing with the terms of the leave set forth in writing when approved. During leaves of less than 90 days, employee benefits continue but the employee must continue to pay his/her portion of the premium. For leaves in excess of 90 calendar days, the employee will be required to pay the full premium. (See also COBRA and FMLA.) Other authorized deductions (i.e. FSA contributions, co-pays, etc.) still apply during the leave period and will be billed to the employee as necessary.

4.2 BENEFIT PLANS

4.2 (a) RETIREMENT

Defined Benefit Plan

For all regular full-time non-union employees, the City contributes to the Municipal Employees Retirement System (MERS) C-1 Plan (1.5 factor). Employees hired after April 1, 2014 will be required to contribute any cost to the City above 10% for the C-1 Plan. Vesting is ten (10) years of service. Employees hired prior to April 1, 2012 have a bridged benefit that has a B-4 Plan (2.5 factor) with a frozen Final Average Compensation (FAC) until April 1, 2012 and continue with the C-1 Plan after that date. Both plans have a five (5) year FAC.

Defined Contribution Plan

For all regular full-time non-union employees, the City also contributes 8.6% of base wages to the ICMA 457 Deferred Compensation Plan. The employee may also contribute to the plan.

All employees and elected officials are eligible to participate through payroll deduction (without a City match) in the ICMA Deferred Compensation Plan.

4.2 (b) MEDICAL/DENTAL/VISION INSURANCE

The City offers the option for regular full-time employees to participate in one of at least two health plans which include medical, dental, and vision coverage. Plan descriptions and options

may vary from year-to-year. Selection is made at time of hire, or thereafter, during the annual open enrollment. The City and employees share premium costs, which are subject to change. The insurance policies themselves govern the terms and conditions of benefits. Contact Human Resources for complete plan details.

Regular part-time employees are eligible to participate in the City's health plan but must pay full premium costs and are not eligible to receive the City's premium contribution.

4.2 (c) SECTION 125 PLAN AND FLEXIBLE SPENDING ACCOUNT

If offered, all regular employees have access to a pre-tax Section 125 Plan and the option to establish a Flexible Spending Account (FSA) for the employee and dependent.

4.2 (d) MEDICAL OPT-OUT REIMBURSEMENT

The City will pay annual cash reimbursement as follows for the employee who elects not to participate in double or family coverage. To be eligible the employee must provide written certification that they waive his/her right to enroll in a City health care plan and proof of the employee's non-City provided health care insurance coverage. Payment of the reimbursement will be made in twelve equal payments in the first paycheck of each month. (These reimbursement amounts are not wages for purposes such as retirement, overtime, etc., and are taxable income unless they are directly deposited into the City-provided Section 125 Plan.)

4.3 HEALTH SAVINGS ACCOUNT (HSA)

The HSA is an employee-owned, IRS-defined, savings account for use on eligible medical expenses. It is used in conjunction with a High Deductible Health Plan (HDHP). This policy applies to all regular full-time employees covered by the City's HSA/HDHP health insurance plan option.

Current employees who select the HSA/HDHP option may be offered a City HSA contribution of \$4000.00 for double or family (D & F) coverage and \$2000.00 for single (S) coverage in a lump sum in their first year of qualified coverage. The payment would be effective the date of qualified plan coverage.

In subsequent, consecutive years, the City may contribute, in a lump sum effective the date of qualified plan coverage, to the previously established City HSA as follows:

- Year 2 of HDHP coverage - \$3000.00 (D & F); \$1500.00 (S)
- Year 3 and subsequent years of HDHP coverage - \$2000.00 (D & F); \$1200.00 (S)
An employee may earn additional City contributions up to a \$500 maximum for achievements through an annual HSA Incentive Program, if offered.
- Subsequent years of HDHP coverage shall be based on budgetary considerations, but shall not exceed \$2500.00 annually per employee account.

Should an employee experience a change in dependent coverage during the benefit year, consideration for further HSA contribution is made on a case-by-case basis.

New employees selecting HSA/HDHP coverage will receive a pro-rated HSA contribution based on the year of participation. The City HSA contribution will be made on the first pay of the month after completion of the probationary period.

The City will direct deposit HSA contributions to a City-approved participating bank of the employee's choice. Employees may contribute additional pre-tax monies into their HSA through payroll deduction, up to the legal limits imposed by the IRS. Changes to the payroll deduction

amount may be made during open enrollment and/or no more than two other times during the plan year.

All rules pertaining to the use of HSA accounts and funds are governed by current IRS regulations and are the responsibility of the employee. Nothing in this policy creates an obligation on the part of the City which is inconsistent or prohibited by current State or Federal rules, regulations or laws regarding such plans.

4.4 LIFE INSURANCE

The City shall provide group life insurance benefits to regular full-time employees in the amount of their yearly salary up to a maximum of \$50,000 with an accidental death and dismemberment rider.

4.5 OTHER INSURANCE

The City may offer regular employees (either regular full-time or part-time or both) the ability to purchase other forms of insurance, such as AFLAC, at the employee's own expense. Such offerings are approved by the City Manager and subject to change.

4.6 MEMBERSHIPS

The City will pay dues for membership in trade or professional organizations and service clubs as approved in advance by the City Manager or department head. Attendance at related meetings during regular work hours must be approved in advance by the City Manager or department head.

4.7 EDUCATION/TUITION ASSISTANCE

The City is interested in supporting the growth and development of its employees. As a means to this end, the City may provide education/tuition assistance to regular full-time employees who have a minimum of one year (12 months) of continuous service. Assistance includes tuition costs associated with formal education beyond the ongoing certification and training required or mandated to remain up-to-date or advance in an employee's current position.

Application must be made to the department head for job-related or otherwise appropriate coursework from an accredited institution of higher education utilizing the approved request form. Advance approval from the department head is required. Scheduling of classes may also require prior approval of the department head if the class may interfere with a work schedule.

Requests will be considered for approval based on

- Relevance to the employee's current position
- Whether or not the employee is on an associate, baccalaureate or advanced (master, doctorate) degree track. Such tracks will receive preference.
- Available funding
- Applications will be processed based on each department's budgeted amount for employee education/tuition.

All costs for registration, application, fees, books, supplies, deposits, and the like, shall be paid by the employee. The City will reimburse 50% of tuition costs only, provided that

- A grade of "C" or better is received in an undergraduate or professional-level course.
- A grade of "B" or better is received in a graduate level course.
- The college bill, receipt of payment, and academic grade are submitted to the supervisor for final approval within 30 days of completion of a class.

- The course or tuition is not eligible for reimbursement under the G.I. Bill, scholarships, grants, or by any other organization.

The City will not reimburse for classes graded "incomplete" or "withdrawn" under any circumstances.

No more than four (4) credit hours per semester or term, and a total of no more than two (2) courses or eight (8) credit hours each fiscal year for each employee will be approved (subject to the departmental educational allotment). Under unusual circumstances or conditions, exceptions to this policy or procedures may be considered by the City Manager providing the requisite department budget has funds available to cover the associated costs.

There will be no requirement for the employee to repay the City for coursework, except as provided below:

- If the City provides financial support for an individual employee for an associate, bachelor, or advanced degree, the employee agrees to remain a City employee for two (2), four (4) and five (5) years respectively upon completion of the degree.
- Should the employee leave active employment, or conduct him/herself in a manner that results in termination with the City within two (2), four (4) and five (5) years of completion of the program, as described above, he/she agrees to reimburse the City for all actual costs expended by the City for the program on a pro-rated/percentage of time remaining on the original commitment. (For example, if an employee completes a bachelor's degree and then leaves after two years, the employee is responsible for repaying the City 50% of the funds expended by the City for the education.)

4.8 SOCIAL SECURITY AND MEDICARE

Each employee contributes a percentage of earnings to Social Security/Medicare through payroll deduction. The City contributes similar amounts to the employee's Social Security/Medicare accounts with the U.S. Government. Benefits include retirement income, survivor benefits, and medical benefits. Questions concerning Social Security accounts or benefits should be directed to the Social Security Administration, U.S. Government (www.socialsecurity.gov).

4.9 UNEMPLOYMENT AND WORKER COMPENSATION

The City participates in Michigan's unemployment program as required by law. Questions regarding the unemployment program should be directed to the Unemployment Insurance Agency (www.michigan.gov/uia). Questions regarding worker compensation should be directed to the City Manager.

4.10 FAMILY AND MEDICAL LEAVE ACT (FMLA)

Eligible employees may take up to 12 weeks of unpaid, job-protected leave in any 12 month period, known as "family and medical leave." The 12 month period is determined based on a rolling 12-month period measured backward from the date an employee uses his/her FMLA leave.

Eligibility

To be eligible for family and medical leave, employees must:

1. Have been employed for at least 12 months in the last seven years (which do not need to be consecutive) by the City; and,
2. Have worked at least 1,250 hours for the City during the twelve months immediately preceding the beginning of requested leave; and

3. Be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

Reasons for Taking Leave Family and medical leave may be taken for any one, or for a combination of the following reasons:

1. The birth and newborn care of an employee's child after birth, or placement of a child with the employee for adoption or foster care;
2. To care for an employee's spouse, child or parent (but not in-law) who has a serious health condition; or
3. For the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
4. Because of any qualifying exigency arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member on covered active duty (any deployment of an Armed Service member to a foreign country) or in the National Guard or Reserves who has been notified of an impending call or order to covered active duty status (deployment to a foreign country).
5. To care for the employee's spouse, son, daughter, parent or next of kin who is a covered service member.

A Serious Health Condition means an illness, injury, impairment or physical or mental condition which involves either inpatient care at a medical facility or continuing treatment by a licensed health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days for an incapacity that requires at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. The first treatment must be within 7 days of the first day of incapacity, and the two treatments must occur within 30 days of the first day of incapacity unless there are extenuating circumstances. Treatment by a health care provider means an in person visit.

A Qualifying Exigency may include short notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, attending post-deployment reintegration briefings, and additional activities.

Injured Service Member Leave/Additional Military Family Leave Entitlement

This leave is in addition to the basic FMLA leave entitlement discussed herein. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 weeks of leave during a single 12 month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single 12 month period and when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12 month period. The single 12 month period begins on the first day an eligible employee takes leave to care for the injured service member.

A covered service member means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness; and veterans who are undergoing medical treatment for a serious injury or illness sustained in the line of duty and who were members of the armed forces within five years preceding the

need for such treatment. A member of the Armed Forces would have a serious injury or illness if he/she has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that the injury or illness may render the service member medically unfit to perform duties of the member's office, grade, rank or rating.

Duration of Leave Eligible employees may receive up to 12 workweeks of unpaid leave during any "rolling" 12 month period, measured backward from the date of any family or medical leave. Family and medical leave involving the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement. Each time an individual takes such a leave, the individual's remaining entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. When both spouses are employed by the City, they are entitled to a total of twelve weeks of leave (rather than 12 weeks each) for the birth or placement of a child.

In addition, as outlined above, an employee may be entitled to an additional 14 weeks to care for an injured service member.

Eligible employees may take family and medical leave intermittently – which means taking leave in blocks of time, or by reducing one's normal weekly or daily work schedule – whenever it is medically necessary to care for a seriously ill family member, because the employee is seriously ill and unable to work, for qualified exigency leave or for military caregiver leave. Intermittent leave is not permitted for the birth of a child or placement of a child for adoption or foster care.

No Work While on Leave – working for another employer or taking another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

Pay and Benefits - time off during the FMLA Leave will be unpaid. The individual's coverage under the City's group health plan will be maintained during the leave. Vacation and personal time for non-exempt employees will not accrue during the FMLA Leave.

Health Benefits Eligible employees and (if applicable) their families remain eligible to participate as employees under the group health plan during one's family and medical leave. This coverage will be provided if the employee or the employee's family was covered under the plan before the leave was taken and on the same terms as if the employee had continued to work. Under this leave the employee can continue to maintain medical insurance coverage at regular employee rates by paying the employee's share of health plan premiums while on leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family for a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

Job Restoration Upon returning from a family and medical leave, eligible employees will normally be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions, the same as if they had not taken the leave of absence. The purpose is for employees to be in as good a position as they would have been if they had not needed to take this leave.

In addition, use of family and medical leave cannot result in the loss of any employment benefit that employees earned or were entitled to before using family and medical leave.

The exception to this is situations where job restoration of key employees will cause substantial and grievous economic injury. In such situations, the City will notify employees if they qualify as "key employees" if it intends to deny reinstatement, and of their rights in such instances.

Notice of Eligibility For and Designation of FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the City telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of their rights and responsibilities in connection with such leave; the City designation of leave as FMLA qualifying or non-qualifying, and if not FMLA qualifying, the reasons why; and the amount of leave, if known, that will be counted against the employee's leave entitlement. The City will provide the employee with the Department of Labor (DOL) Notice of Eligibility and Rights Form WH381 (<http://www.dol.gov>) and provide a written response to the employee's request for FMLA leave using the DOL Designation Notice Form WH-382 (<http://www.dol.gov>).

The City may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the City's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA.

Employee Obligations

Provide Notice – Employees who take FMLA leave must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City with notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 day notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

Notice Content – Employees must inform the FMLA Coordinator of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this either by requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the City to determine that the leave is FMLA-qualifying.

Calling in sick without providing the reasons for the needed leave will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the City's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the City has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

When Requesting Intermittent or Reduced Schedule Leave – When requesting intermittent or reduced schedule leave for planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, employees must consult with the City and make a reasonable effort to schedule treatment so as not to unduly disrupt the City operations, subject to approval from the health care provider. Employees must consult with the City prior to the scheduling of treatment

to work out a treatment schedule that best suits the needs of both the City and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the City may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

The City may temporarily transfer employees during the period that the intermittent or reduced leave schedules are required to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, employees must advise the City of the reason why such leave is medically necessary, upon request. In such instance the City and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the City operations, subject to the approval of the employee's health care provider.

Submit Medical Certifications

Depending on the type of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA leave. The certifications may include an initial certification, a re-certification and a return to work/fitness for duty certification.

It is the employee's responsibility to provide the City with timely, complete and sufficient medical certifications. Whenever the City requests employees to provide FMLA medical certifications, the employee must provide it within 15 calendar days after the request unless it is not practicable to do so despite an employee's diligent, good faith efforts. The City shall inform employees if submitted certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The City will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the City (through individuals other than the employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the City with authorization allowing it to clarify or authenticate certifications with health care providers, the City may deny FMLA leave if certifications are unclear. In its sole discretion, the City may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

Initial Medical Certifications – Employees requesting leave because of their own, or a covered relative's serious health condition, or to care for a covered service member, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of the covered family or service member. The certification must state the date when the serious health condition commenced; probable duration of the employee or family member's condition or the estimated period of time during which the employee will be needed to care for the family member; and all appropriate medical facts upon which the opinion is based. Medical certification for employee's serious health condition will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition Form WH-380-F (<http://www.dol.gov/>). Medical certification for the family member's serious health condition will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition Form WH-380-F (<http://www.dol.gov/>).

If the employee has provided 30 day notice of the need for leave, certification should be submitted before the leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

Certification must be provided within 15 calendar days of the request, unless not feasible under the circumstances. Failure to provide timely certification will result in denial of leave until the certification is provided.

The City may require a second medical opinion by an independent physician of its choice (and, in some cases a third opinion by a mutually agreeable physician) at the City's expense as a condition of the granting of FMLA Leave based on a serious health condition.

Medical Recertification – Depending on the circumstances and duration of FMLA leave, the City may require employees to provide recertification of medical conditions giving rise to the need for leave. The City will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

Keeping in contact with the City while on a FMLA Leave is important. Individuals are required to contact the Human Resources at least every 14 days regarding the expected length of the leave and when he/she intends to return to work. The City may require re-certification by the individual's health care provider every 30 days to support continuation of a leave based on a serious health condition.

Certifications for Military Family Leave (Exigency) – When employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military member, the City may require employees to provide: 1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered service member with a serious injury or illness, the City may require employees to obtain certifications completed by an authorized health care provider of the covered service member. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service Member Form WH-385 (<http://www.dol.gov>). In addition, and in accordance with the FMLA regulations, the City may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

Return to Work/Fitness for Duty Medical Certifications

Certification to return to work - Before returning to work, an individual who has been on FMLA Leave because of the individual's serious health condition must provide a certification from the individual's licensed health care provider that the individual is able to resume work and perform the essential functions of the job, with or without reasonable accommodation. Reinstatement will be denied until the required certification is provided.

Returning to work - Upon completion of FMLA Leave, an employee will be restored to the position held when the leave began, or to an equivalent position with the same or substantially

equivalent position with the same or substantially similar benefits, pay and working conditions. Reinstatement to the same position with the same benefits may not be available in such a case where the employee's position or benefits change or have been eliminated during the employee's FMLA Leave.

If an exempt employee is among the highest paid ten percent of the City's employees and within 75 miles of his/her worksite, such an individual may be denied reinstatement if it would impose a substantial economic injury to the City. The City will notify the employee if he/she is a "highly compensated" employee, if the City intends to deny reinstatement, and of one's rights in such instances.

Failure to return to work - An employee who fails to return to work after the expiration of FMLA Leave will be considered a voluntary resignation. The City may recover from the employee the cost of any payments made to maintain the individual's health care coverage during the leave, unless the failure to return to work was due to reasons beyond the employee's control.

General Rules of Leave

Employees may elect to use or the City may require employee to use, any accrued paid time while taking unpaid FMLA Leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA Leave and the paid time will run concurrently with an employee's FMLA entitlement.

Upon written request where allowed by law, the City will allow employees to use accrued paid time to supplement any paid benefits the employee is receiving while on leave.

Leaves of absence taken in connection with a disability leave plan (e.g. sick and accident) or worker's compensation injury/illness shall run concurrently with any FMLA Leave entitlement.

Vacation and personal time for non-exempt employees will not accrue during the FMLA Leave.

Employees will be subject to immediate termination of employment for:

1. Failure to return to work as scheduled following the end of a medical or family leave;
2. Failure to return to work within the maximum time allowed for a leave;
3. Providing false or misleading information or omitting certain information in connection with a family or medical leave;
4. Working for any other business or entity unless prior approval is given by the City Manager in writing;
5. Failure to provide any periodic updates required by the City; or,
6. Violation of any of the City's rules and regulations relating to a family or medical leave (or any other policy).

Intent to Return to Work From FMLA Leave

On a basis that does not discriminate against employee on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

4.11 COBRA

There is a Federal law called COBRA (Consolidated Omnibus Reconciliation Act) which requires the City to offer employees and/or their dependents the opportunity to continue their own health care and dental care benefits when certain events occur that would terminate participation under the plan. The City does not pay any COBRA costs.

Initial notice of continuation coverage rights under COBRA

For employees covered by one of the City's health care plans (the Plan), this notice contains important information about the employee's right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. The right to COBRA continuation coverage was created by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to employees and to other members of their family who are covered under the Plan when the employee would otherwise lose their group health coverage. The purpose of this notice is to generally explain COBRA continuation coverage, when it may become available to the employee and their family, and what the employee needs to do to protect the right to receive it. This notice gives only a summary of COBRA continuation coverage rights. For more information about rights and obligations under the Plan and under Federal law, review the Summary Plan Description which can be obtained from the Plan Administrator. The Plan Administrator contact is the City Manager, 210 State Street, Charlevoix, Michigan, 49720, (231) 547-3270. The Plan Administrator is responsible for administering COBRA continuation coverage.

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." A qualified beneficiary is someone who will lose coverage under the Plan because of a qualifying event. Depending on the type of qualifying event, employees, spouses of employees, and dependent children of employees may be qualified beneficiaries. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

An employee will become a qualified beneficiary if the employee will lose his/her coverage under the Plan because either one of the following qualifying events happens:

1. Hours of employment are reduced, or
2. Employment ends for any reason other than gross misconduct.

The spouse of an employee will become a qualified beneficiary if he/she will lose coverage under the Plan because any of the following qualifying events happens:

1. Spouse dies;
2. Spouse's hours of employment are reduced;
3. Spouse's employment ends for any reason other than his/her gross misconduct;
4. Spouse becomes enrolled in Medicare (Part A, Part B, or both); or
5. Divorced or legally separated.

Dependent children will become qualified beneficiaries if they will lose coverage under the Plan because any of the following qualifying events happens:

1. The parent-employee dies;
2. The parent-employee's hours of employment are reduced;
3. The parent-employee's employment ends for any reason other than his/her gross misconduct;
4. The parent-employee becomes enrolled in Medicare (Part A, Part B, or both);
5. The parents become divorced or legally separated; or
6. The child stops being eligible for coverage under the plan as a "dependent child."

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event

is the end of employment or reduction of hours of employment, death of the employee, or enrollment of the employee in Medicare (Part A, Part B, or both), the City must notify the Plan Administrator of the qualifying event within 30 days following the date coverage ends.

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), the City must notify the Plan Administrator. The Plan requires the employee to notify the Plan Administrator within 60 days after the qualifying event occurs. Notice must be sent to: City Manager, 210 State Street, Charlevoix, Michigan, 49720, (231) 547-3270.

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. For each qualified beneficiary who elects COBRA continuation coverage, COBRA continuation coverage will begin on the date that Plan coverage would otherwise have been lost.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, enrollment of the employee in Medicare (Part A, Part B, or both), divorce or legal separation, or a dependent child losing eligibility as a dependent child, COBRA continuation coverage lasts for up to 36 months.

When the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage lasts for up to 18 months. There are two ways in which this 18 month period of COBRA continuation coverage can be extended.

1. If the employee or anyone in his/her family covered under the Plan is determined by the Social Security Administration to be disabled at any time during the first 60 days of COBRA continuation coverage and the employee notifies the Plan Administrator in a timely fashion, the employee and his/her entire family can receive an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The employee must make sure that the Plan Administrator is notified of the Social Security Administration's determination within 60 days of the date of determination and before the end of the 18 month period of COBRA continuation coverage. This notice should be sent to: City Manager, 210 State Street, Charlevoix, Michigan, 49720, (231) 547-3270.
2. If the employee's family experiences another qualifying event while receiving COBRA continuation coverage, the spouse and dependent children in the employee's family can get additional months of COBRA continuation coverage, up to a maximum of 36 months. This extension is available to the spouse and dependent children if the former employee dies, enrolls in Medicare (Part A, Part B, or both), or gets divorced or legally separated. The extension is also available to a dependent child when that child stops being eligible under the Plan as a dependent child. In all of these cases, the employee must make sure that the Plan Administrator is notified of the second qualifying event within 60 days of the second qualifying event. This notice should be sent to: City Manager, 210 State Street, Charlevoix, Michigan, 49720, (231) 547-3270.

The employee must keep the Plan Administrator informed of any address changes for the employee and his/her qualified beneficiaries.

Questions about COBRA continuation coverage should be directed to the City Manager, 210 State Street, Charlevoix, Michigan, 49720, (231) 547-3270 or an employee may contact the nearest Office of the U.S. Department of Labor Employee Benefits Security Administration (EBSA), the addresses of which can be found at www.dol.gov.

It is imperative that an employee notify the City immediately of any of the above changes that the City would not already know about, such as divorce or dependent child eligibility. Additional information will be provided at that time with instructions regarding application, payment, and deadlines.

SECTION 5: SAFETY POLICIES

5.1 EQUIPMENT

Employees should operate machinery only when they have been instructed in its safe use. This includes all City vehicles, powered grounds keeping equipment, and power tools. Employees are expected to report all equipment damage, defects and/or problems to their supervisor as soon as possible so that appropriate repairs are made.

5.2 PROTECTIVE DEVICES

Protective devices such as safety glasses, hard hats, and other safety equipment are provided as required to regular employees and must be worn as required.

Proper goggles will be provided and must be worn when grinding, chipping, welding, solvent cleaning, or doing any work where flying particles may cause injury to the eyes. Safety glasses are REQUIRED in the shop (MUST be OSHA approved). If the employee wears prescription glasses, he/she MUST have OSHA approved prescription lenses and side shields, or wear safety glasses over his/her prescription glasses.

Disposable hearing protection is provided upon request and non-disposable types may be available by special request.

Leather shoes which have low heels, rubber heels and soles, or any other common shoe that enclose the feet are required in the shop. However, tennis shoes are not allowed for sheet metal shop personnel. Steel-toed work shoes are encouraged for all sheet metal shop personnel or persons working around any type of power equipment.

Seasonal employees shall be required to wear protective (steel-toed) footwear in any City department that requires the same of regular employees and/or if the seasonal employee is engaged in lawn-mowing, weed whipping, or any other activities which may cause injury to feet. The seasonal employee is responsible for providing their own protective footwear and will be forbidden from performing any task that requires same until appropriately protected. All other required safety equipment for the seasonal employee will be provided by the City.

5.2 (a) PROTECTIVE DEVICE REIMBURSEMENT

The City will reimburse a full-time regular employee for the cost incurred for the "safety lens option" (must provide a doctor receipt specifying the additional cost of the safety lens) if the employee is required to wear safety glasses and the department head has determined "generic" non-prescription glasses are not appropriate.

The City will pay an annual flat amount to full-time regular employees required to wear safety shoes.

5.3 REPORTING ACCIDENTS, INJURIES, AND SAFETY VIOLATIONS

All accidents involving City employees or City vehicles must be reported to the employee's department head and then to the Treasurer, and an incident report completed on each accident. It is especially important to complete an incident report if there is damage to property or any possible indication of liability on the part of the City, its employees, or its agents.

In case of any injury, **NO MATTER HOW SLIGHT**, the injury must be reported to one's supervisor or a manager immediately. An employee should not treat one's own or a co-workers injuries or remove foreign particles from the eye, unless under emergency circumstances. Failure to report injuries promptly may exclude the employee from benefits to which he/she may otherwise be entitled.

The City's number one priority is to create the safest working environment for all employees. The City is committed to fully investigate any and all claims of safety violations. The City expects all employees to immediately report any safety violation to his/her supervisors. Failure to do so endangers not only the employee but co-workers.

5.4 HAZARDOUS MATERIALS

All pertinent information concerning chemicals used by the City is included in a Material Safety Data Sheet (MSDS) located in a notebook in City Hall and at appropriate City buildings. The City's written Hazard Communication Program is also included in the MSDS notebook.

5.5 SAFETY RULES

It is the policy of the City to provide and maintain safe working conditions, to follow operating practices that will safeguard all employees, and to create safe working conditions and efficient operations.

The City expects all employees to be safety conscious and to assist in finding conditions at work sites and offices that might cause an accident. If the employee notices or suspects unsafe conditions, he/she should notify one's supervisor or a manager immediately.

- (1) Horseplay (including throwing of objects or water), and practical joking can result in serious injuries or death and are strictly prohibited and punishable. Yelling, whistling, loud radio playing or any other kind of confusion that could cause a delay in calling for assistance is not allowed.
- (2) Equipment is to be used only for its intended purpose.
- (3) Poor housekeeping can be the cause of accidents, wasted material, and wasted time. Maintain clear aisles, stack material neatly and solidly, return tools and equipment to their proper storage places, and keep floors clean and clear of debris. Stairways and exits must be clear at all times.
- (4) Report any irregularity in equipment immediately to one's supervisor or a manager. Do NOT operate until inspected and/or repaired.
- (5) Keep tools and equipment in clean, good condition and ensure that they are properly positioned to avoid slipping.
- (6) Do NOT use chairs or stools to stand on. Use approved ladders; ensure that they are properly positioned to prevent slipping.
- (7) When repairing any power equipment the employee must be authorized to work on such equipment and follow proper lockout and blocking procedures.

City of Charlevoix
Employee Handbook
APPENDIX A

Motion by Councilmember Cole, second by Councilmember Stevens, to approve Resolution 2009-06-03 as follows:

**CITY OF CHARLEVOIX
RESOLUTION NO. 2009-06-03
ESTABLISHING CODE OF ETHICS AND CONFLICT OF INTEREST POLICY**

Recitals

- WHEREAS, the City Council recognizes that it is the utmost importance to foster public confidence in the decisions made by the City Council;
- WHEREAS, public confidence in the decisions of city government is enhanced when public officials avoid both actual conflicts of interest and the appearance of conflicts of interest;
- WHEREAS, the establishment of a Code of Ethics and Conflict of Interest Policy for the City Council will provide assistance so that situations can be avoided which could negatively impact public confidence in the City and in those persons who act on behalf of the City in the performance of their duties or jobs; and
- WHEREAS, the City Council desires to adopt a Code of Ethics and Conflict of Interest Policy for the City by the adoption of this resolution.

Resolution

NOW, THEREFORE, BE IT RESOLVED that the Charlevoix City Council establishes the following Code of Ethics and Conflict of Interest Policy for the persons who act on behalf of the City as specified in this resolution:

DEFINITIONS

"Council Members" shall mean members of the Charlevoix City Council.

"City Employees" shall mean the City Manager, the City Clerk, all department heads and all other full-time or part-time employees of the City.

"City Representatives" shall mean Council Members, City Employees, persons serving on any boards or commissions of the City and any other person who is officially authorized to act on behalf of the City.

"Immediate Family Member" shall mean a spouse, child, spouse of a child, or a parent of the employee as well as a person who is residing in the same household as the employee.

"Official Duties" shall mean work performed as a City Employee in the course of that person's employment for the City as well as any duty or act performed by an elected or appointed City official, a Council Member, or a member of any City board or commission when such duty or act is performed in the course of that person's service to the City.

CITY OF CHARLEVOIX CODE OF ETHICS AND CONFLICT OF INTEREST POLICY

A. The following standards of conduct shall be followed in the discharge of official duties for the City:

1. When performing Official Duties, City Representatives shall treat members of the public with respect and fairness.
2. City Representatives shall discharge their Official Duties in accordance with prescribed constitutional, statutory, and regulatory procedures and shall apply the laws and policies of the City in an evenhanded manner without partiality, favoritism, or dishonesty, and not for personal gain or benefit.
3. City Representatives shall not divulge any unauthorized personal or confidential information acquired in the course of their Official Duties in advance of the time prescribed for its authorized release to the public. Confidential legal advice or opinions, such as written opinions from the City attorney, are protected by attorney-client privilege. The City is the client

(and not individual Council Members or City Officials). Accordingly, a majority of the City Council should decide when confidential legal information is released.

4. City Representatives who acquire confidential information in the course of their duties that is not available at the time to the general public shall not use such information to further their private interests or the private interests of another person.
 5. City Representatives shall not represent their personal opinions as that of the City or the committee, commission, or board on which they serve, unless expressly authorized to do so.
 6. City Representatives shall not, directly or indirectly, make use of or permit others to make use of City property, equipment, vehicles, or supplies of any kind for personal gain or benefit.
 7. City Representatives shall not, directly or indirectly, solicit or accept any gift or a loan of money, goods, services, or other thing of value which tends to influence or creates the appearance that it influences the manner in which they perform their Official Duties or is intended or has the appearance of being intended as a reward for the performance of any Official Duty.
 8. City Representatives shall not engage in or accept employment or render services that are incompatible or in conflict with the discharge of their Official Duties or that tends to impair their independence of judgment when discharging their Official Duties.
 9. Except as permitted under the Contracts of Public Servants with Public Entities Act, MCL 15.321, *et seq.* (also mentioned in paragraph 10 below), City Representatives shall not, directly or indirectly, solicit or be a party to a contract between themselves and the City and shall not solicit a contract between an entity in which they have a financial or personal interest and the City.
 10. All persons involved in a proposed contract with the City shall comply with the Contracts of Public Servants with Public Entities Act, MCL 15.321, *et seq.* In addition to the requirements of the statute cited above, the following requirements must be met:
 - a. No Council Member shall vote on a City-related project when the Council Member has a reasonable likelihood of obtaining a financial benefit because of the project. This includes by way of example and not limitation, situations in which a Council Member will be a bidder on the project or has a reasonable likelihood of being a subcontractor on the project.
 - b. When a City Employee or a member of the City Employee's immediate family will be a party to a proposed contract with the City or have a personal interest in a proposed contract with the City, the department head who is seeking approval of the contract shall disclose these facts to the City Manager in writing (which includes email). The disclosure shall identify all parties to the contract and the nature of the financial interest of the employee or the employee's immediate family member. If the proposed contract may be approved by the City Manager pursuant to the City Code and the City Manager finds that the proposed contract is in the best interests of the City, then the City Manager may approve the contract and, as early as practical after its approval, shall inform the City Council in writing of the same information that was provided to the City Manager as required above. In addition, the City Manager shall explain to the City Council why the proposed contract is in the best interests of the City. If the proposed contract is to be approved by the City Council, the City Manager (or the department head as directed by the City Manager) shall provide the same information that was provided to the City Manager as required above. In addition, the City Council shall be informed why the proposed contract is in the best interests of the City.
 11. City Representatives shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates or other regulation or supervision relating to any business entity in which they have, directly or indirectly, a financial or personal interest.
 12. When making discretionary, administrative decisions City Representatives shall refrain from making statements or taking any actions outside the formal decision-making process that would suggest they have prejudged the matter before them or would in any way preclude them from affording the applicant and the public a fair hearing.
- B. As permitted by law, a violation of these standards of conduct may be grounds for the discharge of or other disciplinary action against a City Employee, or for removal from a Council-appointed or a Mayoral-appointed position.
- C. This resolution supersedes any prior resolution or policy of the City regarding this subject matter.

RESOLVED, this 15th day of June, 2009.

Resolution adopted by the following yea and nay votes:

Yeas: Gennett, Kusina, Picha, Stevens, Campbell, Cole
Nays: None
Absent: None

CERTIFICATION

I, the undersigned, the Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on June 15, 2009, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976.

Dated:

Carol A. Ochs, City Clerk

City of Charlevoix
Employee Handbook
APPENDIX B

Motion by Councilmember Bob Timms, seconded by Councilmember Sherm Chamberlain to approve 2006-03-01 as follows:

CITY OF CHARLEVOIX
RESOLUTION No. 2006-03-01
RESOLUTION ESTABLISHING
SOCIAL SECURITY NUMBER PRIVACY POLICY

At a regular meeting of the Charlevoix City Council held in the Charlevoix City Hall located at 210 Slate Street, Michigan, on March 6, 2006.

PRESENT: Council members Gabe Campbell, Sherm Chamberlain, Shirley Gibson, Bill Haggard, Bob Timms, and Gene Beer
ABSENT: None

Recitals

WHEREAS, the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, MCL 445.81 *et seq.*, (the "Act") requires a person who obtains one or more social security numbers in the ordinary course of business (including a local unit of government) to create a privacy policy concerning social security numbers that complies with the requirements of the Act; and

WHEREAS, the Charlevoix City Council desires to comply with the Act and hereby creates the following Social Security Number Privacy Policy.

Resolution

NOW, THEREFORE, BE IT RESOLVED that the Charlevoix City Council hereby establishes the following Social Security Number Privacy Policy for the City:

1. Purpose:

The City of Charlevoix (the "City") is required by the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, MCL 445.81 *et seq.*, (the "Act") to create a privacy policy concerning the social security numbers that it possesses or obtains. This Privacy Policy, therefore, sets forth the City's policies and procedures regarding how social security numbers are obtained, stored, transferred, used, disclosed and disposed.

2. Policy:

It is the policy of the City to protect the confidentiality of social security numbers obtained in the ordinary course of city business from employees, vendors, contractors, customers or others. No city official or employee shall knowingly obtain, store, transfer, use, disclose, or dispose of a social security number that the City obtains or possesses, except in accordance with the Act and this Privacy Policy.

3. Procedure:

A. Obtaining Social Security Numbers. Social security numbers should be collected only where required by Federal and state law or as otherwise permitted by Federal and state law for legitimate reasons consistent with the Act and this Privacy Policy. When the City obtains a social security number, the individual from whom the social security is obtained shall be entitled to know the purpose, intended use, whether the number is required to be provided by law, and the consequences of not providing the number.

Legitimate reasons for collecting a social security number include, but are not limited to:

- Applicants may be required to provide a social security number for purposes of a pre-employment background check.
- Copies of social security cards may be obtained for purposes of verifying employee eligibility for employment in accordance with the Immigration Reform and Control Act.
- Social security numbers may be obtained from employees for tax reporting purposes (i.e., IRS Form W-4), for new hire reporting or for purposes of enrollment in any City employee benefit plans.
- Social security numbers may be obtained from creditors or vendors for tax reporting purposes (i.e., IRS Form 1099).

- Social security numbers may be obtained to verify an individual's identity related to accounts, transactions and services with the City.
 - Social security numbers may be obtained to investigate an individual's claim, credit, criminal, or driving history.
 - Social security numbers may be obtained to detect, prevent, or deter identity theft or another crime.
 - Social security numbers may be obtained to lawfully investigate, collect, or enforce a child or spousal support obligation or tax liability.
- B. Public Display.** All or more than four sequential digits of a social security number shall not be publically displayed and shall not be placed on identification cards, badges, lime cards, employee rosters, bulletin boards, permits, licenses or any other materials or documents designed for public display. Documents, materials or computer screens that display all or more than four sequential digits of a social security number shall be kept out of public view at all times.
- C. Account Numbers.** Except as permitted by the Act, all or more than four sequential digits of a social security number shall not be used as a primary account number for an individual.
- D. Computer Transmission.** All or more than four sequential digits of a social security number shall not be used or transmitted on the Internet or on a computer system or network and shall not be used to gain access to a computer system or network, unless the connection is secure or the transmission is encrypted.
- E. Mailed Documents.** City documents containing all or more than four sequential digits of a social security number shall not be intentionally mailed to a person, unless one of the following exceptions apply. In addition, any document or information mailed or otherwise sent to an individual shall not have all or more than four sequential digits of a social security number visible on or, without manipulation, from outside of the envelope or packaging.
- (i) State or Federal law, rule, regulation, or court order or rule authorizes, permits, or requires that a social security number appear on the document.
 - (ii) The document is sent as part of an application or enrollment process initiated by the individual.
 - (iii) The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of a social security number of an individual who has an account, contract, policy, or employee or health insurance benefit.
 - (iv) The document or information is a public record and is mailed by the City in compliance with the Michigan Freedom of Information Act.
 - (v) The document or information is a copy of a vital record as provided by law and is mailed to a person entitled to receive that record.
 - (vi) The documentation or information is mailed by or at the request of an individual whose social security number appears in the document or information or his or her parent or legal guardian.
 - (vii) State or Federal law authorizes, permits or otherwise requires the mailing of the document containing all or more than four sequential digits of the social security number.
- F. Freedom of Information Act.** Where all or more than four sequential digits of a social security number are contained within a document subject to disclosure under the Freedom of Information Act, the social security number shall be redacted or otherwise rendered unreadable before the document or copy of a document is disclosed.
- G. Storage.** All documents containing social security numbers shall be stored in a physically secure manner. Social security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.
- H. Retention and Access to Social Security Numbers.**
- (i) All records containing social security numbers (whether partial or complete) will be maintained in secured files.
 - (ii) All paper records containing social security numbers must be stamped "Confidential," "Controlled Document," or some similar identifying mark.

- (iii) Only personnel who have a legitimate business reason will have access to records containing social security numbers. The department heads having access to records containing social security numbers shall determine which other personnel within their departments have a legitimate reason in the City's ordinary course of business to have access to such social security numbers.
 - (a) Employees whose jobs entail regular access to records containing social security numbers shall be trained in the requirements of the Act and this Privacy Policy.
 - (b) Where a record containing a social security number is to be disseminated to persons outside of the City of Charlevoix, to persons within the City of Charlevoix who are not authorized or trained in the Act and this Privacy Policy, or where the social security number is not relevant to the purpose for which the record is being shared, the social security number shall be redacted or otherwise rendered unreadable.
 - (iv) Employees using records containing social security numbers will take appropriate steps to secure such records when not in immediate use. Such steps may include:
 - (a) Placing such records in a locked desk or file drawer when not in use.
 - (b) Using password protection or screen-savers on computers and computerized records to prevent unauthorized access to or viewing of such records by others.
 - (v) Inactive records containing social security numbers will be retained in accordance with the requirements of state and Federal laws and then destroyed in a manner that continues to ensure this confidentiality. For purposes of this Privacy Policy, "inactive records" are those where there is no longer a current employee, supplier or customer relationship.
- I. **Disposal.** Documents containing social security numbers shall be retained in accordance with the requirements of state and Federal laws. At such time as documents containing social security numbers are disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the social security numbers, such as shredding.
- J. **Unauthorized Use or Disclosure of Social Security Numbers.** The City shall take reasonable measures to enforce this Privacy Policy and to correct and prevent the reoccurrence of any known violations. Any employee, who knowingly obtains, uses or discloses social security numbers for unlawful purposes or contrary to the requirements of this Privacy Policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil sanctions. The City will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses social security numbers through the City for unlawful purposes.

4. Exceptions to Privacy Policy:

- A. **Authorized Use of Social Security Numbers.** This Privacy Policy shall not apply to the use of all or more than four sequential digits of a social security number that is authorized or required by state or Federal law, by court order or rule, or pursuant to legal discovery or process.
- B. **Agencies Authorized to Use Social Security Numbers.** This Privacy Policy shall not apply to the use of all or more than four sequential digits of a social security number by officers of the Charlevoix City Police and the City Attorney as part of a criminal investigation.
- C. **Authorized Disclosure of Social Security Numbers.** This Privacy Policy shall not apply to the disclosure of all or more than four sequential digits of a social security number to a title IV-D agency, law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution.

RESOLVED this 6th day of March, 2006.

Resolution adopted by the following yea and nay votes:

Yeas: Campbell, Chamberlain, Gibson, Haggard, Timms, and Beer
 Nays: None
 Absent: None

RESOLUTION DECLARED ADOPTED.

CITY OF CHARLEVOIX

By: _____
Norman Carlson, Jr., Mayor

CERTIFICATION

I, the undersigned, the Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at its regular meeting held on March 6th, 2006, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976.

Dated: 07/03/06

Carol A. Ochs, Clerk

MAILED
OCT 31 2012
CITY OF CHARLEVOIX

RECEIPT AND ACKNOWLEDGMENT PAGE

1. I hereby acknowledge receipt of the City of Charlevoix's Employee Handbook.
2. I understand that it contains important information regarding my employment relationship with the City, including current policies and benefits of the City, rights and responsibilities that I have and those that my employer has, and that the policies contained in the Handbook apply to me and my employment with the City of Charlevoix.
3. I certify that I have read it in its entirety and understand the policies within it, and that they apply to my employment with the City.
4. I understand that if I have questions about the Handbook or the policies within, it is my responsibility to ask Human Resources or the City Manager about them.
5. I agree to accept the policies, agreements, and rules as stated in the Employee Handbook.
6. I understand that employment with the City is "at will", (unless I am a member of a union with a contract with the City) which means that either the City or I may terminate the employment relationship at any time, with or without cause, with or without notice.
7. I understand that the management of the City reserves the right to change the policies, procedures, and benefits described in this Employee Handbook at any time with or without notification.
8. I understand that this handbook is not intended nor does it serve as an express or implied contract of employment or a contract for benefits.
9. I understand that the policies described in this Employee Handbook supersede all previous policies, practices, and oral statements of anyone associated with the City, its predecessors, and its authorized agents and that this Employee Handbook includes the exclusive policies of the City.
10. I understand and agree that this Employee Handbook is and remains the property of the City, and that I will return it upon termination of my employment or upon the issuance of a new Employee Handbook.
11. I understand that violation of any of the City's policies may result in immediate termination at management's discretion.

**** continued next page ***

12. Unless otherwise expressly agreed in a written document signed by the City Manager and the employee, which specifically makes reference to this Handbook, an employee shall be an employee "at will" whose employment and compensation can be terminated with or without cause, and with or without notice, at any time at the option of either the Employer or the Employee. No employee or representative of the City, other than the City Manager has any authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to this provision. If the City Manager changes my employment relationship from an "employment-at-will" agreement, it may only be done in a writing signed by him/her.

Date: _____

Employee Signature: _____

Print Name: _____

The City of Charlevoix
210 State Street
Charlevoix, MI 49720

EMPLOYEE HANDBOOK
November 2012

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Approval of Job Descriptions

DATE: November 19, 2012

PRESENTED BY: Rob Straebel, City Manager

ATTACHMENTS: Six Job Descriptions for Various City Positions*

BACKGROUND INFORMATION:

Job descriptions for all employees are approved by City Council. A review is done either on a periodic basis or at the time the position becomes vacant. This review helps ensure the descriptions accurately reflect the job duties, skills, knowledge, abilities, and requirements.

The Superintendent, WTP/WWTP job description currently has a bachelor's degree under requirements with additional verbiage. The language that provides for "the equivalent of" in experience and education has been clarified. This language is consistent in several other department head job descriptions and provides for continued consistency as we continue our reviews.

The DDA Executive Director job description was recently updated and approved by the DDA Board.

The Executive Assistant job description has been reclassified as an Exempt position under the Fair Labor Standards Act (FLSA). It was previously classified as non-exempt, thereby eligible for earning overtime. The reclassification centered on the discretion and independent judgment regarding matters of significance when performing her primary duty and is no longer eligible to earn overtime. The Human Resource Assistant and the Department Administrative Assistant (Police) job descriptions are updates. All three job descriptions have been refined to ensure greater accuracy in job responsibility.

The Utility Billing Clerk job description was originally approved by City Council in June 2009. In September 2012, the Council approved a revised job description which included assessor support job functions and titled the position Utility Billing Assessor Clerk. The assessor support functions and resulting workload have yet to be completely defined. Therefore, we are seeking Council's re-approval of the Utility Billing Clerk 2009 job description until such time we can clearly determine job duties.

RECOMMENDATION: To adopt the six job descriptions as written.

* Superintendent Water Treatment Plant/Waste Water Treatment Plant, DDA Executive Director, Executive Assistant, Human Resource Assistant, Department Administrative Assistant (Police), Utility Billing Clerk

- Implement a comprehensive maintenance management program that ensures equipment operability and process flexibility. Maintain a system of recurring, preventive maintenance work orders and documentation of all repairs that occur.
- Prepare detailed budget recommendations (for review and approval by the City Manager) that accurately reflect the anticipated costs for the proper operation of the facilities. Prepare summary reports that allow a comparison of budgeted costs versus actual costs. Prepare bids and requisitions for plant equipment, materials, supplies, and services.
- Organize and direct activities of personnel in the operation and maintenance of water filtration plants, including scheduling shift crews and work requirements.
- Revise and maintain a health and safety program that includes frequent training, regular inspections, and timely documentation remediation of unsafe conditions and unsafe acts.
- Interview job candidates and recommend candidate(s) for employment. Evaluate work of subordinates, issue commendations, and take disciplinary actions when warranted, conferring with management as well as with union designee as necessary.
- At the City Manager's request, attend City Council meetings to explain details of plant operations, violations of permit requirements, negative variances in budgets, etc.
- Maintain currency in field.

Knowledge, Skills, and Abilities

- Possession of a bachelor's degree (biology, chemistry, sanitary/civil/chemical engineering, or related field preferred) and ten or more years of plant operations experience in a similar-size facility (or equivalent in education and experience), plus five or more years in a supervisory/lead capacity.
- The Superintendent must hold a current Class B (or higher) Sewage Treatment Works certificate.
- Ability to obtain a Class F-2 (or higher) Water Treatment Works certificate.
- A Class S-4 (or higher) a plus.
- Ability to maintain licenses.
- Ability to obtain a thorough knowledge of processes and equipment involved in fresh water pumping and treatment, including basic chemical, bacteriological, and biological processes.
- Ability to obtain a comprehensive knowledge of maintenance needs of water plant equipment and machinery.
- Ability to obtain a comprehensive knowledge of state and federal water quality requirements and standards.
- Ability to obtain a Comprehensive knowledge of methods and techniques used in the laboratory analysis of drinking water as well as knowledge of current/emerging water treatment technologies.

- Ability to maintain records, analyze data, understand and communicate complex information orally as well as in written form (technical reports).
- Ability to supervise union employees.
- Strong interpersonal skills and the ability to maintain effective working relationships with stakeholders.

- Possession of a Michigan driver's license.

NOTE: This job description is subject to change with a change in the MDEQ plants classification for the City of Charlevoix.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

City Council Approval: December 5, 2011
Revised – City Council Approval:

CITY OF CHARLEVOIX

Title: Executive Director, Downtown Development **FLSA:** Exempt
STATUS: Full-time, non-union

Department: Downtown Development Authority (DDA)

Reports To: Downtown Development Authority Board
City Manager (daily supervision)

Supervises: Occasional contract employee supervision may be required

Date: October 22, 2012

Position Purpose

Initiates and coordinates the downtown revitalization program for the City of Charlevoix. Represents the Charlevoix Downtown Development Authority (DDA) to public and private interest groups, assisting the DDA in developing, preserving, and promoting a consistent and positive image of the City of Charlevoix.

Scope

The DDA, which is composed of the Mayor and eight mayoral appointees was organized on April 19, 1982 and given the following responsibilities:

- to correct and prevent deterioration in the downtown development district
- to encourage historic preservation
- to create and implement development plans, and
- to promote economic growth.

Hence, the Executive Director operates in a highly visible and political environment in which integrity, initiative, and strong communication and facilitation skills are essential.

Essential Job Functions

Work with the DDA Board to establish goals, priorities, and an annual operating budget that support the DDA's mission.

Promote downtown Charlevoix as an ideal location in which to own and operate a year-round business. Facilitate the retention of current downtown businesses. Conduct targeted recruitment of existing region businesses and out-of-region businesses. Advance downtown Charlevoix as an activity/ shopping destination via earned and social media, paid advertisements and other efforts.

Collaborate with the Charlevoix Area Chamber of Commerce, Charlevoix Convention & Visitors Bureau and other appropriate public and private entities to implement complementary multi-pronged marketing campaigns and develop activities, promotions, and events frequenting and showcasing the downtown area, e.g., the downtown tree lighting program.

Participate in negotiations for the acquisition, disposition, or lease of real estate for downtown development projects.

Work with other department heads to initiate and manage select physical and infrastructure improvement projects in downtown Charlevoix. Assist the DDA Board in selecting consultants

through the development of requests for qualifications (RFQ) and requests for proposals (RFP) in conjunction with City staff. Monitor projects' schedule, budget, and performance for the Board.

Monitor local, state, and federal legislation and regulations relating to downtown development and report findings, trends, etc. Work with appropriate local, state, and federal public agencies and non-profit foundations to seek funding, write grants, etc. Assist in implementation of award(s).

Maintain a comprehensive inventory of available buildings and sites in the downtown areas for economic development purposes and respond to requests for information.

Act as ombudsman/mediator in downtown business owner disputes with city departments.

Carry out administrative actions to support the DDA, including but not limited to purchasing and accounting duties and the preparation of agendas, reports, minutes, budget recommendations, notices, and correspondence. Maintain DDA Office files and records.

Minimum Qualifications

- Bachelor's degree in public administration, public relations, government affairs, business, or related field.
- Five years progressively responsible experience in business development and/or marketing function (within a resort community environment preferred), including experience with grant writing and the procurement process. Demonstrated initiative and success in economic/community development.
- Knowledge of strategic planning, project management, public relations, citizen participation focus groups, and progressive/creative management techniques.
- Knowledge of land use planning, zoning, and development.
- Customer service/citizen satisfaction orientation.
- Strong written and oral communication skills, including interpersonal/public relations; facilitation, collaboration, and negotiation skills. Must be able to work effectively with business owners, contractors and vendors, local and state officials including Airport, City and City Council staffs; FAA and MDOT representatives; and the general public.
- Ability to network within the community and to maintain strong, credible contacts.
- Professional demeanor and the ability to project a positive public image of the City of Charlevoix.
- Computer proficiency including MS Office (Word, Excel, PowerPoint, and Outlook).
- Ability to meet deadlines.

- Maintain current information (manuals) about city operations and fees, often involving continuous research and interaction with department and committee heads: Departments—Police, Treasurer, Street, Fire & Ambulance, Electric and Water, Wastewater Treatment Plant, Marina, Golf Course, Planning and Zoning, Recreation Airport, and DDA; Commissions--City Council, Historic District Commission, Downtown Development Authority, Planning Commission, Zoning Board of Appeals, Shade Tree Commission, Housing Commission, and Compensation Commission
- Coordinate approximately 24 scheduled and other various ad hoc events: Venetian Festival, July 4th and Memorial Day parades, Snowmobile Fest, Easter Egg Hunt, March of Dimes, Weddings, et al. Review events with sponsors to identify service needs, including banners, traffic and police support, parking, utilities, toilets, et al; meet with City department heads to ensure services can/will be provided, and monitor event for fulfillment. Act as event point-of-contact for internal and external problems, etc.
- Coordinate the use of City conference and meeting rooms by external groups.
- Act as one-stop point-of-contact for telephone inquiries and complaints. Drawing upon knowledge of the City and of associated governments, respond to and troubleshoot a wide variety of inquiries and complaints, often directing initiators to appropriate internal departments or external jurisdictions. Follow up as necessary to ensure quality of City service/response received. Requests may vary from "Freedom of Information" FOIA (as requested through FOIA officer), resident request for a street number, to complaints about parking or broken street lights.
- Interpret administrative and operating policies and procedures as well as applicable regulations for employees and public.
- Monitor operating practices throughout city to recommend or create new or revised systems and procedures. Recommend changes to improve workflow, simplify procedures and/or reduce costs.
- Maintain schedule of expiring contracts and documents.
- Acting City Manager in absence of City Manager and Treasurer.

Minimum Qualifications

- High school or GED plus some college. Associate's degree or administrative certification preferred
- Comprehensive knowledge of administrative and clerical systems and procedures as evidenced by a minimum of five years progressively responsible related administrative and secretarial experience.
- Previous experience working in a municipal and/or public service environment.
- Excellent written and oral communication skills.
- Customer service orientation and strong interpersonal skills. Experience dealing with difficult people or experience in a public relations capacity preferred.
- Strong organizational skills, including time-management.
- Strong problem-solving skills.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

CC approved:

CITY OF CHARLEVOIX

Title: Human Resources Assistant **FLSA:** Non-exempt
STATUS: Part-time, non-union

Department: City Manager

Reports To: City Manager

Date: November 12, 2012

Purpose

Responsible for developing, implementing, administrating, and maintaining the City's human resource programs and systems. Provides internal service and expertise to ensure compliant and effective human resources: employment, benefits administration, compensation, employee relations, and union negotiations.

Scope

A position of trust working with the City Manager, department heads, governmental and external agencies and organizations to support union and non-union workforce of 182+ employees. Approximately 40% of workforce is seasonal. Considerable contact with the public. Frequently works proactively without supervision and exercising independent judgment. Majority of work is performed in an office environment but work is often performed under stressful conditions. Function is heavily computerized.

Essential Job Functions

- Work closely with management to identify human resources needs: develop related strategies, set departmental goals including workforce staffing, planning and analysis.
- Develop and implement legally-compliant employment processes. Develop diverse applicant sources. Post and/or advertise vacancies. Participate in interviews as appropriate. Assist management in all aspects of hiring including documentation of process, new hire processing, etc.
- Maintain job descriptions and compensation systems. Conduct competitive analyses. Make recommendations to City Manager.
- Provide assistance to management regarding employee relations, coaching, resolving conflict, following City/union grievance process, interpreting employee handbook and union contracts, and administering performance evaluations.
- Work closely with Treasurer regarding payroll, unemployment claims, and budgeting. Represent City in unemployment hearings.
- Serve as a member of the collective bargaining team, working closely with the team to research various proposals, gather benchmarks and cost proposals. Participate in mediation and arbitration proceedings as needed.
- Maintain all necessary employee, benefit, and HR program records.
- Research and identify trends and issues related to public employment issues. Implements all HR regulatory and legal requirements (e.g. FMLA, FLSA, Title VII/LEP); provides information and training as needed.
- Recommend changes to the city policies, employee handbook(s), and union contracts.

- Participate as a member of various ad hoc committees (e.g. Wellness Committee, Health Care Insurance Committee).
- Perform statistical and other recurring ad hoc reporting for management.
- Respond to FOIA (as requested through FOIA officer), unemployment, employment verifications, and other external requests for data.
- Provide benefit coordination and works with vendors to answer employee/employer issues and to provide effective communication of employee benefits. Work with Treasurer and City Manager to assess and effect cost minimization.

Minimum Qualifications

- Degree or equivalent in human resources administration, public or business administration, or a related field.
- Five or more years of related experience, including working familiarity of following functions:
 - Employment
 - Employee relations including union/labor relations
 - Classification, compensation, and reward programs
 - Training and professional development
 - Worker's compensation
 - Benefits
 - Employment law (federal and state)
 - Personnel policies and procedures
 - Personnel administration (information and documentation)
- Skill in addressing sensitive situations with discretion and confidentiality.
- Ability to communicate effectively, establish effective working relationships and to communicate with tact and professionalism. Strong problem-solving, persuasion, and negotiation skills.
- Research and statistical analysis ability.
- Strong organizational skills, including time-management skills
- Excellent computer skills, including MS Office Suite (Outlook, Word, Excel)
- Basic knowledge of city, state, and federal governmental operations.
- Ability to multi-task.

Certifications

- PHR certification or the ability to achieve certification strongly preferred.
- Michigan driver license

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

CC approved:

CITY OF CHARLEVOIX

Title: Department Administrative Assistant **FLSA:** Non-exempt
STATUS: Full-time, non-union

Department: Police

Reports To: Police Chief

Date: July 12, 2012

Position Summary

This position is responsible for coordinating office activities for the City of Charlevoix Police Department and for providing administrative, secretarial, and clerical support to the Police Chief.

Scope

Incumbent operates with considerable latitude for exercising good professional judgment. The individual deals with confidential and sensitive information and is required to undergo fingerprinting and a Federal background check. Required research and reporting has tight deadlines and legal ramifications to self and others. Duties are performed in an office environment; however, due to the nature of work, incumbent and others in the department may be at risk of bodily harm from hostile visitors, necessitating restricted-entry office and bullet-proof glass reception/walls. Concentration is sometimes interrupted by phone calls and by walk-ins at reception window.

Essential Job Functions

- Act as the City's terminal agency coordinator (TAC) for the national Law Enforcement Information Network (LEIN). Drawing upon specialized federal training and referring to the National Criminal Information Network (NCIN) code book, enters specified data (tickets, warrants, et al) into and extracts data (criminal histories, vehicular registration, etc.) from the system. Legally accountable for the timeliness of data entered and integrity of City data; for example, incumbent is required to validate the status of warrants within 24-48 hours. Coordinate work with the State Police, LEIN Field Services Section.
- Utilizing specialized State (system) training, report hire and termination data for law enforcement employees to maintain (302) funding from the Michigan Commission on Law Enforcement Standards (MCOLES).
- Utilizing WAVE and MS Office Suite, compose and/or transcribe handwritten and typed source documents (officer reports of police intervention, requests to issue warrants, meeting notes, departmental correspondence, etc.), into final products that require a high degree of accuracy. Copy and/or publish, and distribute documents as required.
- Perform research and analysis required for various recurring and/or adhoc reports. For example, compile information monthly for NCIN and represent, graph, and analyze data for internal reports (arrests, etc.) using MS Office (EXCEL).
- Assist the Chief in grant writing: gather information, monitor status, and establish internal departmental procedures upon award.
- Receive and screen possibly hostile/adversarial visitors, phone calls, and/or mail. Answer questions, drawing from knowledge of City and law enforcement policies and procedures, directing inquiries to appropriate internal or external sources as necessary. (While dispatch is performed by "911," may receive and expedite calls for help.)
- Schedule meetings for and at the direction of the Chief of Police. Maintain departmental event calendar, calling for appearance of the Chief or his designee.

- At the direction of the Police Chief, initiate the hiring process for seasonal employees. Also perform clerical and administrative aspects of application and selection for seasonal and other employees.
- Act as a departmental liaison with external (County, State, and Federal) agencies and internal (City Treasurer's and Human Resources', etc.) offices. For example, process ticket report and monies monthly through Treasurer's Office and run criminal background checks for HR as needed. Represent the City of Charlevoix to its public (visitors and residents).
- Maintain departmental files, including sensitive legal records, to ensure easy and quick access. Perform records management for Police Department.
- Maintain office supplies and departmental gear (non-ammunition), as authorized.
- Provide backup assistance to the City Manager Office if the Executive Assistant is not available for meeting packet preparation for City commissions and councils (e.g. Planning Commission, City Council, Zoning Board of Appeals, Historical Commission, etc.). May perform other City Manager office tasks as identified and agreed to between the City Manager and Police Chief.

Minimum Qualifications (Knowledge, Skills, and Abilities)

- High school diploma or equivalent required. College degree and/or completion of relevant administrative, secretarial or law enforcement training program(s) preferred.
- Minimum of three years progressively responsible clerical, secretarial, and administrative experience or mix of education and experience required. Familiarity with law enforcement preferred.
- PC proficiency and fast, accurate keyboard skills. Experience using MS Office Suite (WORD, EXCEL, OUTLOOK, PUBLISHER).
- Honesty and the ability to pass a Federal background check, including fingerprinting and drug screening.
- Professional demeanor and strong oral and written communication skills. Ability to deflect hostility and to deal with difficult people.
- Mature judgment and the ability to think and act quickly.
- Ability to use discretion and objectivity when dealing with sensitive/confidential material.
- Able to multitask and to prioritize work.

Certification:

- Must be able to be certified by LEIN and MCOLES
- Able to obtain certification as notary desired.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

Police Department Admin.Asst. July 2012
CC approved:

CITY OF CHARLEVOIX

Title: Utility Billing Clerk
Department: Treasurer's Office
Reports To: Treasurer
Date: April 2009

FLSA: Non-exempt

Position Summary

This position is responsible for maintaining the City's utility (water, sewer, and electric) billing program: opening and closing accounts and coordinating startups and shutoffs with Electric and Water Departments; loading and uploading handheld meter reading devices (estimating reads as required); preparing, reconciling, and editing reports; billing account holders; collecting payments and maintaining payment records; and providing customer service, including initiating work orders for service calls.

Scope

Operates independently under general to limited supervision of Treasurer. Duties are performed in cubicle/office environment. Considerable attention to detail and careful time management are required to maintain 4,577 accounts totaling \$72 million in revenue on a monthly billing cycle. Concentration often interrupted by phone calls and back-up responsibilities (walk-ins at counter).

Essential Job Functions

-Open and close accounts, coordinating meter reads (to startup or shutoff service) with Electric and Water Departments. Determine deposit or reconnect fees, coordinate direct deposits, and residential deposit refunds.

-Load point-of-service (POS) handheld meter reading devices for 23 routes. Unload/upload returned meters to compute billings, edit reports for discrepancies including misreads, inaccessible meter readings, shutdowns, high usage, etc. Estimate readings for inaccessible meters using prior history. Write work orders requesting re-reads possible misreads; call customers regarding high usage questions, etc.

-Initiate work orders for service calls -Prepare, reconcile, and edit reports; bill account holders

-Collect payments and maintain payment records

-Provide customer service, including.

-Create and prepare required and requested reports and related correspondence

-Record bank deposits and disbursements to the general ledger

-Maintain general knowledge of Treasurer's and Clerk's functions in order to provide office services in the absence of other office employees

Minimum Qualifications

High school diploma or G.E.D. equivalent, completion of relevant training program(s) preferred

5 years of clerical, administrative and bookkeeping experience

Able to operate office machines, such as photocopiers and scanners, coin sorters, facsimile machines, voice mail systems and personal computers

Considerable knowledge of governmental accounting systems and best practices

Experience with payroll, payroll system software, electronic banking, positive pay and Automatic Clearing House (ACH) transactions

Familiarity with State, county, school district and municipal relationships in the taxation process

Knowledge of accepted office and bookkeeping practices and procedures

Proficiency in Microsoft Office, particularly Excel

Highly developed communication and interpersonal skills

Strong organizational skills

Ability to meet the standards required to be bonded

Ability to meet strict deadlines with accuracy

Ability to recognize errors or omissions in routine transactions

Ability to coordinate multiple and sometimes conflicting sources of information

Ability to learn and accurately use specialized software

Ability to solve problems with initiative, innovation and resourcefulness

Ability to maintain confidential information

Ability to work effectively without supervision

Ability to work effectively with local, State and Federal officials, fellow employees and the general public

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City.

CC original approved: 6/1/09

City Council re-approval:

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Organizational Items: (A) Meeting times/days; (B) Appointment of Deputy Mayor

DATE: November 19, 2012

PRESENTED BY: Carol Ochs

ATTACHMENTS: None.

BACKGROUND INFORMATION:

Charter:

Section 2.15 COUNCIL - MEETINGS - MINUTES AND NOTICES THEREOF

a. An organizational meeting of the Council shall be held at the first meeting of the Council after the November General Election. The meeting shall be held for the purpose of organization at the usual place for holding meetings of the legislative body of the City, at seven o'clock in the evening (7:00 p.m.), or the first day thereafter that is not a legal holiday, except as provided in Article XIV. At the organizational meeting, the Council may consider matters in addition to organizational matters.

(A) ITEM 1 – MEETING DAYS/TIME

b. The regular meetings of the Council shall be held at least twice each month. These meetings shall be held at the City Hall unless otherwise provided for by ordinance.

The Charter allows the Council to set regular meeting days and times. Regular meeting must be held at least twice each month. Although *Rules of Procedure for City Council*, Rule 1.c. sets the meetings as the first and third Mondays of the month at 7:00 p.m., unless Monday is a legal holiday, at which point the meeting moves to the following Tuesday at 7:00 p.m., the Charter allows the Council to set the day and time. A resolution would need to be drafted to amend the *Rules of Procedure*. Any change would not take place until January, 2013, but the decision needs to be made now in order for the Clerk to meet required posting/advertising deadlines for the coming year. Council has traditionally maintained the 1st/3rd Monday schedule.

RECOMMENDATION: No action required unless Council wishes to change meeting days/time.

If Council wishes to change meeting days/time:

Motion to direct staff to draft a resolution to amend *Rules of Procedure for City Council*, Rule 1.c. to change the meeting day/time to ----.

(B) ITEM 2 – DEPUTY MAYOR

Section 2.9 DEPUTY MAYOR - ELECTION OF

The Council shall elect one (1) of its members to serve as Deputy Mayor at the organizational meeting of the Council. The Deputy Mayor shall serve until the next organizational meeting of the Council or until a successor takes office. If a vacancy occurs in the position of Deputy Mayor, then the Council shall fill the vacancy at the first meeting after the vacancy occurs.

Councilmember Picha currently serves as Deputy Mayor. Council may choose to reappoint her or to appoint another councilmember to serve as Deputy Mayor for the upcoming year.

RECOMMENDATION: Motion to appoint/reappoint Councilmember ----- as Deputy Mayor.

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Appointments

DATE: November 19, 2012

PRESENTED BY: Carol Ochs

ATTACHMENTS: None

BACKGROUND INFORMATION:

The following appointments are expired:

DDA, Jeannine Wallace (4/12) 547-2342	Mayoral Appt – 4 yr term
Historic District Commission	Mayoral Recommendation/Council Approval – 3 yr term
Hans Wiemer (6/10) – willing to continue	
Jeannine Wallace (6/11) – willing to continue	

The following appointments will expire 12/31/2012:

Shade Tree Commission, Ken Polakowski 547-6753	Mayoral Appt – 3 yr. term
Board of Review, Bob Timms 547-2918	Council Appt – 3 yr term
Compensation Commission, Conrad “Bud” Klooster 547-9884	Mayoral Appt – 5 yr term

RECOMMENDATION:

Motions to appoint/reappoint various members to various boards as needed.