

**CHARTER TOWNSHIP OF SHELBY  
EMPLOYEE CIVIL SERVICE RULES AND REGULATIONS**

*As revised May 2013*

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## SECTION 1

### PURPOSE AND INTENT

#### 1.1 STATEMENT OF PURPOSE

The Civil Service Commission was established in 1968 pursuant to Township Ordinance No. 43, as authorized by Public Act 246 of 1965, being M.C.L. 38.451, *et. seq.*

The Civil Service of the township is divided into the Unclassified and Classified services.

##### A. Unclassified

The Unclassified service shall include Officers elected by popular vote as prescribed in Michigan Constitution 1963, article VII, § 18; persons appointed to fill vacancies in such elective offices; members of Boards and Commissions; and members of the Police and Fire departments.

##### B. Classified

The Classified service shall comprise all positions not specifically included by this section in the unclassified service.

These Civil Service rules, regulations, and policies shall apply to all Classified Township employees.

#### 1.2 STATEMENT OF INTENT

These rules, regulations, and policies are adopted by the Civil Service Commission (a) in order to provide a uniform system of personnel administration throughout the Township; (b) to ensure that recruitment, selection, placement, promotion, retention and separation of Township employees is based upon employee's qualifications and fitness, and is in compliance with federal, state and local laws; and (c) to ensure, protect, and clarify the rights and responsibilities of employees.

#### 1.3 SEPARABILITY

A. In the event that any provision of these rules, regulations, or policies shall at any time be held contrary to § 2-141, *et. seq.*, and 2-171, *et. seq.*, of the Code of

Ordinances, current Collective Bargaining Agreement(s), federal, state, or local law, such provision(s) shall be void and inoperative and the terms and conditions of that Ordinance, contract, or law shall prevail. In all other cases, these rules, regulations, and policies shall continue in full force and effect.

- B. In the event of the amendment of any ordinance, contract, or law incorporated in this document, or upon which these provisions rely, these rules, regulations, and policies shall be deemed amended in conformance with those changes.

#### 1.4 MODIFICATION

The Civil Service Commission specifically reserves the right to appeal, modify, or amend these rules, regulations, and policies at any time, with or without notice.

- A. The Civil Service Commission shall supply the employees with copies of any modifications or amendments to these rules, regulations, and policies.
- B. The provisions of the Collective Bargaining Agreement(s) or current employment agreement(s) with the Township employees are made part of these rules, regulations, and policies by reference.



## **SECTION 2**

### **BASIC REQUIREMENTS OF CIVIL SERVICE**

#### **2.1 CITIZENSHIP**

An applicant for a position in the classified Civil Service must be a citizen or resident legal alien of the United States.

#### **2.2 NONDISCRIMINATION**

It is the policy of Shelby Township to ensure equal employment opportunity for all applicants and employees. This commitment includes a mandate to promote and afford equal treatment and services to all applicants, employees, and citizens, without regard to height, weight, race, religion, color, creed, national origin, gender, age, marital status, partisan considerations, or the presence of any sensory, mental, or physical disability, unless such disability effectively prevents the performance of the essential duties required of the position.

- A. The goals and objectives of this policy are to ensure fair treatment and nondiscrimination in Township hiring and employment practices in compliance with federal and state equal employment opportunity rules, regulations, and laws.
- B. The Human Resources Director, or designee, shall be the focal point for the Township's equal opportunity efforts and shall advise and assist staff, management personnel, and the Civil Service Commission in all matters regarding compliance with this policy. The Human Resources Director shall undertake the following actions in furtherance of this policy:
  - 1. Periodically review all position qualifications and job descriptions to insure requirements are relevant to the tasks to be performed and make recommendations to delete or add requirements strictly on the basis of this relevance.
  - 2. Insure that compensation and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a

nondiscriminatory basis.

3. Provide guidance to management and the Civil Service Commission so that all applications for selection, promotion, training, education, and termination are considered without discrimination.

### 2.3 NONDISCRIMINATION ADA (Americans with Disabilities Act & Persons with Disabilities Civil Rights Act)

It is the intent of the Civil Service Commission to provide individuals with a disability, or disabilities, a bias-free employment environment.

- A. As stated in Section 2.2, Shelby Township does not discriminate against qualified individuals with disabilities in any aspect of employment, including recruitment, hiring, promotion, layoff, compensation, job assignments, job classification, paid or unpaid leave, or any other employer provided benefits.
- B. The Civil Service Commission shall assure reasonable accommodation is provided, on account of a known physical disability or mental impairment of an otherwise qualified employee, or applicants for employment, unless such accommodations imposes an undue hardship upon the employer.
- C. An individual with a disability, or their representative, may file a complaint alleging discrimination on the basis of a disability, in the following manner:
  1. A complaint must be in writing.
  2. The complaint shall contain the name, address, and telephone number, if available, of the individual, or representative, if applicable, filing the complaint.
  3. The complaint should describe the alleged discriminatory action, in detail, to include the date(s) of that action, and name(s) of the employees involved in the alleged discriminatory action.
  4. The complainant, or representative, must sign the complaint.
  5. The complaint shall be delivered, by mail, or in person, to the Human Resources Director, or designee, for response.

6. The Human Resources Director, or designee, shall have ten (10) working days to address the complaint raised by the reporting employee and provide a written response which identifies the alleged improper action at issue, describes the scope and findings of the investigation, states what, if any, action will be taken against the offending employee(s), and explains why such action is appropriate.
- D. The Americans with Disabilities Act, of 1990, as amended, 42 U.S.C. § 12101 *et seq.*, and Michigan's Persons with Disabilities Civil Rights Act, as amended, M.C.L. 37.1101 *et seq.*, each details further the procedure, and time limitations, for filing a complaint, alleging a violation of the Act. Exhaustion of an employer's internal administrative remedies is not a prerequisite for filing a complaint with a State or Federal Agency or a court.

#### 2.4 SUBVERSIVE ACTIVITIES

Any person who has engaged in subversive activities as defined by the laws of the United States, or belongs to any group or organization officially designated by the Attorney General of the United States as subversive or which is otherwise found to advocate such activities, shall neither be eligible for, nor remain in, any position of employment in the Shelby Township Civil Service.

### SECTION 3

#### BASIC RULES OF CIVIL SERVICE / CONDUCT

##### 3.1 STATEMENT OF PURPOSE

The purpose of this Section is the establishment of standards of conduct, which shall govern Township employees in the performance of Township business and the duties of their respective jobs.

##### 3.2 PERSONAL BEHAVIOR

All Township personnel shall maintain a composed and dignified demeanor and shall be courteous and helpful to their fellow employees, and to the public, when engaged in Township business or on Township property.

### 3.3 GAMBLING

Gambling in any form, to include the taking or placing bets of any kind, is prohibited in or on any Township premises, equipment, or property.

### 3.4 THEFT

The Township will not tolerate the theft, or misappropriation, of Township property by any of its employees. Any employee who is found to have stolen, or to have misappropriated any property owned or otherwise lawfully possessed by the Township, a co-worker, or a member of the public engaged in Township business or on Township property, may be subject to immediate suspension without pay pending investigation of the incident by law enforcement authorities and, depending upon the results of the investigation, will be subject to the full range of disciplinary action, up to and including discharge from employment.

### 3.5 FIGHTING

The Township will not tolerate physical altercations between its employees, or between an employee and a member of the public who is engaged in Township business or on Township property. Any employee who engages in such conduct may be subject to immediate suspension without pay pending investigation of the incident by law enforcement authorities and, depending upon the results of the investigation, will be subject to the full range of disciplinary action, up to and including discharge from employment.

### 3.6 SMOKING

To respond to the increasing evidence that tobacco smoke creates a danger to the health of those exposed to it, and in compliance with the Michigan Clean Indoor Air Act (Public Act 198 of 1986, as amended), smoking is prohibited in all Township facilities and vehicles.

A. "Smoke" or "smoking" as used in this policy shall mean and include the smoking or carrying of any kind of lighted pipe, cigar, or cigarette.

B. Notice

Signs prohibiting smoking shall be conspicuously posted in every facility and work area.

C. Enforcement

Complaints of violation of this policy should be directed to the Department Head responsible for the particular work area or facility named in the complaint. The Department Head shall be responsible for notifying the violator of the Township's "No Smoking" policy. Failure to comply with this policy, after proper notification, shall cause the Township's progressive disciplinary procedures to be initiated. In addition, violators of the Clean Air Act are guilty of a misdemeanor, and subject to a fine set by statute.

3.7 ALCOHOL, CONTROLLED SUBSTANCES and PRESCRIPTION DRUGS

Employees and the Township have a mutual obligation to ensure a safe and healthy work environment. This policy is designed to help achieve such an environment by making sure the work place is free of employees whose job performance is impaired by the use and/or abuse of alcohol, controlled substances, or prescription drugs.

- A. The Township believes that rehabilitation is the preferred solution to any substance abuse problem, and therefore, employees are advised that the Township has authorized participation in an Employee Assistance Program, which is available to employees and their families on a completely confidential basis.
- B. In compliance with the Drug-Free Work Place Act of 1988, as amended, the Township strictly prohibits the manufacture, distribution, possession, or use of any controlled substance, or consumption of any beverage containing alcohol, anywhere in the work place, or at any time during which an employee is engaged in official Township business, or on Township premises, or using Township property.
- C. As a condition of continued employment, employees will be expected to abide by this policy and notify the Township Supervisor, or designee, of any criminal drug statute conviction for a violation that occurred in the work place not later than, five (5) days after such conviction.

- D. A conviction for a drug or alcohol-related violation that occurred in the work place, or at any time during which the employee was engaged in official Township business, or on Township premises, or using Township property, may result in disciplinary action up to and including termination of employment.

### 3.8 OUTSIDE EMPLOYMENT

An employee shall not engage in outside employment or other activity that directly conflicts with the employee's working hours or adversely affects job performance. It shall be the responsibility of each Department Head to determine if a conflict exists between an employee's job responsibilities and his/her outside activities.

### 3.9 HARASSMENT

Harassment is unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, pesters, annoys, or insults another person, when such conduct has the purpose or effect of creating an offensive, intimidating, or hostile work environment.

- A. Harassment does not include the conduct or actions of supervisors when engaged in activity such as issuing performance evaluations, oral warnings, reprimands, or other supervisory actions intended to promote positive job performance.
- B. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct or communication of a sexual nature.
- C. The Civil Service Commission fully supports Federal and State anti-discrimination laws that prohibit sexual harassment where (1) tolerance or submission to such conduct or communication is made either explicitly or implicitly a condition of employment; (2) submission to or rejection of such conduct or communication by an individual is used as a factor for employment decisions affecting that individual or; (3) such conduct or communication has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

- D. The Township will not tolerate harassment of any kind. An employee who subjects another employee or member of the public to harassment may be subject to the full range of disciplinary action, up to and including discharge from employment.

### 3.10 APPEARANCE

It is the responsibility of all employees to represent the Township to the public in a courteous, efficient, and helpful manner. Township employees are expected to be groomed, and dressed, in a manner suitable for the public service environment and the public service position occupied by the employee.

### 3.11 BUILDING SECURITY

An employee should not have any key(s) in his/her possession that accesses Township property that has not been assigned to the employee, nor should an employee have any key duplicated without authorization from the employee's Department head. An employee who is found to have any key(s) in his/her possession that he/she is not authorized to have, carry, or possess, will be subject to the full range of disciplinary action up to and including discharge from employment.

### 3.12 WHISTLE BLOWER POLICY

The Township strives to conduct its business with the utmost integrity and in strict accordance with all federal, state, and local laws. Accordingly, employees are encouraged to bring to the attention of the Civil Service Commission any improper actions of Township officials, and/or employees. The Township will not retaliate against any employee who, in good faith, reports improper or unlawful actions, or suspected improper or unlawful actions, in accordance with the procedures set forth in this policy.

- A. Improper and/or unlawful actions are those engaged in by a Township official, elected Township official, or Township employee in the performance of his/her duties which: (1) are in violation of any federal, state, or local law; (2) constitute an

abuse of authority; (3) create a substantial and specific danger to the public health or safety; or, (4) grossly waste public funds.

- B. An employee who has a good faith concern that improper or unlawful action has occurred or is about to occur, must first raise that concern with the Township. Specifically, the employee must submit his/her concerns and related information to the Township Supervisor, preferably in writing. In the event the complaint concerns the Township Supervisor, the complaint should be submitted to both the Township Clerk and Township Treasurer. The identity of the reporting employee will be kept confidential to the fullest extent possible under the law.
- C. The Township shall have ten (10) working days to address the complaint raised by the reporting employee and provide a written response which identifies the alleged improper action at issue, describes the scope and findings of the investigation, states what, if any, action will be taken against the offending employee(s), and explains why such action is appropriate.
- D. Employees who are still dissatisfied with the resolution of their complaint after exhausting these internal reporting and consideration procedures may address their concerns to the County Prosecutor, or other 'public body', as that term is defined by Michigan's Whistleblowers' Protection Act (M.C.L. 15.361, *et. seq.*)
- E. The purpose of this policy is to strengthen and improve protection for the rights of Township employees and to assure they will not suffer adverse consequences as a result of reporting prohibited personnel practices, or other violations or suspected violations of the law. Accordingly, all Township employees are prohibited from taking any punitive action against an employee who registers a complaint with either the Township Supervisor, or designee, or other public body in accordance with this policy.
- F. Michigan's Whistleblowers' Protection Act ("WPA") M.C.L. 15.316 *et. seq.*, provides additional protection to an employee who reports, or threatens to report, actual or suspected violations of the law engaged in by Township officials or employees to a



public body. The WPA does not mandate that an employee exhaust the employer's internal administrative complaint reporting requirements to be a 'protected' employee under the Act.

### 3.13 EMPLOYEE ETHICS

The purpose of this policy is to establish guidelines for ethical standards of conduct, which shall govern Township employees in the performance of Township business and the duties of their respective jobs. This policy is intended to provide positive direction to Township employees in order to prevent possible conflicts of interest. It is not, however, all encompassing in its definition of what constitutes an ethical conflict. Actions not specifically cited in this policy are still subject to inquiry, and possible disciplinary action, if the Civil Service Commission deems them inappropriate. The following specific prohibitions shall be applicable to all classified Township employees, and failure to comply with same may result in disciplinary action up to and including discharge:

- A. No classified employee shall have any financial interest in any sale to, or contract with, the Township for any goods or services.
- B. An employee shall not accept anything of value, of more than a "de minimis" nature, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action or judgment of the employee would be influenced thereby.

In drafting the standard, care was given to the language so that its prohibitions would not be too broad, thereby causing meaningless violations to occur and eventually eliminating its integrity for employees. Conversely, the language should not be too specific or limiting, because not all situations can be covered. Either of these two extreme approaches could negate the hopeful intent of the regulations. Therefore, it was determined to draft the standard in general terms and provide for exceptions found necessary by the minor nature of the matter. This was accomplished by the insertion of the phrase "de minimis", in Sub-sections 1, 2 and 3.

“De minimis” originates from the Latin phrase, “De minimis non curat lex”. Translated, this becomes, “The law does not concern itself about trifles”. (Black’s Law Dictionary, revised fourth edition, 1968, West Publishing Company.) Within the context of the Civil Service Rules and Regulations, this term serves to further define circumstances in which the subject matter is minor, the violation was unintentional in nature, the act was authorized either as an employee benefit or by specific authorization of a supervisor, or the potential for conflict of interest or improper employee personal gain is negligible. Determination of a “de minimis” situation will be on a “case by case” basis and will be the responsibility of supervisory and administrative officials.

Examples of hypothetical situations involving possible “de minimis” circumstances might be further beneficial for uniform understanding:

**Sub-section 1:** An employee shall not use Township personnel, resources, property, or funds for personal gain of more than a de minimis nature.

The foregoing shall be understood to include, among prohibited uses of Township resources or property for personal purposes, the following:

- a) “borrowing” Township tools or equipment, such as a chain saw, jack hammer, etc., for personal use by employee.
- b) taking, for personal use, such materials or supplies as sod, sand, concrete blocks, pipe, electrical wire, lumber, paint, etc., even if felt to be surplus or discarded unless same is approved by appropriate supervisor in accordance with established Township policies and procedures for the disposal of surplus or discarded materials or property.
- c) use of Township garage facilities, shop tools, vehicle maintenance equipment, etc. for servicing of personal vehicles.

The above are enumerated for illustrative purposes and are not intended to be all-inclusive.

The following examples may be of added help as guidelines:

De Minimis

1. An employee returning home at the end of the work day with a Township pen in his coat pocket, uses the pen for a personal letter and returns the pen to work the next morning.

2. An employee finds his private automobile with a flat tire and his tire repair jack broken. The employee uses the tire repair jack from a Township car and returns it when finished.

3. An employee follows the investment decisions of the Retirement System Board of Trustees for the investment of personal stocks and bonds. (Actions of the Retirement System Board of Trustees are published in their minutes which is a matter of public record.)

Significant

1. An employee removes a box of pens from work and takes them home for personal use by himself and his family.

2. An employee has an engine tune-up conducted on this automobile at the motor pool garage using Township parts and mechanic.

3. An employee regularly "borrows" money from the department petty cash fund, which is intended to be repaid later.

**Sub-section 2:** An employee shall not participate in the negotiation or execution of contract, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulations or supervision of a business enterprise in which that

employee or a member of his/her immediate family has a financial interest of more than a de minimis nature.

De Minimis

1. An employee recommends taxicab rates when his brother-in-law is the business manager of a firm in Grand Rapids which manufactures taxicab meters.

2. A lawful sign is inspected by a building inspector and a sign permit is approved by the Building Director for an advertising agency which employs the wife of the Building Director as an accountant.

1. An employee recommends taxi cab rates when his brother operates major taxicab company in Shelby Township and the Township Clerk is a silent partner in that company.

2. A building permit is issued for the construction of a small office building which includes several building code violations, and the contractor is the Building Director's Brother.

Significant

**Sub-section 3:** An employee shall not make or participate in making a decision, having knowledge that the decision will provide that employee, a member of the employee's immediate family, or a business with which the employee is associated, with financial benefits of more than a de minimis nature.

De Minimis

1. The Motor Pool Foreman recommends purchase of Dodge Police cars when his wife owns three shares of stock in Chrysler Motors Corporation.
2. The Planning Director recommends approval of rezoning from C-1, Local Retail, to accommodate the expansion of an existing business in the Township. The Planning Director's father owns an office supply company that has a contract to provide office supplies to that company.

Significant

1. The Motor Pool Foreman recommends purchase of Chevrolet Police cars from the second low bid when his father-in-law is the co-owner of the dealership with the second low bid.
2. The Planning Director recommends approval of rezoning from R-1-B, One Family Residential, to C-2, Linear Retail, for property of which he is part owner and had purchased several years ago.

- C. No employee shall participate in the issuing of a contract in which he/she has a financial interest or, with regard to such contract, perform some function requiring the exercise of discretion on behalf of the Township.
- D. No employee shall accept: employment from, or render services for, private interests when such employment is incompatible or in conflict with the proper discharge of his/her official duties or would tend to impair independence of judgment in performance of such duties.

- E. Acceptance of any compensation for services rendered, which are within the scope of an employee's assigned duties and for which compensation by the Township is being made, is strictly prohibited.
- F. No employee shall disclose or use confidential information concerning the property or affairs of the Township to advance a private interest.
- G. No employee shall request, use, or permit the use of Township owned vehicles, clothing, equipment, materials, or other property for personal or private reasons. Use of such Township property is to be restricted to such services as are generally available to Township residents.
- H. No employee shall deliberately or knowingly falsify, or allow to be falsified, any official Township records or documents.
- I. No employee shall request or attempt to coerce another employee to conduct personal business for him/her during working hours.

## **SECTION 4**

### **CIVIL SERVICE COMMISSION MEETINGS**

#### **4.1 DESIGNATION OF CHAIRMAN**

The Commission member serving his final two (2) year term of office shall be designated as Chairman of the Commission for that period.

#### **4.2 DESIGNATION OF MEETINGS**

The Commission shall meet at such times and places as the Chairman designates. A meeting may also be called at the written request of two (2) of the Commission members, which shall constitute a quorum. Normally, the Commission shall hold at least one (1) meeting a month.

## **SECTION 5**

### **POLITICAL ACTIVITIES**

#### **5.1 STATEMENT OF PURPOSE**

The purpose of this Section is to foster governmental efficiency and to ensure that employees can perform their jobs without being pressured to support specific political candidates or to interpret regulations favorably for supporters of such candidates.

- A. This Section is adopted to promote public confidence in the integrity of Township government, so that the Township Board Members will not be perceived to be making decisions on the basis of political loyalty.
- B. Employee performance and advancement shall be judged without regard to prior or current political activity.

#### **5.2 PROHIBITED ACTIVITIES**

An employee may be subject to disciplinary action, up to and including discharge, for violation of any of the following provisions:

- A. No officer or employee of the Township, in the classified civil service shall, while on duty during an assigned work shift, directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or any political purpose whatsoever.
- B. Participation in any political campaign by distributing literature, or demonstrating on behalf or in opposition to any political candidate or cause during working hours is strictly prohibited.
- C. No employee shall, while on duty or in the uniform of the Township, display any badge, button, sign, or sticker promoting or opposing any political cause or candidate.
- D. No employee shall use public funds, property, or any other instrumentality or thing of value belonging to the Township to promote or oppose any political cause or candidate.

5.3 CANDIDATES FOR PUBLIC OFFICE

Any employee who accepts an appointment or election to any full-time elective office, or any elective office in which the duties, responsibilities, and / or hours would create a conflict, directly or indirectly, with the employee's employment with the Township, must terminate his/her employment as a Shelby Township Civil Service employee prior to taking office.



## **SECTION 6**

### **HOURS OF SERVICE**

#### **6.1 STATEMENT OF PURPOSE**

The standardization of working hours is necessary to provide continuity in access by, and service to, the public. The following procedures shall govern the hours of service for all Civil Service employees, except as otherwise noted in the current Collective Bargaining Agreement(s).

#### **6.2 WORK PERIOD**

The weekly work period for classified employees will consist of either 37.5 or 40 hours. The normal daily working hours will be 8:30 A.M. to 5:00 P.M. for 37.5 hour employees or 7:30 A.M. to 4:00 P.M. for 40 hour employees.

#### **6.3 LUNCH PERIODS**

The lunch period for 37.5 hour employees shall be one (1) hour; the lunch period for 40 hour employees shall be one half (1/2) of an hour, or as otherwise provided in an applicable collective bargaining agreement.

#### **6.4 SPECIAL SHIFTS**

Special shifts of seven and one-half (7.5) and/or eight (8) hours per day, or 37.5 and/or 40 hours per week, may be established for custodial duties and other such business as necessary.

## 6.5 FLEX TIME

Employees may work different hours than the regularly scheduled hours, provided there is an agreement between the employee and the Supervisor or Department Head. Any agreement, however, is also subject to approval by the Human Resources Director, or designee.

- A. All provisions in the Collective Bargaining Agreement(s) relating to shift differential and overtime will not apply if qualifications under those provisions are solely a result of the mutually agreed upon flexible work schedule.
- B. Flex time shall be set up in a minimum of three (3) month periods unless there is a mutually agreed upon change.

## **SECTION 7**

### **LEGAL HOLIDAYS**

The rights and privileges of classified employees with regard to legal holidays are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 8**

### **PAID ANNUAL LEAVE**

The rights and privileges of classified employees with regard to paid annual leave are a detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 9**

### **SICK DAYS**

#### **9.1 SICK DAYS**

The rights and privileges of classified employees with regard to sick leave, short and long term disability are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

#### **9.2 RETURN TO WORK**

An employee who suffers a work related injury or requires a sick leave of three (3) days or more, must have his/her attending physician complete the certification form adopted for use throughout the Township. This form should be presented to the appropriate Supervisor or Department Head prior to the employee returning to work.

## **SECTION 10**

### **PERSONAL DAYS**

The rights and privileges of classified employees with regard to personal days are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 11**

### **BEREAVEMENT LEAVE**

The rights and privileges of classified employees with regard to bereavement leave are as detailed in 'the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 12**

### **MILITARY LEAVE**

#### **12.1 STATEMENT OF POLICY**

The purpose of this Section is to establish procedures for requesting and accounting for leave of absence by employees fulfilling obligations with the Armed Forces of the United States. The authority for this policy is derived from the provisions of the Universal Military Training and Selective Service Act of 1974, as amended, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) [38 U.S.C. §4301, et. seq.,] the terms of which are incorporated herein by reference, and which shall control if in conflict with the terms contained in this policy.

#### **12.2 ACTIVE DUTY**

An employee who enters military service in the Armed Forces of the United States by call to active duty, or by voluntary entrance in lieu thereof, shall be entitled to a military leave of absence without pay for the period of time required to fulfill his/her service obligation.

- A. A military leave of absence shall result in no loss of seniority status, which would have normally accrued if the employee had not been absent for such purposes.
- B. An employee's military leave and right to restoration to his/her former position shall automatically terminate if the employee voluntarily remains in the Armed Forces beyond the original service obligation or for a period-which exceeds the five-year cumulative limit on periods of service.

#### **12.3 RESERVE DUTY**

Employees who are members of the Armed Forces Reserve or National Guard shall notify the Human Resource Director and their Department Head sixty (60) days in advance of the need for leave for annual reserve training.

#### 12.4 TEMPORARY TOUR OF DUTY

Any employee who has completed thirteen (13) bi-weekly work periods shall, upon his/her request, be granted a military leave with pay to engage in a temporary tour of duty with any recognized branch of the military service, not to exceed fifteen (15) consecutive calendar days or until a declared state of emergency has ceased to exist. Such leaves shall be credited as continuous Township service. The employee shall receive the difference between his/her military pay and his/her regular Township salary, if the military pay is less, for the duration of the leave.

### **SECTION 13**

#### **JURY/COURT LEAVE**

The rights and privileges of classified employees with regard to jury or court related leaves of absence are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

### **SECTION 14**

#### **EDUCATION LEAVE / TUITION REIMBURSEMENT**

The rights and privileges of classified employees with regard to education leave and tuition reimbursement are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

### **SECTION 15**

#### **UNPAID LEAVE OF ABSENCE**

#### 15.1 STATEMENT OF POLICY

The procedures governing unpaid personal leaves of absence are outlined in accordance with the provisions of the Family and Medical Leave Act (FMLA) of 1993, as amended. [29 U.S.C. § 2601, et seq.]

A leave of absence of up to twelve (12) weeks, without pay, may be granted because of the employee's own serious health condition or the serious health condition of a family member, and birth, or placement of a child for adoption or foster care.

#### 15.2 LEAVE EXTENSION

Employees who have exhausted all FMLA leave may petition the Township Board for additional unpaid leave in situations where hardship circumstances exist. The employee shall notify their Department Head of the extension request prior to submitting the request to the Township Board. The job restoration and benefit continuation provisions of the FMLA are only applicable to the initial twelve (12) week leave period.

#### 15.3 UNPAID LEAVE OF ABSENCE

An employee who is on an unpaid leave of absence will not receive payment for holidays during the leave, nor will he/she accrue any vacation, personal, or sick leave time.

#### 15.4 FAILURE TO RETURN TO WORK

An employee who does not return to work at the conclusion of an unpaid leave of absence, including extensions, if applicable, will be subject to termination of employment.

#### 15.5 INSURANCE PROVISION

Health and Life insurance will be maintained and premiums paid by the Township for the first twelve (12) weeks of an unpaid leave pursuant to the provisions of the FMLA. An employee may extend his/her Health and Life insurance beyond the twelve (12) week limit by making arrangements through the Human Resources Department to pay the applicable premiums in full and any administrative fee that may be imposed.

#### 15.6 JOB RESTORATION

Upon return from FMLA leave, an employee must be restored to his/her original job, or to a similar job with equivalent pay, benefits, and other employment terms and conditions. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave. The job restoration and benefit continuation provisions of the FMLA are only applicable to the initial twelve (12) week leave period.

## 15.7 UNION BUSINESS LEAVE OF ABSENCE

Employees elected or appointed to a union position, or selected or appointed to attend union functions or perform services for the union will be granted a leave of absence without pay; however, there shall be no loss of any fringe benefits for the period specified in the union's written request for the employee's service.

- A. The Township will be reimbursed for fringe benefit costs on leaves lasting longer than two (2) months.
- B. The Township is not required to grant a leave of absence under this provision if it causes undue hardship on the efficient operation of the Township.
- C. The Township may hire a temporary employee to replace the employee granted the leave of absence; however, upon termination of the leave, the employee is entitled to his/her original position.

## **SECTION 16**

### **SAFETY AND ACCIDENT PREVENTION**

#### **16.1 STATEMENT OF POLICY**

The Township recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper use of buildings, equipment, tools, and other devices. Administration of the safety program shall be the responsibility of the Township Supervisor. All employees should be constantly on the alert to observe and report unsafe working practices or existing hazardous working conditions with the aim of immediate correction.

Each Department Head shall make sure that employees under his/her supervision are well acquainted with existing safety rules and that these rules are uniformly enforced. It is the responsibility of all employees to cooperate in making the safety program work and, therefore, employees must be informed of and observe established safety practices. Furthermore, employees should notify their Department Head of any unsafe conditions of which they are aware, or of which they are made aware.

#### **16.2 EMPLOYEE SAFETY COMMITTEE**

The Township has allowed for the formation and quarterly meeting of an Employee Safety Committee to provide a mechanism to evaluate accidents, practices, resources, and issues. The Committee will also make recommendations that promote and maintain a safe and healthy work environment for employees and reduce the exposure of the Township to risk and loss. The representatives of the Safety Committee should ensure that members of their respective departments are made aware of the discussions and policy decisions that are made by the Committee.

#### **16.3 SAFETY ORIENTATION**

All Township employees shall receive a safety procedures orientation at the beginning of their employment. This orientation shall include a general explanation of safety procedures as well as the specific orientation programs mandated by the Occupational



Safety and Health Act of 1970, and the Michigan Occupational Safety and Health Act of 1974.

- A. As a condition of employment, each employee is required to receive training regarding the hazards of occupational exposure to blood and other potentially infectious material's (OSHA'S Blood Born Pathogens Rules).
- B. Every employee is further required to undergo training with regard to the Michigan Right-to-Know Law of 1987, and to be familiar with the procedures regarding the presence of hazardous chemicals in the work place.
- C. The Human Resources Director shall coordinate and maintain records of training conducted to ensure that each employee complies with the appropriate safety legislation.

## **SECTION 17**

### **LONGEVITY**

The rights and privileges of classified employees with regard to longevity benefits are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 18**

### **RETIREMENT PLAN**

The rights and privileges of classified employees with regard to the Township Retirement Plan are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board. The specifics of the Township Retirement Plan are as detailed in the plan documents on file with the Human Resources Director, who acts as the Plan Administrator.

## **SECTION 19**

### **MEDICAL COVERAGE**

#### **19.1 MEDICAL COVERAGE**

The rights and privileges of classified employees with regard to medical coverage are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement with the Township Board.

#### **19.2 CONTINUATION OF MEDICAL COVERAGE (COBRA)**

This Section is prepared in compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, as amended. The terms, content, requirements, and mandates of such Act are incorporated herein by reference and shall govern the continuation of medical coverage on account of a qualifying event as set forth in the Act.

## **SECTION 20**

### **DENTAL COVERAGE**

The rights and privileges of classified employees with regard to dental coverage are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 21**

### **VISION COVERAGE**

The rights and privileges of classified employees with regard to vision coverage are detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 22**

### **LIFE INSURANCE**

The rights and privileges of classified employees with regard to life insurance coverage are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 23**

### **WORKERS' COMPENSATION INSURANCE**

The rights and privileges of classified employees with regard to Workers' Compensation coverage and payments are as detailed in the Worker's Disability Compensation Act of 1969 and Related Administrative Rules, as amended [M.C.L. § 418.101 et. seq.]. The specific rights and obligations of classified employees with regard to Workers' Compensation payments are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement(s) with the Township Board.

## **SECTION 24**

### **POSITION CLASSIFICATIONS**

#### **24.1 CLASSIFICATION PLAN**

The Commission shall classify all the positions of employment within the classified service. The official classification plan for all positions in the Township Civil Service shall be as provided by the titles of classes shown in the currently approved schedule, which may be amended by the Civil Service Commission upon the recommendation of the Township Board. All salaries shall be uniform for like service in each grade of the classified service and the same shall be classified and standardized by the Commission. The classification and standardization of salaries shall be subject to the approval of the Township board, and salaries shall not be paid except in accordance with the classification and standardization.

#### **24.2 ALLOCATION OF POSITIONS**

The Civil Service Commission shall allocate every position in the Township Civil Service to the class and level the Commission determines to be appropriate. The determination of the class and level to which a particular position should be allocated will be made with regard to the general duties, responsibilities, specific tasks, and essential knowledge, skills, and abilities required of each position.

### 24.3 REVIEW OF ALLOCATIONS

The Civil Service Commission shall provide for a continuing review of all positions in the Township Civil Service for the purpose of adjusting the allocations of any and all positions where the duties and responsibilities have materially changed. The Human Resources Director will provide direction with regard to the question of position reallocation.

### 24.4 CLASS SPECIFICATION

The Civil Service Commission shall maintain a complete set of specifications for all classes in the Township Civil Service. These specifications shall include title, statement of responsibilities, typical tasks, and the essential knowledge, skills, and abilities required for the particular position, as mandated by the Americans with Disabilities Act (ADA) of 1990, as amended, and Michigan's Person's With Disabilities Civil Rights Act of 1976, as amended. Such specifications shall, along, with the appropriate compensation schedule, be on file in the Human Resources Department for employee review. The Human Resources Director shall conduct a periodic review of the specifications in order to maintain their accuracy (see Section 2.2B).

### 24.5 CLASS DESIGNATIONS

The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title, or its properly designated code number, shall be used to indicate the position on all payrolls and other records of the Township Civil Service Commission.

### 24.6 CLASSIFICATION APPEALS

Any employee who wishes to appeal what the employee regards as an unfair classification decision must direct their appeal of that decision directly to the Civil Service Commission (see Section 39).

## **SECTION 25**

### **CIVIL SERVICE POSITIONS**

#### **25.1 ESTABLISHMENT**

No person shall be appointed to, employed in, or paid for service in any classified position in the Township Civil Service until the position has been established, classified, and assigned a pay grade.

#### **25.2 ESTABLISHMENT LIST**

The Civil Service Commission shall maintain organizational charts for each Department for the position within that department presented by the Human Resource Department on an annual basis.

#### **25.3 ESTABLISHMENT OF POSITION(S)**

The Township Board is vested with sole authority for creating or abolishing a position in the classified civil service. However, the Civil Service Commission may make recommendations to the Township Board for the creation or abolishment of a position in the classified civil service, premised upon administrative, operational, and economic efficiency. The Civil Service Commission shall be given prior notice by the Township Board of the creation of any position so that it may be duly established, classified, and assigned a pay grade.

#### **25.4 DISCONTINUANCE OF POSITION(S)**

The Human Resource Department shall report to the Civil Service Commission any vacancy that he/she does not intend to fill. The position(s) may be retained on the establishment list at the discretion of the Commission.

#### **25.5 ABOLISHMENT OF POSITION(S)**

The Human Resources Director shall be given prior notice by the Township Board, of any position to be abolished by the Township Board. An employee who is separated from employment, as a result of the abolishment of a position, shall have employment preference in accordance with Section 29.1 and 29.3.

## SECTION 26

### EMPLOYEE COMPENSATION

#### 26.1 COMPENSATION SCHEDULE

The Township Board must approve or amend the compensation schedule for all positions in the Township Civil Service as presented by the Civil Service Commission. Compensation paid to all classified employees shall be in accordance with the approved schedule, which may be amended as required.

#### 26.2 SCHEDULE OPERATION

No employee in the Township Civil Service shall be paid a salary less than the minimum or greater than the maximum of the salary range for the class as fixed by the compensation schedule.

- A. The minimum rate in the range shall be the rate payable to any employee when first appointed to a position, unless the Township Board authorizes a higher rate.
- B. An employee ~~is~~ transferred to another position at the same level as the position from which transferred, shall be paid at the same salary step as the position from which transferred. An employee ~~is~~ appointed from a layoff list, shall be paid at the same salary step as last received in the position held at the time of the layoff.
- C. If there is a revision in the compensation schedule; an employee shall be paid at the salary step corresponding in length of service to the step at which the employee was being paid in the previous salary range for the particular class.
- D. When the position of an employee is reallocated upward, or when an employee is promoted, the affected employee shall be paid at the lowest salary step in the range for the higher class which provides a salary increase.
- E. When the position of an employee is reallocated downward, or when an employee is demoted, the affected employee shall be paid at the same salary step in the range for the lower class as the one reached in the previous class.

#### 26.3 FULL AND PART TIME SERVICE

All authorized compensation rates are for full-time employment. Payment for part-time

employment shall be proportionate to the time actually worked. For employment on a project basis not involving continual employment, the Township Board may establish an hourly rate of pay, which may exceed the scheduled maximum rate of pay, if such action is deemed necessary by the Board.

**26.4 OVERTIME**

The provisions of the Fair Labor Standards Act of 1938, as amended, [29 U.S.C. § 201 et. seq.], and Michigan's Minimum Wage Law of 1964, as amended [M.C.L. § 408.381 et. seq.], govern Township policies regarding eligibility, use, and compensation for overtime. In addition, specific provisions regarding the use and compensation for overtime are as detailed in the applicable Collective Bargaining Agreement(s) or current employment agreement with the Township Board.

**26.5 EARNED INCREMENTS**

Pay increments shall be granted to all employees for satisfactory service as provided for each class in the compensation schedule. Such increments shall be granted by successive steps of the range of pay for each class.

**SECTION 27**

**APPOINTMENTS**

**27.1 OPEN COMPETITIVE APPOINTMENTS**

Any appointment to a position in the Shelby Township classified Civil Service, through certification from an open competitive list, shall constitute an open competitive appointment. No such appointment shall be made unless authorized by the Township Board.

**27.2 VACANCY APPOINTMENTS**

In the event the Township wishes to fill a vacant position; it shall be posted in-house, and, whenever possible, filled internally when there are employees who are determined by the



Department Head, in consultation with the Human Resources Director, to be qualified to fill a particular vacancy. In determining the qualifications of a classified Township employee, an examination may or may not be given at the discretion of the Human Resources Director, with the concurrence of the Civil Service Commission. The Human Resources Director may instead order that a vacancy be filled by open competitive appointment when the Human Resources Director determines that such appointment will best serve the interests of the Township.

### 27.3 PROMOTIONAL APPOINTMENTS

Upon approval of the Civil Service Commission, a classified employee may receive a promotional appointment based upon a significant increase in job duties or demonstrated experience and improved competence in performing the assignments of a particular position. Such promotions do not involve the consideration of candidates other than the recipient of the promotion because the promotion itself recognizes the growth in responsibilities and competence of the individual involved rather than the filling of a vacancy. However, when possible, vacancies in higher classifications or grades shall be filled by promotion. Promotion shall be made from among employees in the grades below the grade in which the vacancy exists, qualified by training and experience to fill the vacancy, and whose length of service in such lower grade entitles them to consideration. The Civil Service Commission, for the purpose of promotion, shall examine qualified employees in the lower grades on the basis of their service record, experience in the work involved in the vacant position, and training and qualification for such work. Seniority shall be controlling only when other factors are equal.

### 27.4 PROVISIONAL APPOINTMENTS

A provisional appointment may be authorized by the Civil Service Commission in the absence of a current eligibility list. Any provisional appointment is subject to the approval of the Township Board.

- A. The receipt of a score on a Civil Service examination sufficiently high to place the provisional employee in the certifiable range (positions 1 through 3) shall allow for

the consideration of a provisional employee to the existing vacancy for which the test was given.

- B. Any provisional employee who does not receive a passing grade on a Civil Service examination, or decides not to take the examination, shall not be certified.

#### 27.5 EMERGENCY APPOINTMENTS

To prevent the stoppage of business or to meet extraordinary conditions or emergencies, the Head of any Department or office, with the approval of the Commission and Township Board, may make a temporary appointment. An appointment made pursuant to this provision shall not exceed sixty (60) days, and only until regular appointment under the provisions of this act can be made.

#### 27.6 VACANCIES

A vacancy is defined as any classified position that has not yet been filled by promotion, demotion, or original appointment.

## **SECTION 28**

### **EXAMINATIONS**

#### **28.1 NOTICE OF EXAMINATIONS**

The Civil Service Commission shall conduct examinations for the purpose of maintaining adequate employment lists. Announcements of each open or in-house competitive examination shall be posted on every appropriate Township bulletin board and to such other locations as determined by the Human Resources Director. In addition, notice of an open competitive examination shall be placed in news publications, trade publications, websites, and hiring services as appropriate based on specific position and need.

#### **28.2 CONTENT OF ANNOUNCEMENTS**

Each announcement of an examination shall contain the title of the class, the essential knowledge, skills, and abilities required of the position, the scale of pay, the eligibility requirements, and other pertinent details.

#### **28.3 REJECTION OF APPLICATIONS**

An application to take a Civil Service examination may be rejected by the Human Resource Director in conjunction with the Department Head. At no time, will an applicant be rejected with less than two signatures of agreement for any of the following reasons:

- A. The applicant does not meet the basic and necessary requirements specified in the announcement.
- B. The application was not received on or before the final date for acceptance of applications.
- C. The applicant has falsely stated any material fact or has attempted to practice fraud or deception in the application submitted or during the application process.

#### **28.4 CONTENT OF EXAMINATIONS**

The Civil Service Commission may collaborate with the Human Resources Director as part of the annual succession planning to consider and/ or include in conjunction with the individual Department Heads, other qualified persons, or agencies that examination requirement maybe included in or attached to the job description.

## 28.5 CONDUCT OF EXAMINATIONS

Examinations shall be conducted by the Human Resources Department at the direction of the Civil Service Commission. They will be given only at the time and place stated in the notices of acceptance of applications, except as otherwise ordered by the Commission.

## 28.6 EXAMINATION RESULTS

All applicants shall be notified by U.S. Postal mail and or email of their test results. If emailed, the Human Resource Department must confirm receipt of email. This notification shall include the applicant's percentage test score as well as their ranking on the resulting eligibility list. Test results shall be held as official records for the life of the resulting eligibility test.

- A. Any applicant, or applicant's representative, authorized in writing, shall be permitted to review their scored examination, upon request, at the office of the Human Resources Director.
- B. Such review shall be limited to one (1) year from the date of notification of examination results.

## 28.7 VETERANS PREFERENCE

The Civil Service Commission's policy regarding Veterans preference is prepared pursuant to the Universal Military Training and Selective Service Act of 1974, as amended [38 U.S.C. § 2021, et seq.], the Uniformed Services Employment and Reemployment Rights Act, as amended [38 U.S.C. § 4301, et. seq.], and other pertinent Veterans Administration guidelines.

- A. For the purpose of this policy, a veteran shall be defined as any person who has not less than one hundred and eighty (180) days active service in the Armed Forces of the United States within three (3) years of the date of application.
- B. Veterans shall have five (5) preference credit points added to their final score in any open competitive examination for original appointment only.

## 28.8 PREVIOUS EMPLOYMENT PREFERENCE

An applicant shall be entitled to preference points based on previous employment with the Township pursuant to the following conditions:

- A. An applicant must have at least sixty (60) days of employment with the Township within three (3) years of the date of application.
- B. Any applicant who qualifies for employment preference pursuant to Section 28.9(A) shall receive two (2) preference credit points for each quarter worked, to a maximum of ten (10) points, and these points shall be added to the final passing score of any open competitive examination for original appointment only.
- C. An applicant will be given credit for a "quarter worked" as long as he/she works at least one (1) full day in one of the following three (3) month quarters:
  1. January / February / March
  2. April / May / June.
  3. July / August / September
  4. October / November / December

## **SECTION 29**

### **EMPLOYMENT PREFERENCE**

#### **29.1 STATEMENT OF PURPOSE**

The purpose of this Section is to define in what manner employment preference will be given to current Township employees. Employment preference shall be determined in accordance with the number of years, months, and days in a class, including service in classes on a higher level. Such employment preference shall also be credited at lower classification levels for which the employee is qualified.

#### **29.2 APPLICATION OF EMPLOYMENT PREFERENCE**

Employment preference shall be applied so that layoffs, demotions, and all other situations in which employment preference is involved occur in the following scheduled order:

- A. Emergency employees in the affected class.
- B. Provisional employees, lacking status in a lower class, who have had an opportunity to take an examination but failed to avail themselves of the opportunity or who, having taken the examination, failed to receive a rating sufficiently high for certification to the position.
- C. Provisional employees lacking status in a lower class who have had no opportunity to take an examination for the position they are filling.
- D. Probationary employees without status.
- E. Promotional probationary employees who have status in a lower class.
- F. Employees with status in the class.

#### **29.3 PERIOD OF SERVICE**

An employee's period of service shall be interpreted as the total number of years, months, and days of service completed by the employee.

- A. Any period of Township service that an employee may have completed prior to the time of the establishment of positions in the Township Civil Service shall be

credited to such employees as time served in the class in which status was first acquired.

- B. Any person who resigns, retires, or is dismissed for cause, from the Township service and subsequently reappointed to a position in the Township service, shall lose such employment preference as he/she may have accumulated during prior employment.

#### 29.4 LAYOFF / BUMP RIGHTS

In the event of a layoff, an employee with bump rights must exercise those rights in the equal or next lower classification, seniority permitting. If an employee fails to accept the equal or next lower position to which he/she has bump rights and there is no other existing opening, he/she must accept layoff.

## **SECTION 30**

### **EMPLOYMENT LISTS**

#### **30.1 DEPARTMENTAL LAYOFF LISTS**

The Township Human Resources Director shall maintain a list of those employees who had status in a given class or classes and were laid off or demoted because of lack of work, lack of funds, or as a result of Township reorganization. Ranking on this "Departmental Layoff List" shall be made pursuant to the Township policy concerning employment preference (see Section 29).

#### **30.2 IN-HOUSE COMPETITIVE LIST**

The Township Human Resources Director shall place the names of all Township employees who have received a passing score in an in-house competitive examination on an "In-House Competitive List" for a given class. Applicants will be ranked on this list in accordance with their final passing score.

#### **30.3 OPEN COMPETITIVE LIST**

The Township Human Resources Director shall place the names of applicants who have received a passing score on an open competitive examination on an "Open Competitive List" for a given class. Applicants will be ranked on this list in accordance with their final passing score plus any preference points to which they are entitled.

- A. The names of eligible applicants who have passed an examination for the same class, with the same final score, shall be placed in identical positions of ranking on the eligibility list.
- B. For the purpose of certification, a score that exceeds one hundred (100%) percent due to the addition of preference points shall be considered equivalent to a natural score of one hundred (100%) percent.

#### **30.4 DURATION OF ELIGIBILITY**

The names of external eligible applicants on any employment list shall remain thereon for two (2) years unless the Commission specifically modifies the duration of the list. The names of internal eligible applications on any employment list shall remain thereon for



one (1) year unless the Commission specifically modifies the duration of the list. Any departmental layoff list shall remain active for three (3) years, unless otherwise indicated by the Civil Service Commission.

### 30.5 REMOVAL OF NAMES

Names may be removed from an eligibility list for any of the following reasons:

- A. Appointment through certification from such list.
- B. An eligible applicant notifies the Civil Service Commission in writing that he/she is not willing to accept appointment under conditions previously specified.
- C. Failure of an eligible applicant to respond to inquiries concerning his/her availability for employment.
- D. Failure of an eligible applicant to accept employment by certification to a permanent position (of equal or higher class) from a departmental layoff list.
- E. The applicant has falsely stated any material fact or has attempted to practice fraud or deception in the application submitted or during the application process.

### 30.6 ABOLISHMENT / REALLOCATION OF CLASSES

Whenever a class is abolished, names on an existing employment list for the class may be combined with names on a comparable list. When a class is reallocated, names on an existing employment list for the class shall be placed on the employment list for the new class.

## **SECTION 31**

### **CERTIFICATION AND SELECTION**

#### **31.1 STATEMENT OF PURPOSE**

The purpose of this Section is to outline procedures for the filling of vacant positions. When there is a vacancy in a classified position; the Human Resources Director, or the Department Head in whose department the vacancy exists, shall submit a request to fill the vacancy to the Civil Service Commission.

#### **31.2 CERTIFICATION**

Whenever a position in the classified civil service is to be filled, the Township Board shall notify the Civil Service Commission of that fact. Certification shall be made by the Commission from employment lists in the following order:

1. Departmental Layoff List
2. In-House Competitive List
3. Open Competitive List

Names shall be certified from the above mentioned lists as follows:

- A. Departmental Layoff list: Layoffs shall be made in conformity with the principle of seniority, i.e. the last one hired being the first one laid off and the first one laid off being the last one recalled.
- B. In-House Competitive List: The names of any classified Civil Service employees, followed by the employee(s) with the highest score. The certification shall not exceed three (3) positions.
- C. Open Competitive List: The names of the individuals not to exceed the five (5) highest scores.

#### **31.3 SELECTION AND APPOINTMENT**

Selection from the certified employment list shall be as follows:

- A. Departmental Layoff list:

The Township Board may approve the appointment of the person certified by the

Civil Service Commission from the Departmental Layoff List.

B. In-House Competitive List:

The Civil Service Commission shall certify the names of the three (3) candidates standing highest on the eligible list for the classification to which the position belongs. The Township Board may approve the appointment of the Civil Service or provisional Civil Service employee(s) who have scored in one (1) of the top three (3) positions on an in-house examination. Employees without Civil Service or provisional status may also be approved for appointment from the original certification if there are no certified classified employees, or if there is still a vacancy following the appointment of a certified classified employee.

C. Open Competitive List:

The Civil Service Commission shall certify the names of the three candidates standing highest on the eligible list for the classification to which the position belongs. The Township Board may approve the appointment of the individual selected from the certified list by the Department Head in whose department the vacancy exists. If there are several vacancies, the certification shall contain enough names so that a choice among at least three (3) names is successively possible for each vacancy. The available names not selected shall be returned to the list.

1. When there are fewer than three (3) names available for certification from an Open Competitive List, the available names on the list may or may not be certified by the Civil Service Commission for selection and possible appointment.
2. If the Commission declines to certify a list with fewer than three (3) names, they may instruct the Human Resources Director to retest for the existing vacancy.

31.4 WAIVER OF CERTIFICATION

Any eligible applicant who waives certification or refuses to accept a position under conditions previously agreed to shall have his/her name removed from the eligibility list.

## **SECTION 32**

### **PROBATIONARY PERIOD**

#### **32.1 STATEMENT OF PURPOSE**

The purpose of this Section is to establish uniform guidelines for a probation period for new employees and current employees who transfer or are promoted to a new position.

- A. The probation period is designed to give the employee time to learn the position and to give the Supervisor time to evaluate the employee's potential and performance.
- B. During the established probation period, the Township reserves the right to terminate the probationary employee on the basis of unsatisfactory service, or other reasons deemed sufficient by the Township.

#### **32.2 LENGTH OF PROBATION PERIOD**

The probation period for an original appointment shall not exceed six (6) months. However, this period may be reasonably extended or abbreviated for cause shown at the request of the Department Head, with the concurrence of the Human Resources Director.

- A. At the end of the probation period, the employee is formally evaluated and provided written documentation of progress.

- B. It is expected that informal evaluations will be conducted during the probation period to assess performance and advise employees of expectations regarding performance.
- C. When an employee satisfactorily completes the prescribed probation period, the Department Head shall advise the Human Resources Director that said employee is eligible for full Civil Service Status.

### 32.3 PROMOTION AND TRANSFER / TRIAL PERIOD

If a transferred or promoted employee applies for and is accepted in a new position, that employee shall be subject to a sixty (60) day probation period. If a transferred or promoted employee fails to achieve satisfactory performance in the new position, or finds the position or work unacceptable, that employee may request to return to the position previously held.

### 32.4 PROVISIONAL EMPLOYEES

Provisional employees who have served continuously for six (6) months or longer in a permanent position to which they are subsequently certified and appointed shall be considered as having served their probationary period. Provisional employees who have served less than six (6) months in a permanent position, to which they are subsequently certified and appointed, shall have their service as provisional employee credited against their probation period.

## **SECTION 33**

### **STATUS AND TENURE**

#### 33.1 STATUS

An employee who has been examined, certified, appointed, and has satisfactorily completed the specified probation period shall be considered as having obtained full Civil Service Status.

#### 33.2 PROMOTIONS

Employees appointed on a promotional basis shall have continuing status in the class from which they were promoted until they have successfully completed the probation period

for the higher level position, at which time their status would transfer to the higher class.

**33.3 TENURE**

All Civil Service employment shall be without definite terms except where the term is specified by law, or where a limited term appointment has been approved by the Township Board.

**33.4 EMPLOYEE STATUS**

The definition for regular full time, regular part time, temporary, seasonal temporary, co-op, and supplementary employees are as defined in the applicable Collective Bargaining Agreement(s) or current employment agreement with the Township Board.

**SECTION 34**

**SERVICE RATINGS**

**34.1 STATEMENT OF PURPOSE**

The purpose of this Section is to provide the means to evaluate the quality of service offered by Township employees. The Civil Service Commission shall establish a standardized system of service ratings that will provide the necessary recognition, feedback, and corrective guidance regarding job performance.

**34.2 STATEMENT OF PROCEDURE**

Every classified employee shall be rated, in writing, by their Supervisor and/or Department Head, as applicable. The Supervisor, or Department Head, shall notify the employee of the results of the service rating; usually through short meeting that allows the employee to view their rating and comment on any aspect with which the employee disagrees. The service rating must be signed by the employee, the immediate Supervisor, and the Department Head.

- A. Service ratings shall be submitted for every classified employee who has assumed a new position on a semi-annual basis. Service ratings for each probationary employee shall be submitted at the end of the six (6) month probation period. If a longer or shorter probation period is authorized, pursuant to Section 32.2, an

additional service rating shall be submitted within thirty (30) days after the conclusion of that period.

- B. If an employee receives two (2) consecutive unsatisfactory, semi-annual service ratings, the Department Head may, with the concurrence of the Human Resources Director, recommend the removal of the employee from the position.
- C. A conditional or an unsatisfactory service rating will result in the postponement of the next salary step increase to which the employee would have otherwise been entitled.
- D. An employee who receives two (2) consecutive unsatisfactory, semiannual service ratings may be reduced one (1) step in salary at the discretion of the Township Board.
- E. A final satisfactory service rating for a probationary employee shall supersede any other conditional or unsatisfactory service ratings and, therefore, give the employee credit for satisfactory service for any and all purposes.

#### 34.3 EMPLOYEE REVIEW

Every employee shall be allowed to review his or her service rating as outlined in Section 34.2. The Human Resources Director, or designee, must review an unsatisfactory or conditional rating with any employee who receives such a rating. The employee may file an explanatory statement to accompany the rating, and the Township Board may consider this explanation in deciding the appropriate action pursuant to the procedures outlined in Section 34.2.

#### 34.4 APPEALS

If an employee disagrees with the service rating, its contents and conclusions may be challenged through the appeal process outlined in Section 39.

## **SECTION 35**

### **DEMOTION**

#### **35.1 STATEMENT OF PURPOSE**

The purpose of this Section is to outline procedures for the demotion of classified employees. A demotion is defined as the transfer of an employee from a position the employee presently occupies to a position in another class at a lower classification level.

#### **35.2 STATEMENT OF PROCEDURE**

A demotion may be made under, but is not limited to the following conditions:

- A. An employee is not providing satisfactory service in the position the employee holds.
- B. An employee requests and is granted a demotion by the Township Board.
- C. A position is discontinued because of lack of work or lack of funds (see Section 29).
- D. An employee is displaced by another employee with more seniority during a reduction in force (see Section 29).

#### **35.3 NOTICE**

The Township Board shall give prior written notice to the Township Civil Service Commission, and to the employee concerned, of its intention and the reasons for a demotion.

## **SECTION 36**

### **EMPLOYEE TERMINATION**

#### **36.1 STATEMENT OF PURPOSE**

The purpose of this Section is to establish procedures for a termination of employment with the Township by resignation, discharge, probation period termination, or layoff.

#### **36.2 EMPLOYEE INITIATED RESIGNATION**

Employee initiated resignation is voluntary termination for any reason other than formal retirement. An employee wanting to leave the Township service in good standing shall provide a written resignation to the employee's Department Head at least ten (10)



business days prior to the effective date of resignation. Failure to leave Township service in "good standing" may affect an employee's reemployment status.

- A. The resignation letter should include the reason for leaving as well as the proposed effective date. The two (2) week notice provision is understood to mean that the resigning employee will be available for work during this time so as to aid in the training of a replacement.
- B. Any employee absent for three (3) consecutive days without notifying the employee's Department Head, or the Human Resources Director, on or before the conclusion of the third day of absence, shall be considered a voluntary resignation. This provision may be waived by the presentation of an explanation, and documentary evidence, if required by the Commission, that is acceptable to the Civil Service Commission.

### 36.3 DISCHARGE

Immediate removal of an employee from the job site pending review for discharge may be warranted in instances involving insubordination, theft, illegal or destructive acts committed on the job, or other substantial and compelling reasons deemed appropriate by the Department Head, based on the facts and circumstances of the particular matter. Whenever possible, there should be a disposition of such a removal / suspension within three (3) business days.

- A. An employee may also be discharged after repeated offenses of a less serious nature if appropriate behavioral changes have not resulted from previous disciplinary action.
- B. When an employee is discharged for cause, a written statement-identifying the basis for the dismissal action shall be provided to the employee and a copy filed with the Human Resources Department and the Township Board.

### 36.4 PROBATION PERIOD TERMINATION

Probationary termination is the discharge of an employee during the established probation period for the inability of the employee to meet department and/or position

requirements. A probationary termination shall be made only after consultation with the Human Resources Director.

**36.5 LAYOFF**

Layoff is termination of an employee by the Township for lack of work, lack of funds, or other changes that have taken place.

- A. Layoffs will be made in accordance with the employment preference schedule outlined in Section 29.
- B. The Township will endeavor to provide advance written notice of a layoff to the Civil Service Commission, and affected employee(s).

**SECTION 37**

**EMPLOYEE OUT-PROCESS**

**37.1 STATEMENT OF PURPOSE**

The purpose of this Section is to outline procedures for the out-processing of employees whose employment has been terminated pursuant to the procedures detailed in Section 36.

**37.2 EXIT INTERVIEW**

The Department Head shall schedule an exit interview for the employee with the Human Resources Director prior to the last day of employment. The exit interview is developed and administered by the Human Resources Director. However, special exit interview questions may also be suggested by the appropriate Department Head.

**37.3 TERMINATION PAY**

The Human Resources Director will notify the Finance Department of the termination of an employee's employment. Employees shall receive pay for work performed through the last day worked and for unused benefits as stipulated by the applicable Collective Bargaining Agreement(s) or current employment agreement with the Township Board.

- A. Before the final paycheck is issued to the employee, the employee shall be required to follow the clearance process designed by the Human Resources

Department. The employee whose employment is being terminated shall sign a separation agreement indicating that all appropriate items have been addressed

#### 37.4 CONTINUATION OF BENEFITS

The official date of termination will be the last full day the employee reports for work. Benefits will continue only through the time actually worked by the employee. Such benefits, including pension contributions, deferred compensation, long term disability, health care, vision, dental, and life insurance, will be discontinued at midnight on the official date of termination.

- A. Benefits will not continue through days "worked" from accumulated vacation, or any other accrued benefit days. Payment for these accruals will be made to the employee pursuant to the separation agreement signed by the affected employee.
- B. An employee's rights with regard to the continuation of medical coverage beyond the affected employee's termination date are outlined in the section detailing employer responsibilities under COBRA (see Section 19.2).

## SECTION 38

### DISCIPLINARY ACTION

#### 38.1 STATEMENT OF PURPOSE

The purpose of this Section is to establish procedures for the administration of disciplinary action for Township employees. It is the policy of the Township to administer discipline fairly, reasonably, and impartially. Employees and the Township are best served when discipline is administered to correct actions rather than to punish. Any employee in the classified civil service may be removed, suspended, or reduced in position or compensation, by the Township Board, after appointment or promotion is complete, by an order in writing, stating specifically the reasons for such action. The order shall be filed with the Civil Service Commission, and a copy shall be furnished to the person to be removed, suspended, or demoted.

- A. The tenure of Township employees shall be based on reasonable standards of job performance and professional conduct. Failure or refusal to meet these standards shall constitute just cause for disciplinary action including reprimand, suspension, demotion, and discharge.
- B. Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency of Township service and correct improper performance.
- C. Employees may be disciplined for violations detailed in the Section on "Employee Conduct" (Section 3), or for any action deemed inappropriate or unprofessional by the Department Head.

#### 38.2 DISCIPLINARY ACTION - ORAL AND WRITTEN WARNINGS

It is the responsibility of each Department Head to thoroughly evaluate the circumstances and facts of a given situation and apply the most suitable form of discipline. Types of disciplinary action may include:

##### A. Oral Warning

This type of discipline should be applied to infractions of a relatively minor nature, or in situations where an employee's performance needs to be discussed:

1. The oral warning should be given in private whenever possible.
2. The Department Head or Supervisor should inform the employee that an oral warning is an opportunity to correct behavior that, if not corrected, will result in more severe disciplinary action.
3. A notation that an oral warning was given should be placed in the employee's personnel file, and a copy of the notation should be given to the employee.

B. Written Warning / Reprimand

This notice will be issued in the event an employee continues to disregard an oral warning, or if the infraction is severe enough to warrant a written reprimand:

1. The written reprimand should state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further disciplinary action.
2. A copy of the reprimand is to be handed to the employee at the time of the discussion of the infraction. The employee shall sign the written reprimand to acknowledge receipt and a copy placed in the employee's personnel file.

### 38.3 DISCIPLINARY ACTION - SUSPENSION

This form of discipline is administered as a result of severe or repeated infractions of Township policies.

A. Suspension with Pay

At the discretion of the Township Supervisor, or designee, a Township employee may be suspended with pay and benefits pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform required duties, and / or when a substantial period of time will be required to complete an investigation or legal action.

B. Suspension without Pay

An employee may be suspended without pay for severe or repeated violations of Township policies, or in cases that require investigation before further disciplinary

action is taken.

1. This suspension gives the Department Head or Supervisor the opportunity to determine an appropriate course of action when the situation is serious enough for the employee to be removed from the work environment.
2. If an employee is exonerated by an investigation, the employee will normally be returned to the position held at the time of the suspension, and paid for any lost time. However, if the employee is found to have violated Township rules and regulations, the appropriate disciplinary action will take effect on the date the investigatory suspension began.

#### 38.4 DISCIPLINARY ACTION - DEMOTION AND DISCHARGE

The circumstances under which either demotion or discharge will be employed are detailed in Section 35 "Demotion" and Section 36 "Employee Termination - Discharge."

## SECTION 39

### APPEALS

#### 39.1 STATEMENT OF PURPOSE

The purpose of this Section is to provide a means for classified employees to challenge administrative and personnel decisions with which they disagree.

#### 39.2 STATEMENT OF PROCEDURE

A classified employee may appeal an administrative or personnel decision by the employee's Supervisor or Department Head to the Township Civil Service Commission. All appeals must be submitted to the Commission, in writing, within ten (10) days of the effective date of the disputed decision.

- A. The Civil Service Commission will act as the appeals board for all administrative and/or personnel disputes. The Commission, at its discretion, may be assisted by legal counsel during and throughout the appeal process.
- B. Prior to the scheduling of any Hearing, the Township Supervisor, or designee, will conduct an investigation and attempt to help both parties reach a satisfactory agreement. If an agreement is not reached, the Township Supervisor, or designee, shall prepare a statement detailing the nature of the disagreement, and schedule a Hearing before the Civil Service Commission so the dispute may be addressed.
- C. The Commission, at its next regular meeting after filing of the appeal, shall commence the Hearing on the appeal. The employee who filed the appeal shall be entitled to appear personally, produce evidence, have assistance of counsel (at the employee's expense), and a public hearing. If a public hearing is not requested, the Hearing will be closed to the public. The Civil Service Commission shall conduct the Hearing and render its decision based on a consideration of all pertinent facts and circumstances. The Commission shall affirm, modify, or revoke the disciplinary action imposed and give written notice of its decision to all concerned parties. In the course of such investigation, the Commission, or its authorized representative, may administer oaths, and the Commission may order both the attendance and

testimony of witnesses and the production of books and papers relevant to the investigation.

- D. The finding and decision of the Commission shall be certified to the official from whose order or decision the appeal is taken and such decision shall be enforced and followed by that official.
- E. Any party to the Hearing shall have the right to the presence of a certified court reporter or court recorder authorized to administer oaths, to document the Hearing proceedings and swear witnesses. The cost of the court reporter or court recorder shall be borne by the requesting party. The cost of any Hearing transcript(s) will be borne by the party requesting the transcript(s).

## **SECTION 40**

### **GRIEVANCE PROCEDURE**

#### **40.1 STATEMENT OF PURPOSE**

The purpose of this Section is to outline a grievance procedure that may be used by any classified employee. Classified employees may avail themselves of the following procedure regardless of their intent or eligibility to utilize the grievance procedure outlined in the current Collective Bargaining Agreement(s).

#### **40.2 STATEMENT OF PROCEDURE**

The grievance procedure for classified Township employees is as follows:

- A. A classified employee who believes that there are grounds for dispute with regard to working conditions or policies should submit the grievance in writing to his/her Department Head. If the grievance remains unresolved after three (3) days, it shall be forwarded to the Human Resources Director or designee.
- B. The Human Resources Director, or designee, shall review the matter and respond to the grievance within five (5) working days. If the dispute remains unadjusted, the grievant can request disposition of his/her complaint by the Township Board. The



- Township Board shall respond to the grievance within fifteen (15) working days.
- C. If the grievant remains unsatisfied with the disposition of the case, the grievant can request that the grievance be forwarded to the Civil Service Commission for final resolution. The Civil Service Commission shall rule on the grievance within twenty (20) working days after receipt.
  - D. The time limits for each step of the grievance process may be extended by mutual consent of the parties involved.
  - E. Each grievance must be filed and answered in writing, and treated in a confidential matter.
  - F. The grievance procedure, as outlined herein, is not intended to provide a means for an employee to challenge a binding decision, such as that of an arbitrator or legal authority, with which the grievant may disagree.

## **SECTION 41**

### **PERSONNEL RECORDS**

#### **41.1 STATEMENT OF PURPOSE**

The purpose of this Section is to outline Township policies regarding the maintenance of personnel records for employees, applicants, and past employees. These policies are designed to document employment-related decisions, evaluate and assess personnel procedures, and comply with government record keeping and reporting requirements.

#### **41.2 STATEMENT OF PROCEDURE**

The Township strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. Accordingly, access to and viewing of personnel information that is maintained by the Township shall be restricted to the appropriate Supervisory personnel.

#### **41.3 PERSONNEL RECORDS**

The Human Resource Department is responsible for the record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured (i.e. separate medical file requirements).

#### 41.4 EMPLOYEE RESPONSIBILITIES

Employees have a responsibility to make sure their personnel records are kept current and should, therefore, notify the Human Resources Department in writing of changes in any of the following:

- A. Name, address, or telephone number.
- B. Marital status (for employer provided benefits and tax withholding purposes only).
- C. Number of dependents, the addresses and telephone number(s) of dependents, spouse or former spouse (for insurance purposes only).
- D. Beneficiary designations for any of the Township's insurance, disability, pension, or deferred compensation plans.
- E. Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents, or marital status, must complete a new W-4 form for income tax withholding purposes within ten (10) days of the change.

#### 41.5 EMPLOYER RESPONSIBILITIES

Only supervisory and management employees who have an employment related need for information concerning an employee may inspect the personnel file of the employee. Prior approval of the Human Resources Director is required for any such inspection.

- A. Employees are to refer requests from outside the Township for personnel information concerning employees, applicants, and past employees to the Human Resources Department.
- B. The Human Resources Department normally will release personnel information only in writing and then only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who have a need to know specific employee information. Exceptions may also be made with regard to the release of limited general information such as, employment dates, position held, and the location of the job site.