

**KALAMAZOO COUNTY GOVERNMENT**

# **PERSONNEL POLICIES**



*In the pursuit of extraordinary governance...*

## **HUMAN RESOURCES DEPARTMENT**

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# PERSONNEL POLICIES

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KALAMAZOO COUNTY GOVERNMENT

# PERSONNEL POLICIES

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## SECTION 1

### ADOPTION AND ADMINISTRATION OF THE COUNTY PERSONNEL POLICIES



# PERSONNEL POLICIES

<b>SECTION 1</b>	<b>ADOPTION AND ADMINISTRATION OF THE COUNTY PERSONNEL POLICIES</b>				
<b>1.01</b>	<b>PURPOSE AND INTENT</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

The purpose of this Personnel Policy Manual is to act as a guideline for informational purposes as to the policies that the County intends to utilize. This document is not to be construed as creating a contract between the County of Kalamazoo and its employees. The policies and/or benefits outlined in this document may be added to, expanded, modified or deleted, and any such changes shall be solely within the discretion of the Board of Commissioners. The interpretation and operation of the benefits noted herein are within the sole discretion of the Board of Commissioners. All rights and powers vested in the County or any County Elected Official shall not be, in any way whatsoever, reduced by these policies.



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# PERSONNEL POLICIES

<b>SECTION 1</b>	<b>ADOPTION AND ADMINISTRATION OF THE COUNTY PERSONNEL POLICIES</b>			
<b>1.02</b>	<b>COVERAGE OF THE PERSONNEL POLICIES</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

These policies apply to all non-union employees of the County of Kalamazoo. These policies also apply to employees in recognized bargaining units that are represented by certified collective bargaining unit representatives only as to non-economic matters where no conflict exists between a provision of these Personnel Policies and an express provision of an applicable collective bargaining unit agreement. Further, this Personnel Manual is not applicable to any offices of Elected Officials unless the applicable Elected Official adopts, in whole or in part, this manual.



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# PERSONNEL POLICIES

<b>SECTION 1</b>	<b>ADOPTION AND ADMINISTRATION OF THE COUNTY PERSONNEL POLICIES</b>				
<b>1.03</b>	<b>AT WILL</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

No person/representative of the Employer, other than the County Board of Commissioners, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the provisions contained herein. Absent an express contract entered into by the Board of Commissioners or applicable Elected Official, employees covered under this manual are employees at will. Their employment and compensation can be terminated with or without cause. An employee cannot rely upon custom or prior practice. The fact that these policies may have been applied differently in the past does not affect their current or future enforcement.



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# PERSONNEL POLICIES

<b>SECTION 1</b>	<b>ADOPTION AND ADMINISTRATION OF THE COUNTY PERSONNEL POLICIES</b>				
<b>1.04</b>	<b>DEVELOPMENT OF THE PERSONNEL POLICIES</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

The policies set forth herein supersede any rules previously adopted by the Kalamazoo County Board of Commissioners. Such policies shall be subject to review and revision by the Board of Commissioners in consultation with the Human Resources Director.



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<b>SECTION 1</b>	<b>ADOPTION AND ADMINISTRATION OF THE COUNTY PERSONNEL POLICIES</b>				
<b>1.05</b>	<b>ADMINISTRATION OF PERSONNEL POLICIES</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

The Human Resources Director shall be responsible for the administration of the Personnel Policies, as approved by the Board of Commissioners. Departments reporting to the County Administrator shall implement these Policies within their departments. Court Administrators/Elected Officials shall be familiar with the Personnel Policies.

Through the website posting and/or publication of an employee handbook, the Human Resources Department will set countywide rules and regulations for meeting the requirements of these policies and outline expectations for an employee's conduct. In addition, each Department Head may also compile a set of specific rules and regulations which cover employees' conduct as it specifically relates to their own department. These departmental rules or regulations must be established in cooperation with the Human Resources Director and subject to review of Labor Counsel (except for Elected Officials and Courts). Human Resources is available to consult and assist Elected Officials and the Courts in drafting and prudent review of departmental specific rules. Certain types of rules or regulations are subject to review of the Board of Commissioners if within the Board's jurisdiction.



KALAMAZOO COUNTY GOVERNMENT

# PERSONNEL POLICIES

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## SECTION 2

## ORGANIZATION POLICIES



## KALAMAZOO COUNTY GOVERNMENT

# PERSONNEL POLICIES

SECTION 2	ORGANIZATION POLICIES				
<b>2.01</b>	<b>EEO POLICY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

- A.** It is the policy of the Kalamazoo County Board of Commissioners to provide equal employment opportunities to qualified persons without regard to race, color, sex, age, religion, national origin, marital status, a person's political affiliation, sexual orientation or gender identity, height, weight, disability, genetic information, or any other legally protected status.
- B.** Disabled employees who feel an accommodation is needed to perform their job must notify their Department Head/Court Administrator/Elected Official in writing of the need for reasonable accommodation within 182 days after the date the employee knew or reasonably should have known that an accommodation was needed. Failure to properly notify Kalamazoo County will preclude any claim that Kalamazoo County failed to accommodate the disabled employee. Kalamazoo County will make accommodations that do not pose an undue hardship to the County.
- C.** The County will continue efforts toward building a structure and organizational culture that works to remove barriers to inclusion and diversity.
- D.** Corporation Counsel is designated as the EEO Compliance Officer.



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<b>SECTION 2</b>	<b>ORGANIZATION POLICIES</b>				
<b>2.02</b>	<b>ANTI-HARASSMENT POLICY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

Kalamazoo County is committed to providing a work environment where all employees are treated with dignity and respect. Harassment in the workplace based upon race, color, sex, age, religion, national origin, marital status, a person’s political affiliation, sexual orientation or gender identity, height, weight, disability, genetic information, or any other protected status will not be tolerated, whether committed by or directed toward co-workers, supervisors, vendors/consultants, or those persons receiving services from the County. Harassment of others in the workplace is destructive to a good working relationship and is counterproductive to the County's goal of providing outstanding services to the public. Therefore, it is every employee's responsibility to ensure that Kalamazoo County maintains a fair and effective work environment that is free from harassment prohibited by law. If you have questions concerning this policy, please contact the Human Resources Department.

## A. Sexual Harassment

The County’s equal employment opportunity policy against discrimination and harassment prohibited by law includes a prohibition against sexual harassment. The law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when either:

1. Submission to or rejection of such conduct or communication is made explicitly or implicitly a term or a condition of an individual's employment; OR
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in employment decisions affecting the individual; OR
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment. This includes, but is not limited to:
  - a. Sexually-oriented jokes, gestures, noises, remarks or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee;
  - b. Sexual or discriminatory displays or publications; and
  - c. Retaliation for sexual harassment complaints.



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The foregoing policies require that each individual exhibit, in their conduct and communications, sound judgment and respect for the feelings and sensibilities of each employee. The prohibited conduct may be in the form of a sexual advance, but may also be in the form of less direct verbal or non-verbal behavior. Behavior may be unwelcome even if it is not intended or perceived as such by the person engaged in it. The following are some examples of possible sexual harassment:

- Verbal sexual comments, innuendos, slurs or jokes.
- Non-verbal sexual gestures, leering or staring.
- Visual displaying of sexual pictures, writings, or objects.
- Physically inappropriate touching or blocking someone's movement.
- Threats, threatening or insinuating reprisal for refusing sexual demands or conduct

## **B. Other Discriminatory Harassment**

Other forms of harassment are also prohibited. Verbal or non-verbal conduct that exhibits hostility or disrespect toward an individual or group because of race, color, sex, age, religion, national origin, marital status, a person's political affiliation, sexual orientation or gender identity, height, weight, disability, genetic information, or any other protected status will not be tolerated. As with sexual harassment, behavior of this kind may take a number of forms including, but not limited to oral or written communications, the display of printed or graphic material, slurs, gestures, jokes and physical acts.

## **C. Off-Duty Incidents**

This policy necessarily involves conduct between County employees, which has an adverse impact on the workplace and the work environment. Conduct between employees that occurs outside of the workplace may also have workplace impact or contribute to creating a hostile work environment and may be considered when enforcing this Policy.

## **D. What You Should Do If You Believe You Have Been Harassed**

You may, but are not required to, speak with the offending individual directly and inform the offending individual that the behavior in question is unwelcome and must be stopped. It is the policy of Kalamazoo County that any employee who in good faith believes they have been subjected to illegal discrimination or harassment prohibited by law, or who believes in good faith they have observed discrimination or harassment prohibited by law, must report that fact immediately in writing to:



# PERSONNEL POLICIES

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1. The individual's Department Head/Elected Official/Court Administrator; or
2. If the individual does not feel comfortable with their Department Head/ Elected Official/Court Administrator, the individual should feel free to bypass such individual and file a written complaint with the Human Resources Director.

If an employee has any questions regarding the reporting of such matters, they should contact the Human Resources Department.

## **E. What You Should Do If You Believe Another Employee Is Being Harassed**

If an employee observes or has knowledge of an incident of harassment involving other employees, they should immediately file a written complaint with their Department Head/Elected Official/Court Administrator or the Human Resources Department.

If you are a supervisor, you must report, in writing, any observed or reported incident of harassment involving other employees immediately to your Department Head/Elected Official or the Human Resources Department.

## **F. How Complaints of Harassment Will Be Handled**

**INVESTIGATION** - The County will promptly conduct an appropriate and impartial investigation of any complaint or report of harassment.

**CONFIDENTIALITY** - To the extent possible, the County's investigation will be conducted in a manner calculated to protect the privacy of the individuals involved, and the confidentiality of the complainant.

**DISCIPLINARY ACTION** - If the investigation reveals that harassment has occurred, disciplinary action up to and including discharge will be taken. The nature of the discipline will depend upon the circumstances of each case. Again, all complaints and the actions taken to resolve such complaints will be treated confidentially and will be disclosed only when necessary to the investigation and a resolution of the matter. However, no employee is promised strict or absolute confidentiality. If an investigation of the complaint of harassment or unlawful discrimination reveals that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

**ADMINISTRATIVE DISCRETION** - When an employee requests that no formal action be taken, administrative discretion may be used to determine further action.



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- G. Protection Against Retaliation**--If a report of discrimination or harassment prohibited by law is made in good faith, the County will protect the reporting individual and those who participate in the investigation process as witnesses from retaliation or any other detrimental impact on their employment. Employees who become aware of complaints or investigations of harassment are expected to refrain from unnecessary and unprofessional discussions with coworkers concerning the individuals involved; as such discussions may themselves be a form of retaliation or harassment. If an employee believes they have been subjected to retaliation based upon a protected report or participation, the employee must immediately report that fact to the employee's Department Head/Elected Official/Court Administrator, or in the alternative, to Human Resources. Disciplinary action, up to and including discharge, will be taken against anyone who is found to have engaged in such retaliation.
- H. Supervisor/Subordinate Relationships**--Supervisors are prohibited from dating or otherwise engaging in a romantic or intimate relationship with a subordinate employee. Employees who violate this policy may be disciplined for such conduct, up to and including discharge.



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SECTION 2	ORGANIZATION POLICIES			
<b>2.03</b>	<b>REPORTING ILLEGAL ACTIVITY AND WHISTLE BLOWERS' PROTECTION</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: 01/01/2013

Any employee who, during the course of employment, believes that they have been requested or required to engage in an illegal or act or suspects a violation of federal, state or local laws or regulations must report that fact immediately, in writing, to their Department Head/Elected Official/Court Administrator. If the Department Head/Elected Official/Court Administrator is the individual about who is the subject of the complaint, the employee shall notify the Human Resources Director. The County will undertake an appropriate and prompt investigation of the allegations and, where appropriate, undertake remedial action. The County will adhere to applicable State and Federal laws which provide job protection to employees who make such reports or who participate in hearings, investigations, legislative inquiries, or court actions.



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<b>SECTION 2</b>	<b>ORGANIZATION POLICIES</b>				
<b>2.04</b>	<b>ANTI-FRAUD AND ABUSE POLICY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	09/15/2009

- A.** The County of Kalamazoo has a policy of maintaining the highest standards of conduct and ethics. All employees of the County are entrusted with the responsibility to protect and ensure proper use of County funds, resources and property.

The County will investigate any suspected fraudulent or dishonest use of resources, funds or property by any employee.

Fraudulent or Dishonest Conduct includes, but is not limited to:

- forgery or alteration of documents
- Illegal activity during the course of employment
- unauthorized alteration of computer files
- untrue financial reporting
- pursuit of personal gain in conflict with the interests of the County
- misappropriation of resources, funds or property
- authorizing or receiving compensation for goods not received or services not performed
- authorizing or receiving compensation not earned or in compliance with County policies
- misrepresentation of business expenses
- intentional damage to County property
- any illegal activity involving County resources, funds or property

**B. Employee’s Responsibilities:**

1. All employees have a responsibility to report all suspected illegal activity, fraud or dishonest use of County funds, resources or property.
2. Suspected misconduct shall be reported in writing to the reporting employee’s Department Head/Court Administrator/Elected Official, who will report the allegation to the Human Resources Director. If the allegation is against the Department Head/Court Administrator/Elected Official, the employee shall report the allegation directly to the Human Resources Director. If the allegation is against the Human Resources Director, the employee shall report the allegation directly to the County Administrator.



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3. An employee will fully cooperate with any internal investigation and/or a law enforcement agency performing an investigation.

Employees may not retaliate against another employee for a good faith report under this policy.

- C. **Confidentiality:** Reports of suspected fraud and abuse will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law. Reports will only be shared with those who have a need to know so that the County can conduct an effective investigation and determine the appropriate action to take.



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SECTION 2	ORGANIZATION POLICIES				
<b>2.05</b>	<b>POLITICAL ACTIVITY POLICY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

Every employee has the right to freely express their views as a citizen and to cast a vote as they may wish. Coercion for political purposes is strictly prohibited.

**A.** Employees of federally aided programs are, however, prohibited from participation in partisan political activity under the Federal Hatch Political Activities Act (5 USC 1501-1508, as amended). These employees may not:

1. Use their official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office;
2. Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes, or;
3. Be a candidate for elective office in a partisan election if employee's full salary is paid, directly or indirectly, by loans or grants made by the United States or a Federal Agency.

However, employees subject to the provisions of the Hatch Act may:

- a. Express their opinions on political subject and candidates, and
- b. Take an active part in political management in political campaigns.

**B.** No employee shall engage in any partisan political activity or campaigning for a nonpartisan elective office during scheduled working hours or while on duty or while off duty wearing a uniform or other identifying insignia of County office or employment. However, exempt employees may engage in political activities during working hours, but must carefully document their time and record political activity time as appropriate leave time. Elected Officials are not employees.

**C.** Solicitation of signatures or contributions or nominating petitions is prohibited during working hours.



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- D. County employees shall not engage in political activity on County time or utilizing County equipment. Employees must use annual leave time or compensatory time when participating in all political/charitable fundraisers, i.e. golf outings, luncheons.
- E. No employee shall be required to engage in a campaign for election of any candidate.
- F. All appointed Department Heads/Court Administrators/Elected Officials (and their staff) are encouraged to exercise extreme caution in a public endorsement of or in opposition to candidates for public office at the County level. Questions/concerns should be directed to Human Resources or Corporate Counsel.



# PERSONNEL POLICIES

SECTION 2	ORGANIZATION POLICIES				
<b>2.06</b>	<b>STANDARDS OF CONDUCT</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

The purpose of these Standards is to state the rules and principles that apply to and govern Kalamazoo County employees in the performance of their public duties.

Kalamazoo County is committed to the highest standards of professional and ethical conduct by and among its employees and county officials in the performance of their public duties. Kalamazoo County believes that individual and collective adherence to high professional and ethical standards by public employees and officials is central to the maintenance of public trust and confidence in government.

Certain of these professional and ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: conduct which is prohibited or which is to be avoided.

Kalamazoo County believes that this Standard of Conduct serves as a valuable reference guide for all those in whom the public has placed its trust.

- A. Conflict of Interests:** An employee should not engage in behavior or transactions which create, or may be reasonably interpreted as conflicting with the employees "proper discharge of duties in the public interest. This includes, but is not limited to:
- 1. Gifts to Employees.** A County employee should not solicit nor accept any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances which could reasonably be inferred or expected that the gift was intended to influence the employee in the discharge of their official duties. In place of a gift or favor, it may be suggested that letters of commendation be sent to the employee's immediate Supervisor, Department Head/Court Administrator/Elected Official, or the County Administrator. Reference should be made in the letter to the specific project or program for which the employee is being commended.
  - 2. Financial Gain.** A County employee should not engage in any business transaction or private arrangement for financial gain for himself/herself or a close relative, which accrues from or is based on the employee's official position or on confidential information which the employee gained by reason of their position. "Close relatives" are defined as any of the following and includes natural,



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adoptive, step or foster: Spouse, Parent or parent-in-law, Grandparent, Son, Daughter, Son-in-Law, Daughter-in-Law, Uncle, Aunt, Nephew, Niece, Brother, Sister, Brother-in-Law, Sister-in-Law, Step relatives or First Cousins.

3. ***Favoritism.*** A County employee should not grant or make available to any person any preferential consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to others under similar circumstances, nor use the employees position to secure a special privilege, benefit, or exemption for the employee or friends, close relatives, business associates of the employee.
4. ***Representing Private Interests.*** A County employee should not represent or act as agent for any private interests, whether for compensation or otherwise, in any transaction in which the County has a direct and substantial interest and which could reasonably be expected to result in a conflict between the private interests of the employee and the employee's official responsibilities.
5. ***Financial Interest.*** A County employee should not have any substantial interest (or the employee's close relative sharing such interest), in any business or industry concerning which the employee directly, in a significant decision-making capacity, participates on behalf of the County in the regulation, enforcement, auditing or purchasing of any goods or services.
6. ***Employment.*** A County employee should not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the employee's official duties or when that employment may tend to impair their independence of judgment or action in the performance of official duties.
7. ***Personal Opinions.*** A County employee should not represent their personal opinion as that of the County, Courts or Elected Officials.

**B. County employees shall:**

1. ***Appearance in Public.*** Conduct himself/herself in a manner both in County-owned buildings and away from County-owned buildings that will not create an appearance of any wrongdoing, illegal action, or immoral conduct. An employee should not engage in activities that could cause an adverse reflection on their position or Kalamazoo County.



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2. **Workplace Professionalism.** Perform their duties in a professional and respectful manner. Personal insults and degradations are not acceptable. This includes the duty to provide impartial and non-discriminatory treatment to all persons interacting with Kalamazoo County.
  3. **Report Violations.** Report any conduct or activity that the employee believes to be in violation of this policy.
  4. **Professionalism and Customer Service.** Treat all customers, clients, coworkers, supervisors, Department Heads/Elected Officials/Court Administrators in a courteous and professional manner. Conduct all Kalamazoo County business in a fair and honest manner. Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of Kalamazoo County.
  5. **County and Taxpayer Resources.** Use the resources, property, and funds of Kalamazoo County judiciously and solely in accordance with prescribed laws, grant requirements, and/or County procedures.
  6. **Honesty.** Perform their duties with honesty and integrity.
  7. **Privacy.** Use care and discretion and comply with all applicable laws and regulations when handling confidential information which is received or maintained by Kalamazoo County.
- C. Baseless Accusations:** Allegations made by an employee with reckless disregard for the truth will subject the employee to disciplinary action by the County and can also result in legal action by the accused.
- D. Disclosure of Interest.** The County requires that an employee make advanced written disclosure of any interests of the employee or of the employee's close relatives, in which may violate this policy or which may otherwise reasonably appear to impact or conflict with the performance of the employee's official County duties.
- E. Disciplinary Action.** This policy has been formalized in order to protect the County and its employees from undue criticism, harm, or possibility of involvement in a conflict of interest. Violation of this policy shall be subject to disciplinary action.



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<b>SECTION 2</b>	<b>ORGANIZATION POLICIES</b>				
<b>2.07</b>	<b>ANTI-NEPOTISM</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

Close relatives, partners, or members of the same household (including, but not limited to, significant others in a co-habiting relationship) are not permitted to be in positions that have a reporting responsibility to each other less than three supervisory levels apart, as authorized by the Human Resources Director. “Close relatives” are defined as any of the following and includes natural, adoptive, step or foster: Spouse, Parent or parent-in-law, Grandparent, Son, Daughter, Son-in-Law, Daughter-in-Law, Uncle, Aunt, Nephew, Niece, Brother, Sister, Brother-in-Law, Sister-in-Law, Step relatives or First Cousins.

**A.** Individuals will not be hired, promoted, demoted, or transferred into a position that would create a conflict in County policy. If employees become relatives, significant others, or members of the same household, and the employees have a reporting responsibility to each other less than three supervisory levels apart, the supervisory employee is required to inform management and the Human Resources Director of the relationship. The employees will have 60 days from the creation of the conflict to resolve the situation on their own.

After 60 days, if the employees have not yet resolved the situation on their own by means such as a transfer or employment outside of the County, the employee’s supervisors will work with Human Resources to determine the most appropriate action for the specific situation. This may include transfer or, if necessary, termination of one of the employees.

**B.** If there is a situation where an action of the County, such as reduction in force, results in an involuntary circumstance where two close relatives, partners, or members of the same household have a reporting responsibility to each other less than three supervisory levels apart, one of the employees will be reassigned within 60 days. During those 60 days, the supervisory employee will not have involvement or direct input in the employment decisions relating to the other employee.

**C.** Any exceptions to this policy will be made on a case-by-case basis, not to be considered precedence for establishing practice, and must be approved in writing by the Department Head/Court Administrator/Elected Official and the Human Resources Director. Written justification for the exception must be submitted to Human Resources prior to any employment decisions. In any case where an exception is made, the affected supervisor in the reporting relationship must recuse himself/herself from performance and discipline issues related to the other employee and be replaced by one of their peers.



# PERSONNEL POLICIES

SECTION 2	ORGANIZATION POLICIES				
<b>2.08</b>	<b>SAFE WORKPLACE POLICY</b>				
Approved by BOC on:	11/19/2019	Effective Date:	11/20/2019	Supersedes:	02/05/2019

Kalamazoo County Government seeks to provide a safe environment for working and conducting business. The County will not tolerate acts of violence, threats of violence, or workplace bullying committed by or against employees on County property or any County work location.

Kalamazoo County also seeks to promote early intervention to prevent or minimize the occurrence and effects of domestic violence, harassment, sexual assault or stalking in the workplace. A protective order, a criminal proceeding or law enforcement involvement is not necessary to invoke this policy.

## A. Definition

Kalamazoo County will not tolerate threatening behavior or actual workplace violence, which is intimidating, hostile, abusive, or offensive including, but not limited to:

1. Threatening injury or damage against a person or property;
2. Fighting or threatening to fight with another person;
3. Displaying or threatening to use a firearm or any other weapon (other than as authorized by policy);
4. Abusing or injuring another person;
5. Abusing or damaging property;
6. Workplace bullying which is defined as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical, or otherwise, at the employee's place of work and/or in the course of their employment.
7. Using obscene or abusive language or gestures in a threatening manner;
8. Raising voices in a threatening manner; and/or
9. Harassing behavior inconsistent with a normal work relationship or stalking.

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

## B. Possible Behavioral Indicators of the Potentially Violent Employee

The following behavioral indicators have been identified in past incidents of workplace violence. Some of these "red flags" require further assessment.



# PERSONNEL POLICIES

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1. "Veiled" or indirect threats;
2. "Conditional" threats;
3. Excessive and intimidating references to other violent events, serial killers, mass murders, etc;
4. Inappropriate communications to co-workers such as "I'm so angry I could kill them."
5. Intimidating or frightening comments about weapons;
6. "Documenting" of other people who are "causes" of one's problems;
  - a. keeps "notes" or lists of people they are angry with;
  - b. makes "lists";
  - c. conducts "surveillance", "interviews";
7. Paranoia / mental health issues;
  - a. plots, conspiracies;
  - b. externalizes, blames others;
8. Repeatedly accusing others for causing one's problems;
9. Suicidal thinking;
10. Non-specific anger, resentment, irritability;
11. Litigious, filing of numerous grievances;
12. Domestic abuse, harassment;
13. Specific threats of harm to identifiable targets such as discussing a plan, including, but not limited to, time, place, motive, etc;
14. Bringing, brandishing weapons at work;
15. Festering conflicts that one cannot seem to resolve or compromise; and/or
16. Verbal bullying: Persistent, severe and malicious slandering, ridiculing, taunting or maligning an employee including, for example, persistent name calling which is hurtful, insulting, humiliating, abusive and offensive.

Each of these behaviors is a "red flag" that something may be wrong. None should be ignored. Early intervention and "helping employees help themselves" keeps morale high and the workplace safe.

## **C. Responsibilities**

Every employee is responsible for immediately reporting to their supervisor and/or the Human Resources Department any violent incident or threat they have witnessed or received.

Even without an actual threat, personnel should report any behavior they have witnessed which they regard as threatening or violent when that behavior is job related or might be carried out on County property.

## **D. Procedures**



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1. The County will investigate all reports of workplace violence, threats, or bullying. Reports should be made, in writing, to the Human Resources Department. Employees should not feel obligated to first report their complaints or concerns to their immediate supervisor – the Human Resources Department can be contacted at any time. However, the availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that their behavior is unwelcome and requesting that such behavior immediately stop.
2. Any person who exhibits unsafe behaviors will be removed from County premises as quickly as safety permits, and shall remain off County premises pending the outcome of an investigation.
3. Employees will cooperate in all investigations, and a failure to cooperate may result in a disciplinary action, up to and including discharge. A report or complaint will be promptly investigated if a report is made in good faith. The employee will be protected from retaliation or any other detrimental impact on their employment.
4. The County will take appropriate corrective or disciplinary action when it is determined a County employee has violated this directive. Violations of this policy could result in reassignment of job duties, suspension, termination, and/or criminal prosecution.

## **E. Personal Protection Order**

1. All employees who have been granted a Personal Protection Order (PPO) or restraining order (collectively the “Order”), which lists County locations as being protected areas, must provide (within the next regular business day), a copy of the Order to their supervisor and the Human Resources Department. A County employee served with an Order is required to report that information to the Human Resources Director along with the Order’s conditions.
2. Supervisors will:
  - a. Immediately evaluate any report of workplace violence. Where possible, appropriate action will be taken to protect the employee from further violence. Actions taken will include, but are not limited to:
    - i. Summoning a sworn officer or calling 9-1-1 if an immediate danger exists;



# PERSONNEL POLICIES

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- ii. Relocating (in a non-punitive way) the employee's work station from public access if necessary;
  - iii. Arranging for the screening of phone calls by person, caller ID, or voice mail, as necessary; and/or
  - iv. If necessary, a photograph of the respondent to the Order should be conspicuously posted at entrances to the victim employee's work place.
- b. Encourage the victim employee to develop a safety plan, which may include:
  - i. Reviewing the safety of parking arrangements and escorts to and from the parking area and work place;
  - ii. Carpooling or choosing different routes of travel to and from work; and/or
  - iii. Sharing emergency contact information with supervisors and the Human Resources Department should the employee fail to arrive at work.

## **F. Discrimination**

1. This policy prohibits discrimination and retaliation against an employee who is a victim of domestic violence, harassment, sexual assault or stalking or who requests or uses any provision of this policy. If any employee suffers such retaliation or discrimination, the employee may file a complaint with the Human Resources Director for investigation and appropriate action.
2. Kalamazoo County shall not refuse to hire an otherwise qualified individual; or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an individual with regard to promotion, compensation, or other terms, conditions or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault or stalking.
3. This policy prohibits the threat of or commission of domestic violence, harassment, sexual assault, or stalking by a County employee on County premises or during working hours or at a County-sponsored event. The County has the authority to impose discipline or take other appropriate action for conduct that



# PERSONNEL POLICIES

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involves the threat or commission of domestic violence, harassment, sexual assault, or stalking by a County employee in off-duty hours, in certain circumstances.

## **G. Confidential Request and Referral**

1. A Department Head/Court Administrator/Elected Official, supervisor, and/or Human Resources staff must keep the following information confidential to the fullest extent permitted by law:
  - a. An employee's request for resource or referral information about domestic violence, harassment, sexual assault, stalking, and additional security in the workplace;
  - b. Witness reports of a threat or incident of domestic violence, harassment, sexual assault or stalking;
  - c. An employee's request for other related assistance from the Department Head/Court Administrator/Elected Official, supervisor, and/or Human Resources staff member;
  - d. All records and information kept by the County regarding a reasonable safety accommodation made for an individual, including requests for a reasonable safety accommodation, are confidential and may not be released without the express permission of the individual, unless otherwise provided by law; and
  - e. The report that an employee is a victim of domestic violence, harassment, sexual assault, or stalking.
2. If the law or certain circumstances require disclosure of the above in (1)(a)-(e), the Department Head/Court Administrator/Elected Official, supervisor, or Human Resources staff member will give advance notice to the employee whenever possible before making the disclosure.



# PERSONNEL POLICIES

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## H. Employee Safety and Support

The County shall take appropriate action to keep all staff safe in the workplace. If a Department Head/Court Administrator/Elected Official, supervisor, and/or Human Resources staff member learns of a threat or possibility of workplace domestic violence, harassment, sexual assault or stalking, they must immediately report it to the Building Security Manager and/or 911.

## I. Reasonable Safety Accommodations

Within the limitations of staffing and organizational needs, make every effort to accommodate the needs of the victim employee to:

1. Vary hours of work to:
  - Meet with advocates, counselors and prosecutors;
  - Relocate their residence; and/or
  - Attend court appearances.
2. Use a pseudo name and email account for the employee to conduct County business under.
3. Use alternate parking accommodations (if available);
4. Work from an alternate location within a County building or move the employee's workstation to another location within the Department;
5. Suppressing, at the employee's request, their personnel information from public records requests as per 1976 PA 442, MCL 15.231 et seq;
6. Providing local advocacy and safety planning resource information;
7. Screening telephone calls and visitors;
8. Change work telephone number(s); and/or
9. Provide alternate methods of receiving a paycheck.



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## J. Violations

1. The County may impose disciplinary action, up to and including dismissal, against violators of this policy.
2. The County may impose discipline or take other appropriate action for conduct that involves the threat or commission of domestic violence, harassment, sexual assault, or stalking by a County employee during off-duty hours, in certain circumstances.



# PERSONNEL POLICIES

SECTION 2	ORGANIZATION POLICIES				
2.09	VETERANS POLICY				
Approved by BOC on:	02/05/2019	Effective Date:	02/06/2019	Supersedes:	N/A

It is the policy of the County to provide eligible veterans the following statutory rights consistent with Michigan law:

**Hiring:** The County will give preference to veterans in appointments or employment if the veteran possesses the requisite qualifications for the position, and has comparable qualifications to other, non-veteran applicants. The County need not appoint or hire a veteran where other, non-veteran applicants are better qualified for the position. MCL 35.401 et seq.

**Discharge:** Prior to discharge, the County will provide employees covered under the Veterans Preference Act with a list of charges against them, a pre-determination meeting, followed by a determination hearing. An employee covered by the Veterans Preference Act will not be removed, suspended, or transferred except after a full hearing. MCL 35.402.



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# PERSONNEL POLICIES

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## SECTION 3

### WORKPLACE ENVIRONMENT POLICIES



# PERSONNEL POLICIES

<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>				
<b>3.01</b>	<b>WEAPONS POLICY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	02/03/2016

- A. Policy.** The County of Kalamazoo prohibits all employees who enter Kalamazoo County property from carrying a handgun, firearm, or prohibited weapons of any kind onto the property regardless of whether the employee is licensed to carry the weapon or not.

This policy applies to all Kalamazoo County employees, contract and temporary employees on Kalamazoo County property regardless of whether or not they are licensed to carry a concealed weapon. This policy also prohibits employee weapons at any Kalamazoo County sponsored functions.

The only exceptions to this policy are Sheriff's Department staff, Adult Probation Officers, Elected Officials, Prosecuting Attorney staff (as approved by the Prosecuting Attorney), or Airport staff for wildlife management purposes (as approved by the Airport Director).

- B. Prohibited weapons.** Prohibited weapons include any form of weapon or explosive restricted under local, state and federal regulation. This includes all firearms, illegal knives or other weapons covered by the law (legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are not covered by this policy). If you have a question about whether an item is covered by this policy, please contact Corporate Counsel. Employees are responsible for making sure that any potentially covered items they possess are not prohibited by this policy.

Kalamazoo County property covered by this policy includes, without limitations, all County owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the County's ownership or control. Kalamazoo County vehicles are covered by this policy at all times regardless of whether they are on County property at the time.

- C. Searches.** The County of Kalamazoo reserves the right to conduct searches of any person, county owned or leased vehicle or object on County property consistent with the law. No employee shall have expectation of privacy in lockers, desks, county owned or leased vehicles, or other areas of county property where a weapon may be hidden.

- D. Violations.** Failure to abide by all terms and conditions of the policies described above may result in discipline up to and including termination.



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***THIS POLICY SHALL NOT BE CONSTRUED TO CREATE ANY DUTY OR OBLIGATIONS ON THE PART OF THE COUNTY TO TAKE ANY ACTIONS BEYOND THOSE REQUIRED OF AN EMPLOYER BY EXISTING LAW.***

If you become aware of anyone violating this policy, please report it to Human Resources immediately.



# PERSONNEL POLICIES

<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>				
<b>3.02</b>	<b>DRUG FREE WORKPLACE</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	09/15/2009

**A. Drug-Free Workplace.** In order to provide a safe, healthy, productive environment for members of the public doing business with the County and for County employees, the County insists upon a workplace free of drugs, alcohol and illegal controlled substances. To ensure a safe and efficient work place, Kalamazoo County will strictly enforce the following rules:

1. Employees in safety-sensitive positions or performing safety sensitive functions (such as, but not limited to, law enforcement, corrections, dispatchers, nurses, medical providers, DOT drivers or employees operating county vehicles or heavy equipment) are prohibited from being under the influence of a legally prescribed medication which adversely impairs their ability to work in a constant state of alertness and in a safe manner.
2. No employee shall possess, distribute, use or be impaired by alcohol or illegal prohibited drugs on Kalamazoo County property, while on Kalamazoo County business, or during working hours, including rest and meal periods. "Illegal prohibited drugs" are those substances under State or Federal law that are illegal to sell or possess. Drugs include not only illegal drugs but legally obtainable drugs that have not been legally obtained.
3. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is absolutely prohibited.
4. Where management has reason to believe that an employee may be under the influence of drugs or alcohol, Kalamazoo County, at its discretion, may require the employee to submit to breath, urine or blood testing, at Kalamazoo County's expense, to determine the presence of drugs or alcohol. Refusal to submit to such testing may result in immediate dismissal.
5. Employees subject to the Drug-Free Work Place Act who are convicted of any criminal drug violation occurring in the workplace must report such conviction to their supervisor within five (5) days of the conviction.

**B. Violations.** Employees found to be in violation of this policy, including testing positive for a drug, illegal controlled substance or alcohol, will be subject to disciplinary action



# PERSONNEL POLICIES

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up to and including discharge for a first offense and/or other remedial measures the individual circumstances warrant.

**C. Violations of Law.** Employees are required to notify the Department Head/Court Administrator/Elected Official and the Human Resources Director no later than five (5) days after a charge of any violation of a drug or alcohol criminal statute. The employee must also notify the Department Head/Court Administrator/Elected Official and the Human Resources Director no later than five (5) days after a conviction of any violation of a drug or alcohol criminal statute.

**D. Testing.**

1. Any employee who is exhibiting suspicious behavior or activity that is consistent with the use of illegal drugs or alcohol may be subject to drug testing paid for by the County (“Reasonable Suspicion” testing).
2. Accident or Unsafe Practice Testing. The County is committed to providing a safe and secure work environment as well as a safe and secure environment for the County program participants. Employees involved in on-the-job accidents or who engage in unsafe on the duty job related activities that pose a danger to others or the overall operation of the County may be subject to screening and confirmation testing. Based on the circumstances of the accident or unsafe act and pursuant to State and Federal law, the employee's supervisor or the Human Resources may initiate laboratory testing when such circumstances involve:
  - a. An on the job accident that causes an injury to the employee or another person requiring medical attention other than on-site first aid;
  - b. A death or personal injury involving immediate hospitalization;
  - c. Any employee involved in a workplace accident or that results in property damages; or
  - d. A motor vehicle collision
3. Employees holding a CDL may be required to undergo random testing to the extent required by applicable state or federal law.
4. An employee who refuses or fails to fully participate in the drug and alcohol testing process will be deemed to have tested positive.



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5. All testing will be paid for by the County. Employees will be paid for all time necessary for the administration of the test and such time will be considered as time worked for purposes of wages, overtime and other benefits.
  - a. When an employee is directed to submit to a test based on reasonable suspicion, the employee will not drive a vehicle to the testing site and will not perform any additional work on the day of the test. The County will provide transportation to and from the testing site and pay the employee for the remainder of the day.
  - b. In the case of urine testing, the laboratory used must be a certified lab selected by the County. No disciplinary action shall be taken based on the initial EMIT test, but may only be taken after confirmation test results. A positive specimen will be maintained pursuant to the protocols of the laboratory. Negative test results will be destroyed.

The detection level for alcohol is 0.04% of Blood Alcohol Content.

## **E. Confirmed Positive Drug or Alcohol Test.**

1. An employee who has a confirmed positive test for illegal or controlled drugs (not prescribed by a treating physician) shall be subject to discipline up to and including employment discharge.
2. If an employee registers a blood alcohol level (B.A.C.) of 0.04% or greater, the employee shall be immediately removed from duty and will not be allowed to return to work for at least twenty-four (24) hours. The employee shall be required to register a B.A.C. of less than 0.02% before resuming their duties. The employee is also subject to discipline, up to and including employment discharge.
3. An employee with a confirmed positive test who is at the discretion of the County or Elected Official not discharged will be required as a condition of continued employment to complete the course of treatment established for them through the Employee Assistance Program (EAP), will be required to sign an authorization permitting the EAP or any service providers to confirm whether or not the employee has completed the established course of treatment, and will be subject to random drug tests for a period of not less than 12 months.
4. The employee will be notified promptly by the County of the results of the test. All records from the testing agency showing a test result will be considered



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confidential and will be shared only with persons involved in decisions concerning the affected employee.

**F. Medical Marijuana.** The Michigan Medical Marijuana Act, MCL 333.26421 *et seq.*, permits the manufacturing, possession and use of marijuana under limited circumstances to address certain debilitating medical conditions. However, the use of medical marijuana while working or being under the influence of medical marijuana while working is strictly prohibited even for those staff who are legally qualified for the use of medical marijuana under the Act, MCL 333.26427(b)(1) and (c) (2). A violation of this Drug-Free Workplace policy will result in discipline; including termination of employment.

**G. Self-Recognized Substance Abuse Dependence.**

1. Employees with drug or alcohol dependency issues which have not resulted in, or are not the immediate subject of, disciplinary action may request a leave of absence (the request cannot be made at the time the employee is directed to submit to an appropriate test).
2. The employee must enroll in a County recognized rehabilitation or treatment program for the leave to be granted. The employee will pay the cost, if not covered by insurance.
3. Absences for rehabilitation treatment for substance abuse may be counted against an employee's FMLA leave entitlement. When FMLA leave is taken for purposes of alcohol/drug rehabilitation, the employee may use Paid Medical Leave (PML), compensatory time, and/or annual leave.
4. Upon successful completion of the rehabilitation program, and upon passing an appropriate drug or alcohol test, the employee will be returned to work. After returning to work, the employee will remain on probation for one (1) year. During this probationary period, the employee will be subject to unannounced testing. Should the employee test positive, they will be subject to disciplinary action, up to and including termination.
5. If the employee fails to adhere to the requirements of the program or successfully complete the program, they may be subject to discipline, up to and including termination.



# PERSONNEL POLICIES

<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>			
<b>3.03</b>	<b>TOBACCO-FREE AND SMOKE-FREE WORKPLACE</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

- A.** No tobacco, smoking or use of e-cigarettes or other electronic nicotine delivery systems will be allowed anywhere in any County owned/leased building or County owned/leased vehicle.
- B.** Electronic cigarettes or e-cigarettes are defined as battery powered devices that are designed to mimic cigarettes by vaporizing a nicotine-laced liquid that is inhaled by the user.
- C.** The County is a tobacco-free and smoke-free work place for the health, safety and well-being of all of its employees and visitors. Smoking or use of e-cigarettes and other electronic nicotine delivery systems are prohibited within 30 feet of any entrances, windows and ventilation systems to any enclosed areas. There are designated smoking areas located outside each building.



# PERSONNEL POLICIES

<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>				
<b>3.04</b>	<b>INFORMATION TECHNOLOGY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

The Board of Commissioners authorizes the County, through the Human Resources and Information Technology Departments, to implement policies and procedures necessary to regulate the use of, and assure the security of, the County technology resources and communications systems. Such policies shall comply with State and Federal law, and authorize monitoring County technology resources and communication systems where appropriate to assure that technology resources and communications systems are utilized in compliance with the law and exclusively for legitimate County business purposes. Because of the necessity of such monitoring, users should not expect that information maintained or transmitted through County IT or communication resources is private (other than data subject to confidentiality and privacy laws). Human Resources and the Information Technology Departments shall revise such policies, as necessary, from time-to-time to assure their efficacy. Due to the seriousness and costs of potential harm to County assets, information and the integrity of its operations caused by violations of law or security breaches, persons who violate the policies and procedures may be subject to discipline, up to and including discharge.



# PERSONNEL POLICIES

SECTION 3	WORKPLACE ENVIRONMENT				
<b>3.05</b>	<b>SOLICITATION ON COUNTY PROPERTY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

In order to eliminate the possibility of disruption of operations and annoyance of employees, the following conduct is prohibited unless otherwise specifically authorized:

- A. Solicitation by employees of their fellow employees during working time, on behalf of any individual, organization, club, or cause.
- B. Distribution of any literature, pamphlets or material to employees during working time, or at any time in any working area.

"Working time" does not include scheduled rest or lunch periods.

This policy does not apply to vendors participating in the normal County purchasing procedures or to the annual United Way Campaign conducted by the County.



# PERSONNEL POLICIES

<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>				
<b>3.06</b>	<b>CLOSING OF BUILDINGS</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

When it is deemed to be in the best interest of the employees to close the buildings or curtail services as a result of snowstorms, tornadoes, or other such emergencies, the determination shall be made by the Chairman of the Board of Commissioners and/or the designated representative. Closing of buildings before or after working hours will be through announced local mass communication media. In the case of such an emergency and decision to close the County buildings, if it is during the business day the Human Resources Department will notify Departments/Elected Officials/Courts.



## KALAMAZOO COUNTY GOVERNMENT

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<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>				
<b>3.07</b>	<b>WORKING HOURS</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

Normal County work hours shall extend from 8:00 am to 5:00 pm daily, unless otherwise changed by the employee's Department Head/Court Administrator/Elected Official. The Department Head/Court Administrator/Elected Official will advise employees of their individual work schedules. Staffing and operational needs may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.



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<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>				
<b>3.08</b>	<b>VISITORS IN WORKING AREAS</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	n/a

Friends, relatives and children of employees are not allowed in the working areas without the approval of the Department Head/Elected Official/Court Administrator or their designee.



# PERSONNEL POLICIES

<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>			
<b>3.09</b>	<b>TRAUMA INFORMED ORGANIZATION</b>			
Approved by BOC on:	05/01/2018	Effective Date:	05/01/2018	Supersedes: n/a

Kalamazoo County Government is committed to being a trauma-informed organization. We assume that everyone may have experienced trauma, including the people we serve, employees, and anyone else we encounter while conducting County business.

Definitions of trauma: Individual trauma results from an event, series of events, or ongoing situation that is experienced by an individual as physically or emotionally harmful or threatening and has lasting adverse effects on the individuals’ functioning and physical, social, emotional well-being resulting in extreme stress that overwhelms a person’s ability to cope and may have short-or long-term effects. Vicarious trauma (“VT”) results from the occupational exposure of staff employed in victim services, emergency medical services, law enforcement, healthcare, etc. to the traumatic experiences of others.

We believe that healthy relationships are a vehicle for healing trauma. Therefore, it is our intention to:

- Raise awareness of employees and supervisors of recognizing warning signs or symptoms of individual trauma and VT. This will include training and professional development to identify the symptoms of, and which promote the understanding of, traumatic stress. The goal is to assist employees and supervisors to recognize symptoms and behaviors are often attempts to cope with trauma and to maintain self-awareness of our behavior, attitudes, and emotions and their impact on the people around us.
- Promote a workplace culture of caring, and emotional and social support from co-employees and supervisors. This will include workplace culture:
  - which is accepting of individual differences and adjusts responses in a way that acknowledges and appreciates the other person’s perspective.
  - that recognizes, respects, and builds upon individuals’ strengths, abilities, and potentials; and
  - that seeks to maintain an environment which fosters connection and cohesion among employees.
- Inform employees of sources of support available to reduce traumatic stress, or to reduce the effects of individual trauma or VT. This will include, but is not limited to:



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- Raising employees' awareness of professional and personal self-care strategies for addressing VT.
- Encourage employees practice self-care and provide opportunities and resources that promote and support self-care.
- Encourage relationships that are a vehicle for healing.
- Ensure that employees do not have to disclose trauma in order to receive trauma-informed services.
- Provide a confidential employee assistance program competent to address individual trauma and VT issues and which provides referrals to helpful services.

To facilitate this policy, the County will

- Periodically evaluate the extent to which the County policies and procedures are trauma-informed and identify the County's strengths and barriers.
- Adopt approaches that prevent and address staff individual trauma and VT – including encouraging wellness self-care initiatives and maintaining an EAP program.
- Provide trauma-informed training for staff and reinforce as needed.
  - Ensure that all employees receive information on the ACEs score and how they can seek assistance from various counseling services.
  - Ensure that all supervisors attend a Trauma-Informed training and have an awareness of the resources available to them to proactively assist their staff, understand compassion fatigue related to their work, and how to adopt self-care practices.
- Maintain community partnerships that assist the County's trauma informed organization and promote a trauma-informed community as a whole.



# PERSONNEL POLICIES

<b>SECTION 3</b>	<b>WORKPLACE ENVIRONMENT</b>			
<b>3.10</b>	<b>HEALTHY WORKPLACE CAUTIONARY PERIOD</b>			
Approved by BOC on:	08/18/2020	Effective Date:	08/19/2020	Supersedes: n/a

- A. In the event of an outbreak (or potential outbreak) of disease or illness, the County Administrator may declare a Healthy Workplace Cautionary Period (HWCP) for up to ten (10) consecutive weeks. Each declaration shall include a start date and end date of the HWCP. In the event an HWCP is declared for a period of less than ten (10) consecutive weeks, the County Administrator may renew the declaration as necessary up to the ten (10) weeks total.
  - 1. The Board of Commissioners must approve an HWCP that exceeds ten (10) consecutive weeks.
- B. During an HWCP, Department Heads/Elected Officials/Court Administrators shall monitor and coordinate actions and implement measures that safeguard the welfare of its employees and residents while maintaining essential operations in an effective and efficient manner. Such measures may include, but are not limited to, designating certain positions as critical, essential, or non-essential/non-critical.
- C. Upon conclusion of the declared HWCP, regular county business shall resume and employees will receive direction for reporting to work from their Department Head/Elected Official/Court Administrator (or designee).
- D. More than one (1) HWCP may be declared in a single calendar year if necessitated by a new or repeated outbreak (or potential outbreak) of disease or illness.



KALAMAZOO COUNTY GOVERNMENT

# PERSONNEL POLICIES

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## SECTION 4

### WAGE AND SALARY ADMINISTRATION



# PERSONNEL POLICIES

<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>				
<b>4.01</b>	<b>PAY WEEKS AND PERIODS</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	10/13/1998

Kalamazoo County employees are paid every other Friday. Elected officials are currently paid on a separate schedule fixed by the Board of Commissioners. Each check covers the previous two-week period ending on the Friday before payday.



# PERSONNEL POLICIES

SECTION 4	WAGE AND SALARY ADMINISTRATION				
<b>4.02</b>	<b>OVERTIME PAY AND COMPENSATORY TIME</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	02/06/2016

- A. Exempt and Non-Exempt Employees.** Positions will be classified as “exempt” or “nonexempt”. The determination as to exempt or non-exempt status will be made by the County based upon the actual duties of the position as applied to the standards set forth in the Fair Labor Standards Act. Those employees who are considered exempt from the overtime provisions of the Federal Fair Labor Standards Act are not entitled to overtime or compensatory time. Non-exempt employees are entitled to overtime or, in the discretion of the County and under the terms and conditions set forth in this manual, compensatory time.
- B. FLSA Requirements.** The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a) (1) and Section 13(a) (17) also exempt certain Information Technology employees.
1. **Exempt Employee’s Reporting Improper Deductions From Salary.**  
 To be considered exempt, the FLSA requires that an employee be paid on a “salary basis”. Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Deductions from pay are permissible when an exempt employee:
    - a. Does not perform any work during a workweek;
    - b. Is absent from work for one or more full days for personal reasons other than sickness or disability; or for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;



## KALAMAZOO COUNTY GOVERNMENT

# PERSONNEL POLICIES

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- c. To offset amounts employees receive as jury or witness fees or for military pay;
- d. For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions of major significance, including but not limited to theft or violations of the County's harassment, drug and alcohol, safe workplace and workplace violence policies (see County Policy workplace conduct) or such other work rule of major significance. This does not include merely performance issues such as absenteeism and tardiness;
- e. An employer is not required to pay the full salary in the initial or terminal week of employment;
- f. For penalties imposed in good faith for infractions of safety rules of major significance; or
- g. For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

In these circumstances, either partial day or full day deductions may be made.

It is the County's policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all County supervisors, managers and directors from making any improper deductions from the salaries of exempt employees. If you believe that an improper deduction has been made to your salary, you should immediately report this information to the Human Resources Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction.

### **C. Overtime, Flex Time and Compensatory Time.**

- 1. **Overtime.** In accordance with the Fair Labor Standards Act (FLSA), most non-exempt employees shall be paid for excess hours worked over forty (40) hours in a Saturday through Friday calendar week, excluding annual leave, prior sick leave balance, PML and compensatory time used.
  - a. For most non-exempt employees, overtime shall be accrued:



# PERSONNEL POLICIES

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- i. at one and one-half (1.50) times the number of excess hours worked over forty (40) hours in a Saturday through Friday calendar week;
  - ii. following the last regularly scheduled workday in a Saturday through Friday calendar week.
- b. Overtime shall not be accrued for time worked less than eight (8) minutes over forty (40) hours in a Saturday through Friday calendar week.

The additional work hours, however, shall be performed through the authorization of the Department Head/Court Administrator/Elected Official, or their designee. Employees working unauthorized hours in excess of their regularly scheduled work shift will be compensated, however, they may be subject to disciplinary action for failing to receive authorization prior to working the extra hours.

The County retains the right to schedule reasonable amounts of overtime work. It is the County's intent to keep overtime to a minimum. From time to time, an employee may be requested to work longer than their scheduled shift. The employee's supervisor will give the employee as much advance notice as possible when extra work is required.

The employee should not begin working before their normal starting time, work through their lunch period or other unpaid breaks, or continue working after their normal quitting time without first obtaining their supervisor's approval. Overtime shall not be worked without prior approval of the employee's direct supervisor or Department Head/Elected Official. Unauthorized overtime may result in discipline.

2. **Flex Time.** In conjunction with an employee working additional hours in excess of their regularly scheduled work shift, the employee's supervisor may direct the employee to "flex" their regularly scheduled work week, and the supervisor may change the employee's work schedule in a Saturday through Friday calendar week, so the employee does not exceed their authorized FTE hours for the week.



# PERSONNEL POLICIES

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3. **Compensatory Time.** In the discretion of the County, non-exempt employees may accrue compensatory time in lieu of payment for hours worked in excess of their standard work week schedule (excluding annual leave, prior sick leave balance, PML and compensatory time used) subject to the following:
- a. Under most circumstances, compensatory time in lieu of payment for additional work hours shall be accrued:
    - i. equal to the number of excess hours worked over forty (40) hours in a Saturday through Friday calendar week;
    - ii. at one and one-half (1.50) times the number of excess hours worked over forty (40) hours in a Saturday through Friday calendar week;
    - iii. following the last regularly scheduled workday in a Saturday through Friday calendar week.
  - b. Compensatory time shall not be accrued for time worked less than eight (8) minutes over forty (40) hours in a Saturday through Friday calendar week.
  - c. The accrual of compensatory time shall be through the authorization of the Department Head/Court Administrator/Elected Official, or their designee. Employees accruing compensatory time hours in excess of their regularly scheduled work shift may be subject to disciplinary action for failing to receive authorization prior to working the extra hours.
  - d. Compensatory time in lieu of payment for additional work hours shall not be accrued for time worked less than eight (8) minutes over forty (40) hours in a Saturday through Friday calendar week. Use of compensatory time as scheduled time off shall occur when administratively feasible as authorized by the employee's supervisor.
  - e. Compensatory time shall be limited to sixty (60) hours of total accrual (based upon forty (40) hours of excess work for a full-time employee) during a quarter-year; unused compensatory time shall be paid out on the last pay date ending in March, June, September, or December for each respective quarter at the employee's rate of pay for the payout pay period.



# PERSONNEL POLICIES

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- f. Upon separation from County service, unused compensatory time shall be paid out in accordance with the FLSA, and shall not be used to extend an employee's length of service nor postpone an employee's termination date.
- 4. Break Time for Nursing Mothers.** In compliance with federal law which requires the provision of unpaid, reasonable break time for a non-exempt employee to express breast milk, the County subscribes to the following policy:
- a. All employees shall be provided a place to breastfeed or express their milk. The Human Resources Department can confer with the employee to designate a suitable, private location, other than a bathroom, which is located in close proximity to the employee's work area for such breaks. An employee may use their private office area for milk expression if they prefer.
  - b. Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression for the first year of the child's life. A non-exempt breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breast milk for their child. The time would not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, PML time may be used. If the employee does not choose to use PML, annual leave time must be used or the employee can make up the time at the discretion of the supervisor.
  - c. A refrigerator may be made available for safe storage of expressed breast milk. Employees may use their own cooler packs to store expressed breast milk, or may store milk in a designated refrigerator/freezer. Employees should provide their own containers.
  - d. Management and staff are expected to provide an atmosphere of support for breastfeeding employees.



# PERSONNEL POLICIES

<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>				
<b>4.03</b>	<b>COMPENSATION FOR HOLIDAYS</b>				
Approved by BOC on:	11/19/2019	Effective Date:	11/20/2019	Supersedes:	02/20/2018

- A. ELIGIBILITY:** Eligible non-exempt employees who receive payment for their standard work shift on the regularly scheduled workdays immediately preceding and following the (observed) holiday, shall be eligible to receive payment for the holiday leave.
- a. Employees hired on or after 1/1/2012 and work less than 0.8 FTE are not eligible for holiday leave pay.
  - b. Paid holiday leave shall be based on the authorized FTE of the non-exempt employee’s position.
  - c. A non-exempt employee, whose regularly scheduled workday is longer than the number of hours provided by holiday leave, shall use compensatory time or annual leave, equal to the balance of their shift not covered by holiday leave, or coordinate flex-time with their supervisor to be worked within the same work week as the observed holiday.
- B. HOLIDAY PAY:** Eligible non-exempt employees shall receive holiday leave pay at their regular pay rate for authorized holidays.
- C. SHORT-TERM REDUCTION IN HOURS:** A 1.0 FTE, who is placed on a short-term temporary reduction from full-time to part-time, will be eligible for holiday pay based on the approved FTE at the time of the holiday.
- D. REQUIRED TO WORK A HOLIDAY:** If a holiday falls within a non-exempt employee’s regularly scheduled workweek, and the employee is required to work the holiday through the authorization of the Department Head/Court Administrator/Elected Official, the non-exempt employee shall be paid straight time for the holiday, plus time and one-half for all time worked on the holiday. Compensatory time may be accrued, in lieu of payment for time worked on a holiday, at one and one-half times the number of hours worked on the holiday and in accordance with the standards of Personnel Policy 3.03.
- E. HOLIDAY OBSERVED OUTSIDE OF SHIFT SCHEDULE:** If the holiday is observed on a day an employee is not regularly scheduled to work the employee shall schedule flextime off (in coordination with their supervisor) as follows:



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1. **Non-Exempt Employee:** Within the same work week as the observed holiday.
2. **Exempt Employee:** Within the same pay period as the observed holiday.



# PERSONNEL POLICIES

<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>			
<b>4.04</b>	<b>DIRECT DEPOSIT</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

The County may require employees to use direct deposit in compliance with the Michigan Wage and Fringe Benefit Act. If payment of wages by direct deposit is required by the County, the County will provide a written form to each employee to select direct deposit (and for the employee to provide account information for the direct deposit). With the exception of employees who currently are paid by direct deposit, an employee's failure to return their selection form within 30 days with the requisite account information shall result in payment by paper check.



# PERSONNEL POLICIES

<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>			
<b>4.05</b>	<b>RECOVERY OF OVERPAYMENTS</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

Employees are responsible for reviewing their pay stub information immediately upon receipt to ensure that proper payment has been made. If an employee believes an improper payment has occurred, they should immediately contact Payroll. In the event an overpayment has been identified, employees shall work with Payroll to recover the overpayment in a reasonable and timely manner regardless of the origin of error.



# PERSONNEL POLICIES

<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>				
<b>4.06</b>	<b>EVALUATIONS AND SALARY INCREASES</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

## A. EVALUATIONS

Evaluations will be completed by supervisors and forwarded to Human Resources. Evaluations will normally be completed for all employees on an annual basis, regardless if the employee is eligible for a step increase.

## B. STEP INCREASES

1. Performance must meet or exceed expectations to be eligible to receive a step increase.
2. Employees who reach the top step of their salary band are no longer eligible for step increases. These employees may be eligible for pay increases associated with salary schedule adjustments granted by the Board of Commissioners.

## C. WITHHOLDING STEP OR OTHER PAY INCREASES

A step increase or pay increase associated with a salary schedule adjustment or other position action may be withheld based upon performance determined by the Department Head/Court Administrator/Elected Official.

1. An employee, for whom a step increase was withheld, shall be entitled to a review of their job performance ninety (90) days after their position anniversary date. If the employee fails to receive a “satisfactory” performance evaluation after six (6) months past their position anniversary date, the employee may be subject to disciplinary action up to and including termination.
2. An employee, for whom a step increase was withheld, may become eligible for their step increase after successfully and consistently meeting the expectations of their job. The effective date of a previously withheld pay increase shall be based upon the date the employee successfully receives a satisfactory performance evaluation. Formerly withheld pay increases shall not be retroactive.



# PERSONNEL POLICIES

<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>			
<b>4.07</b>	<b>PAY POLICY FOR EMPLOYEE AND POSITION ACTIONS</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: 12/01/2016

**A. TRANSFER**

An employee who transfers into a position that is assigned to the same salary band as their present position shall retain their current pay rate. The effective date of the transfer becomes the employee’s new position anniversary date. Eligibility for future step increases will be determined using the length of service in the new position, and will be based upon satisfactory performance.

**B. PROMOTION**

An employee who promotes into a position assigned to a higher salary band than their current position shall be placed in the new band at the first step that represents an increase in pay equivalent to a one-step increase in their former band, not to exceed the maximum of the new band. If the employee to be promoted is currently at the maximum step of their band, 4% will be added to their current hourly rate. Using that adjusted hourly rate, the employee shall then be placed on the new band at the lowest step that is at least equal to the adjusted hourly rate.

Requests for exceptions of the above outlined promotion policy must be approved by the Board of Commissioners.

**C. DEMOTION**

1. An employee who voluntarily demotes into a position assigned to a lower salary band than their current position after working in their current position for 12 months or more, or is demoted as the result of documented unsatisfactory performance, shall have their pay set according to the following criteria:
  - a. An employee whose current pay is greater than the maximum rate of the new band shall be placed in the new range at the maximum rate.
  - b. An employee, whose current pay does not meet the criterion set above shall be placed in the new band at the first step that represents a decrease



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in pay. The employee's pay shall not be set less than the minimum of the new band.

**c. If the demotion occurs within 12 months or less of being promoted into a new position, please see D (below).**

2. An employee who is demoted to a position assigned to a lower salary band than their current position as a result of County action and for any reason other than stated above shall retain their current pay rate. The effective date of the demotion becomes the employee's new position anniversary date. Eligibility for future step increases will be determined using the length of service in the new position, and will be based upon satisfactory performance.

## **D. REINSTATEMENT TO A PREVIOUS SALARY BAND**

An employee who promoted and subsequently voluntarily demotes, or is demoted as the result of documented unsatisfactory performance, within one year of the promotion, to a position assigned to the pay band from which the employee promoted shall be placed in the range at the pay step the employee was being paid or would have attained if the promotion had never occurred. Likewise, the employee's position anniversary date shall be reset to the position anniversary date prior to the promotion for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.

## **E. RECLASSIFICATION**

Position reclassification typically will become effective the date on which the consultant reclassification decision is received in the Human Resources Department.

1. An employee, whose position is reclassified resulting in a higher salary band assignment, shall be placed in the new band at the first step that represents an increase in pay equivalent to a one-step increase in their former band, not to exceed the maximum of the new band. If the employee whose position is being reclassified is currently at the maximum step of their band, 4% will be added to their current hourly rate. Using that adjusted hourly rate, the employee shall then be placed on the new band at the lowest step that is at least equal to the adjusted hourly rate. The employee shall retain their current position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.



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2. An employee, whose position is reclassified resulting in a lower salary band assignment, shall retain their current pay rate until such time as the employee is eligible for further salary increases. The employee shall retain their current position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.
3. An employee whose position is reclassified, yet the position remains assigned to the same salary band, shall retain their current pay rate and position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.

## F. INTERIM APPOINTMENTS

Interim appointments typically should last no longer than one year, although special circumstances periodically will necessitate a longer interim appointment period.

All requests for interim appointments must be approved by the Human Resources Director.

Employees under an interim appointment are not eligible for step increases.

The following outlines the parameters for determining the salary for an interim appointment.

1. If the employee to be promoted is currently at the maximum step of their band, 4% will be added to their current hourly rate. Using that adjusted hourly rate, the employee shall then be placed on the new band at the lowest step that is at least equal to the adjusted hourly rate.

2. At the conclusion of an interim appointment:

An employee who returns to their regular position shall be placed in the band at the pay step the employee was being paid or would have attained if the interim appointment had never occurred. The employee shall retain their current position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance in their regular position.

3. An employee for whom an interim appointment becomes a regular position shall maintain the salary determined, under Personnel Policy 3.06 F.1., at the commencement of the interim appointment. The effective date of the interim appointment, which is being changed to a regular position status, becomes the



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employee's new anniversary date. Eligibility for future step increases will be determined using the length of service in the new position, and will be based upon satisfactory performance.



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<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>				
<b>4.08</b>	<b>CLASSIFICATION SYSTEM</b>				
Approved by BOC on:	11/20/2018	Effective Date:	11/21/2018	Supersedes:	09/19/2017

**A. Classification System Audit Wage Adjustments.** Pay band reassignments due to a classification system audit will normally become effective upon completion of the audit and authorization of the Board of Commissioners.

1. An employee, with satisfactory performance, whose position is reassigned to a higher salary band than their current position shall be placed in the new band at the first step that represents an increase in pay. The employee shall retain their current position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.
2. An employee, with documented unsatisfactory performance, whose position is reassigned to a higher salary band as a result of a classification system audit, shall retain their current pay rate until such time that the employee demonstrates consistently satisfactory performance. Upon demonstration of consistently satisfactory performance, the employee shall then be placed in the new band at the first step that represents an increase in pay. The employee shall retain their current position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.
3. An employee whose position is reassigned to a lower salary band as a result of a classification system audit shall remain at their current pay rate until such time as the employee is eligible for further salary increases. The employee shall retain their current position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.
4. An employee whose position remains assigned to the same salary band as a result of a classification system audit shall retain their current position anniversary date for purposes of determining eligibility for future step increases, which will be based upon satisfactory performance.

**B. Classification Changes due to Reorganization.** In the event of major staffing changes within a department, the Department Head/Elected Official/Court Administrator shall identify any necessary new positions and submit them to the Board of Commissioners for approval.



# PERSONNEL POLICIES

<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>				
<b>4.09</b>	<b>MARKET STUDY ADJUSTMENTS</b>				
Approved by BOC on:	01/21/2020	Effective Date:	01/01/2020	Supersedes:	01/01/2018

- A. **PURPOSE:** If a Department Head/Court Administrator/Elected Official has been unable to fill a vacant position (for a minimum of 60 days) due to wages, they may request that the Human Resources Department complete a market study analysis.
  
- B. **NEW MARKET ADJUSTMENT:** Based on the market study analysis, the Human Resources Director and Deputy County Administrator – Internal Services may authorize a market adjustment to assist in the recruiting process. Each year, another market study analysis shall be completed to adjust or maintain the market adjustment until the market adjustment is no longer necessary.
  
- C. **EXISTING MARKET ADJUSTMENT:** If a new market study analysis indicates that the current market adjustment needs to be increased or decreased, the market adjustment will be changed accordingly. Any subsequent changes to a market adjustment would become effective on January 1<sup>st</sup> of the following year.
  
- D. Market adjustments are assigned to positions, not employees.



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<b>SECTION 4</b>	<b>WAGE AND SALARY ADMINISTRATION</b>				
<b>4.10</b>	<b>SCHEDULED ON CALL PAY PROGRAM</b>				
Approved by BOC on:	12/03/2019	Effective Date:	01/01/2020	Supersedes:	N/A

- A. The County may institute an on-call pay program for non-exempt employees working in essential operations that require their immediate response to cover frequent but unpredictable and critical situations.
- B. Prior to implementation, the Department Head/Court Administrator/Elected Official must obtain approval from the Human Resources Director and the Deputy County Administrator of Internal Services.
- C. On-call compensation shall consist of four (4) hours of pay at the employee's straight time hourly rate, for each forty (40) hour workweek they are assigned to be on-call.
- D. The on-call pay shall be made a part of the regular biweekly check payable the pay period following the commencement of the on-call assignment. It is understood and agreed that on-call pay will be paid in addition to pay for time actually worked as a result of being called in. For overtime compensation see Personnel Policy 4.02 (C) (1) and 4.03 (D).
- E. While on-call, the employee must adhere to all personnel policies, including the drug free workplace policy. Any violation of policies may result in disciplinary action up to and including termination.



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## SECTION 5

### EMPLOYEE BENEFITS



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>			
<b>5.01</b>	<b>PURPOSE OF EMPLOYEE BENEFITS</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

Employee benefits are provided by the County of Kalamazoo to eligible employees. Some benefits will be determined by hours worked. Benefits may be different for full-time employees versus part-time employees.



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>			
<b>5.02</b>	<b>BENEFIT CHANGES</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

The County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer contribution, employee contribution and/or benefit plan. The terms of the applicable insurance policies and plan documents control the benefits provided there under and the employee's eligibility for benefits. In the event there arises any conflict between this manual's summary and the plan/policy documents, the plan/policy documents control.



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<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>				
<b>5.03</b>	<b>PAID LEAVE</b>				
Approved by BOC on:	03/17/2020	Effective Date:	03/18/2020	Supersedes:	02/18/2020

**A. HOLIDAY LEAVE**

**1. NON-COURT EMPLOYEES:**

Non-Court employees are entitled to holiday leave with pay on the following recognized holidays:

- |     |                            |  |
|-----|----------------------------|--|
| 1.  | New Years' Day             | January 1                                    |
| 2.  | Martin Luther King Jr. Day | Third Monday in January                      |
| 3.  | Memorial Day               | Last Monday in May                           |
| 4.  | Independence Day           | July 4                                       |
| 5.  | Labor Day                  | First Monday in September                    |
| 6.  | General Election Day       | First Tuesday after November 1 <sup>st</sup> |
| 7.  | Veterans Day               | November 11                                  |
| 8.  | Thanksgiving Day           | Fourth Thursday in November                  |
| 9.  | Day after Thanksgiving Day | Day after Thanksgiving                       |
| 10. | Christmas Eve Day          | December 24                                  |
| 11. | Christmas Day              | December 25                                  |
| 12. | New Years' Eve Day         | December 31                                  |

**2. COURT EMPLOYEES:**

Court employees are entitled to holiday leave with pay on the following recognized holidays:

- |     |                            |  |
|-----|----------------------------|--|
| 1.  | New Years' Day             | January 1                                    |
| 2.  | Martin Luther King Jr. Day | Third Monday in January                      |
| 3.  | President's Day            | Third Monday in February                     |
| 4.  | Memorial Day               | Last Monday in May                           |
| 5.  | Independence Day           | July 4                                       |
| 6.  | Labor Day                  | First Monday in September                    |
| 7.  | General Election Day       | First Tuesday after November 1 <sup>st</sup> |
| 8.  | Veterans Day               | November 11                                  |
| 9.  | Thanksgiving Day           | Fourth Thursday in November                  |
| 10. | Day after Thanksgiving Day | Day after Thanksgiving                       |
| 11. | Christmas Eve Day          | December 24                                  |



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12. Christmas Day December 25
13. New Years' Eve Day December 31

### 3. HOLIDAY THAT FALLS ON A WEEKEND

When any holiday above falls on a Sunday, the next following Monday shall be observed as the holiday. When any holiday above falls on a Saturday, the preceding Friday shall be observed as the holiday.

When December 25th falls on a Saturday, causing the observance of the holiday on Friday, December 24th, then Thursday, December 23rd will be the observance day for the December 24th holiday. When December 24th falls on Sunday, the observance day will then be Friday, December 22nd.

When January 1st falls on a Saturday, causing the observance of the holiday on Friday, December 31st, then Thursday, December 30th will be the observance day for the December 31st holiday. When December 31st falls on Sunday, the observance day will then be Friday, December 29th.

### B. PAID MEDICAL LEAVE

1. On July 1st, employees working an average of 25 hours or more per week during the previous calendar year are entitled to a maximum of forty (40) Paid Medical Leave (PML) hours.
2. Upon hiring, employees scheduled to work an average of 25 hours or more per week will receive a prorated amount of PML based on the following:

<u>Hire Date occurs before the 15<sup>th</sup> of:</u>	<u>PML Hours Available:</u>
July	40
August	37
September	33
October	30
November	27
December	23
January	20
February	17
March	13
April	10
May	6
June	3



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3. PML shall not accumulate from one (1) calendar year to the next.
4. There is no payoff for unused PML.

## C. ANNUAL LEAVE

1. **NON-COURT EMPLOYEES.** Upon hiring, eligible full-time non-Court employees shall receive up to forty (40) of annual leave hours, prorated based on the employee's hire date, FTE, and in accordance with the following schedule:

<u>Hire Date occurs Before the 15th of:</u>	<u>Annual Leave Hours available:</u>
January	40
February	38
March	36
April	34
May	32
June	30
July	28
August	26
September	24
October	22
November	20
December	18

On January 1<sup>st</sup> of each subsequent year, all eligible full-time non-Court employees will receive up to forty (40) hours of bonus annual leave, based on their FTE.

2. **COURT EMPLOYEES:** Upon hiring, eligible full-time Court employees shall receive up to thirty-two (32) hours of annual leave, prorated based on the employee's hire date, FTE, and in accordance with the following schedule:

<u>Hire Date occurs Before the 15th of:</u>	<u>Annual Leave Hours available:</u>
January	32
February	30
March	28
April	26
May	24
June	22
July	20



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August	18
September	16
October	14
November	12
December	10

On January 1<sup>st</sup> of each subsequent year, all eligible full-time Court employees will receive up to thirty-two (32) hours of bonus annual leave, based on their FTE.

3. Bonus hours are not granted to employees who terminate without returning from an unpaid leave of absence. Any exception to this policy requires approval of the Human Resources Director.
4. **PART-TIME EMPLOYEES.** Effective 1/1/2012, employees hired on or after 1/2/2012 who are less than a 0.8 FTE are not eligible for annual leave. All eligible regular part-time employees (hired on or before 12/31/2011 and who are at least a 0.5 FTE) will receive a prorated annual leave time allocation as determined by FTE.
5. **BIWEEKLY ANNUAL LEAVE ACCRUAL.** Every full-time, regular employee shall be entitled to annual leave with pay of five and one-half (5 1/2) hours for each completed bi-weekly work period of full pay.
6. **TEMPORARY HOUR REDUCTION.** A full-time employee, who is placed on a short-term temporary hour reduction from full-time to part-time, will be eligible for annual leave accrual based upon the hours paid in each biweekly pay period.
7. **BONUS ANNUAL LEAVE – LONGEVITY.** Full-time regular employees that are eligible for annual leave benefits and who have completed five (5) years of continuous service shall earn additional or bonus annual leave with pay according to their FTE and length of total classified service as follows:
  - For five (5) or more, but less than ten (10) years, twenty-four (24) hours annually;
  - For ten (10) or more, but less than fifteen (15) years, forty (40) hours annually;
  - For fifteen (15) or more, but less than twenty (20) years, fifty-six (56) hours annually;



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- For twenty (20) or more years, seventy-two (72) hours annually;

### 8. ANNUAL LEAVE PAYOUT AT RESIGNATION/RETIREMENT/DEATH

- a. **RESIGNATION.** An employee resigning from the County may be eligible to receive payment for unused annual leave, not to exceed 240 hours if the employee has completed a one (1) year employment period, and a minimum of two (2) weeks advance written notice is provided to their Department Head/Court Administrator/Elected Official.
  - i. Payment will be based upon their base salary and not include any market adjustments or stipends.
- b. **RETIREMENT.** An employee retiring from the County is eligible to receive payment for unused annual leave, not to exceed 240 hours.
  - i. Payment will be based upon their base salary and not include any market adjustments or stipends.
  - ii. Payment will be in accordance with all applicable state and federal laws and/or regulations.
- c. **DEATH.** If an active employee passes away during their employment with the County, a check for any applicable annual leave (not to exceed 240 hours if the employee has completed a one (1) year employment period) will be mailed to the employee's designated beneficiary as outlined in State law.
  - i. Payment will be based upon their base salary and not include any market adjustments or stipends.
  - ii. Payment will be in accordance with all applicable state and federal laws and/or regulations.

9. Annual leave shall NOT be allowed in advance of being earned.

### D. SICK LEAVE

1. Employees hired on or before March 29, 2019 will have their sick leave balances frozen with no additional accruals. Employees must use their prior sick leave



# PERSONNEL POLICIES

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balance for an FML authorized illness or injury. If an employee with an FML runs out of sick leave, they may utilize PML or annual leave for their FML absence(s).

2. Employees hired on or before March 29, 2019 will be eligible to move up to 80 hours per year of annual leave to their sick leave balance. This one-time transfer each calendar year is final. The transfer cannot be changed or rescinded once it is submitted to HR.
3. **PAYMENT OF SICK LEAVE ON TERMINATION.** After completion of five (5) years of continuous active service, an employee may receive compensation for unused sick leave at their current rate of pay as follows:
  - a. **TERMINATION.** Effective 01-01-86, no payoff at time of termination, deferred retirement, or elected office. For accrued sick leave prior to 01-01-86, twenty-five percent (25%) up to four hundred (400) hours at time of termination or deferred retirement, provided said employee has not been discharged for just cause as may be determined by the Department Head/Court Administrator/Elected Official, the Human Resources Director, and the County Administrator.
  - b. **RETIREMENT.** If an active employee retires from the County, a check for fifty percent (50%) of their sick leave (if applicable), not to exceed eight-hundred (800) hours, will be mailed to the employee
    - i. Payment will be based upon their base salary and not include any market adjustments or stipends.
    - ii. Payment will be in accordance with all applicable state and federal laws and/or regulations.
  - c. **DEATH.** If an active employee passes away during their employment with the County, a check for fifty (50%) of their sick leave (if applicable), not to exceed eight-hundred (800) hours, will be mailed to the employee's designated beneficiary as outlined in State law.
    - i. Payment will be based upon their base salary and not include any market adjustments or stipends.
    - ii. Payment will be in accordance with all applicable state and federal laws and/or regulations.



# PERSONNEL POLICIES

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**Federal Contracts subject to Executive Order 13706:** The County will comply with the requirements of Executive Order 13706 to the extent that it applies to any federal contractors employed by the County. Such EO 13706 federal contractors accrual of sick time is limited to a maximum of 56 hours per year and a maximum bank of 56 hours may be carried over from year to year.

4. **BEREAVEMENT LEAVE.** The Department Head/Court Administrator/Elected Official shall allow the employee to use their accrued annual leave and/or previous sick leave balance for three (3) to five (5) consecutive annual leave days when death occurs in the employee's immediate family (current spouse, children, step children, parents, foster children, step parents, foster parents, brothers, sisters, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current son-in-law, current daughter-in-law, grandparents, grandchildren, and any persons for whom financial or physical care is the employee's principal responsibility. For out of state and Upper Peninsula funerals, employees shall be permitted to take up to two (2) additional days of annual leave and/or previous sick leave.

NOTE: The employee may choose to take less time off for bereavement purposes. Additional leave (using accumulated annual leave and/or previous sick leave) may be granted at the discretion of the Department Head/Court Administrator/Elected Official.

Upon request by the Department Head/Court Administrator/Elected Official, bereavement leave shall be substantiated by documentation.



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SECTION 5	EMPLOYEE BENEFITS				
<b>5.04</b>	<b>OTHER LEAVES OF ABSENCE</b>				
Approved by BOC on:	04/21/2020	Effective Date:	04/01/2020	Supersedes:	03/17/2020

## A. Jury Duty.

1. An employee who is summoned and reports for jury duty as prescribed by applicable law shall be paid by the County on those days when the employee actually sits as a member of a jury. This pay shall be in an amount equal to the employee's regular straight time rate which they would earn on a scheduled work day, less an amount equal to the payments (not including reimbursements for travel or other expenses) received for jury service. Or, employees must endorse their jury pay to the County.

The employee must return to work and work any hours out of their scheduled work day that they are not actually on jury duty.

## B. Subpoenaed Witness.

1. An employee who is being subpoenaed as a witness in court for County business matters on behalf of the County (other than as a criminal defendant), or in relation to litigation in which the County is not a party, but the employee's testimony directly relates to the employee's job duties, shall be granted a paid leave of absence to testify.
2. Employees will be paid at their regular salary and should turn over all fees received as a juror or witness to the County. However the employee may keep any mileage reimbursement.
3. Employees are expected to be at work during all hours when not serving as a subpoenaed witness.
4. Employees who are subpoenaed as a witness in a trial not related to their job duties shall use annual leave or compensatory time.

## C. Military Leave for Active Duty

1. Military leave shall be granted to employees who are absent from work because of active service in the U.S. uniformed services in accordance with the rights and limitations set forth in the Uniformed Services Employment and Re-employment



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Rights Act of 1994 (USERRA), Michigan's Military Leaves Reemployment Protection Act of 1955, and other applicable Federal or State laws. This shall include employees with reserve status in the Armed Forces of the United States or membership in the Michigan National Guard who are called to participate in training sessions.

2. Oral or written requests for a leave of absence for active military service leave must be made by the employee or an officer of the branch of military in which the employee will be serving to the employee's immediate supervisor at least thirty (30) days in advance of the date the leave is to commence, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.
3. Employees who satisfy the eligibility requirements and notice requirements under USERRA are entitled to re-employment provided they make a formal application for reinstatement within the applicable time period required by USERRA.

## **D. Benefits while on USERRA Eligible Active Duty**

1. Any full-time employee who is called for USERRA eligible active duty by any of the established Armed Forces Reserve Units or by the Michigan National Guard shall be paid a supplement of one-hundred percent (100%) of the difference between the total monthly military pay inclusive of all special compensations and allowances (excluding travel reimbursement), and the gross monthly County base pay (1/12 of annualized salary) for up to one (1) year of activation.
2. To the extent required by law, the County will continue pension service credit/contribution as returning service members who meet the law's eligibility criteria along with any other statutorily required provisions as required by USERRA.
3. If the employee has coverage through the County and is otherwise eligible, the employee may continue health insurance benefits for the lesser of twenty-four (24) months following the date of absence for military service or from the date of absence for military service until the date the employee fails to return to employment following service. Such continuation must be elected pursuant to the Health Plan's requirements. An election to continue coverage for a period of less than thirty-one (31) days shall be at the County's expense with the employee paying the normal employee share. For an election exceeding thirty-one (31) days, the employee shall pay the full costs of continuation coverage. If the employee does not elect to continue coverage while on military leave, the employee will be



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permitted to resume coverage upon return from military leave without any exclusion or waiting period.

4. Time spent on USERRA qualified military leave counts as service credit for any calculation, determination or other decision that is dependent upon length of employment. This includes cost of living, salary adjustments, future annual leave accrual rates, and seniority ranking, which would have occurred during the employee's military absence. An active employee shall not be entitled to any benefits to which the employee would not otherwise be entitled to if the employee had remained continuously employed.
5. If, prior to leaving for military service, an employee knowingly provides a clearly written notice to the County of their intent not to return to work after military service, the employee waives entitlement to leave-of-absence rights and benefits not based on seniority. Such notice of intent does not waive the employee's entitlement to benefits under the law regarding reemployment following the completion of uniformed service.

## **E. Required Training for Reservists and National Guard**

An employee who requests a leave of absence to participate in a branch of the Armed Forces Reserve Training Program or National Guard, shall be granted such leave upon proper documentation or written confirmation by the employee's commanding officer, Secretary of Veterans Affairs, or the Department of Veterans Affairs. An eligible full-time employee shall be paid by the County the difference between the amount received for the training and the regular bi-weekly salary for a period not to exceed ten (10) working days.

## **F. HR Special Leave:**

An HR Special Leave is a leave not covered under FMLA. A full-time employee may apply for an HR Special leave (without pay) for a period of up to 90 days, for:

1. A death in their immediate family,
2. Adoption, birth of child,
3. Medical reasons, and/or
4. Caring for the employee's spouse, dependent son, dependent daughter or parent who has a serious health condition.



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5. For employees whose spouse is on military/National Guard/Armed Forces Reserve leave.

All HR Special Leave requests shall be specific as to their duration. Granting of such leave shall be the discretion of the Human Resources Director.

If the leave is granted, seniority shall be retained and accumulated during the period of leave. While on HR Special Leave, the employee will not accrue any annual leave time. However, the employee's County insurance benefits would continue as long as the employee pays their portion of the premium while on leave.

If the employee has not been reinstated within 90 days after the commencement of the leave, employment status may be terminated. Employees who fail to return from a leave will be obligated to reimburse the County for the cost of County-paid health coverage.

## **G. Family and Medical Leave**

An employee who has been employed by the County for twelve (12) months and who has worked at least one thousand two hundred fifty (1250) hours during those months may be eligible for leave under the Family and Medical Leave Act (FMLA) leave for an unpaid leave of absence for a period not to exceed twelve (12) weeks in any twelve (12) month period measured forward from the date the employee's FMLA leave first begins. Where eligible, the County will comply with the minimum requirements of the FMLA and eligible employees are required to adhere to all employee notice and certification requirements and County policies. An employee may, concurrent with such FMLA leave, use PML or annual leave for the employee's serious health condition, to care for a seriously ill spouse, child, or parent, or for the birth or placement of the employee's child, or to care for the child within twelve (12) months of the child's birth or placement.

For qualifying exigencies related to a family member's call-up for or service on active military duty in the National Guard or Reserves. The law allows families to take FMLA job-protected leave to manage their affairs. The rules define "qualifying exigencies" as situations involving short-notice deployment, military events and related activities c. childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, additional activities where the County and employee agree to the leave, and to care for a family member who has or is recuperating from a serious illness or injury incurred in any form of military service, including where the employee is "next of kin" to the injured service member. These family members are able to take up to 26 work weeks of leave in a 12-month period.



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The County reserves the right to offer benefits above and beyond the FMLA regulations.

Employees who fail to return from an FML will be obligated to reimburse the County for the cost of County-paid health coverage, except when the employee's failure to return is due to the continuation, recurrence or onset of a serious health condition which would entitle the employee to medical or family leave, or other circumstances beyond the employee's control.

## H. Healthy Workplace Leave

1. During a Healthy Workplace Cautionary Period (HWCP), the County Administrator may place essential, critical and/or non-essential/non-critical employees on paid Healthy Workplace Leave (HWL).
2. When employees are placed on HWL, they will receive their regular rate of pay for their regularly scheduled hours. Overtime shall only occur for non-exempt employees who work in excess of forty (40) hours in a given workweek (or pursuant to any provisions from an applicable collective bargaining agreement).
3. Employees will not receive HWL for any prior approved scheduled leaves (e.g., vacation) during the Healthy Workplace Cautionary Period.

## I. FMLA Leave Expansion and Emergency Paid Sick Leave Policy (COVID-19 Outbreak)

### 1. Purpose

To comply with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020 and will be removed from policy on or after January 1, 2021. Our existing FMLA leave policy still applies to all other reasons for leave outside of this policy.

*Note: Certain employees classified as "healthcare providers" or "emergency responders" under the FFCRA and Department of Labor (DOL) guidelines are exempted from this policy and are not eligible for the leaves herein. Thus, this policy does not apply to employees who have been exempted by their Department Head/Elected Official/Court Administrator.*



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## 2. Emergency Paid Sick Leave (EPSL)

### a. Eligibility

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

- i. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- ii. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- iii. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- iv. The employee is caring for an individual who is subject to either number (i) or (ii) above.
- v. The employee is caring for a child whose school or place of care for the child is closed (or child care provider is unavailable) due to COVID-19 precautions.
- vi. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretaries of the Treasury and Labor.

County closures or shutdowns are not covered reasons for EPSL.

### b. "Child" Definition

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- i. Under 18 years of age; or
- ii. 18 years of age or older and incapable of self-care because of a mental or physical disability

### c. "Individual" Definition



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An individual being cared for must be an immediate family member, roommate, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care of the person if they self-quarantined or was quarantined.

Additionally, the individual being cared for must:

- i. Be subject to a Federal, State or local quarantine or isolation order as described above; or
  - ii. Have been advised by a health care provider to self-quarantine based on a belief that they have COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19.
- d. Amount of Paid Sick Leave
- i. All eligible full-time employees will have up to 80 hours of EPSL available to use for the qualifying reasons above in (2)(a). Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.
  - ii. For employees with varying hours, one of the two methods for computing the number of hours paid will be used:
    1. The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.

or

    2. If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.
- e. Rate of Pay
- i. EPSL will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons (2)(a)(i)-(2)(a)(iii) above.



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1. Pay will not exceed \$511 per day and \$5,110 in total for leave taken for reasons (2)(a)(i)-(2)(a)(iii) above.
  2. Employees may supplement their income up to their regular rate of pay with the use of accrued annual leave, sick leave, PML and/or compensatory time.
  - iii. Employees taking leave for reasons (2)(a)(iv)-(2)(a)(vi) will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater.
    1. Pay \$200 per day and \$2,000 in total for leave taken for reasons (2)(a)(iv)-(2)(a)(vi) above.
    2. Employees may supplement their income up to their regular rate of pay with the use of accrued annual leave, sick leave, PML and/or compensatory time.
- f. Interaction with Other Paid Leave
- i. An employee may use EPSL under this policy before using any other accrued paid time off for the qualifying reasons stated above.
  - ii. Employees on E-FML under this policy may use EPSL during the two weeks of normally unpaid E-FML.
- g. Procedure for Requesting Emergency Paid Sick Leave
- i. Employees must notify their direct supervisor of the need and specific reason for leave under this policy.
    1. An "FFCRA Leave Request" form is available to all employees on Employee Information and Forms under Human Resources. Verbal notification will be accepted until practicable to provide the requested form.
  - ii. Once EPSL has begun, the employee and their direct supervisor must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive EPSL.



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h. Carryover

EPSL under this policy will not be provided beyond December 31, 2020. Any unused EPSL will not carry over to the next year or be paid out to employees.

i. Job Protections

No employee who appropriately utilizes EPSL under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

j. Procedure for Returning to Work

Employees may be required to provide documentation from their healthcare provider indicating they are medically “clear” to return to work.

### 3. Expanded FMLA Leave (E-FML)

a. Eligibility

All employees who have been employed with the County for at least 30 days.

b. Reason for Leave

Eligible employees who are unable to work (or telework) due to a need to care for a child whose school or place of care is closed (or childcare provider is unavailable) due to reasons related to COVID-19.

c. “Child” Definition

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

i. Under 18 years of age; or

ii. 18 years of age or older and incapable of self-care because of a mental or physical disability

d. Childcare Definition



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“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- i. A center-based childcare provider;
  - ii. A group home childcare provider;
  - iii. A family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence);
  - iv. Other licensed provider of childcare services for compensation; and/or
  - v. A childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.
- e. School Definition
- i. “School” means an elementary or secondary school.
- f. Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020 through December 31, 2020 for the purposes stated above. This time is included in, and not in addition to, the total FMLA leave entitlement of 12 weeks in a 12-month period.

- g. Pay During Leave
- i. Leave will be unpaid for the equivalent of the first two (2) weeks of E-FML, unless the employee chooses to use EPSL, or their own leave such as annual leave, sick leave, PML, vacation, PL and/or comp time.
  - ii. After the first two (2) weeks, leave will be paid at two-thirds of the employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not



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exceed \$200 per day, and \$10,000 in total. Any unused portion of this pay will not carry over to the next year.

1. To the extent leave time is available, employees shall supplement their income up to their regular rate of pay with the use of accrued annual leave, compensatory time, vacation leave, and/personal leave.
    - a. If an employee exhausts all available paid leave time to supplement their income up to the regular rate of pay, the employee may request to use their frozen sick leave.
  2. Employees who run out of available paid leave time will be subject to applicable county policies regarding leave time.
- iii. For employees with varying hours, one of two methods for computing the number of hours paid will be used:
1. The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.
- or
2. If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.
- h. Employee Status and Benefits during Leave
- i. While an employee is on E-FML, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR Department.



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- ii. If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employee may elect to maintain such benefits during the leave and pay the employee's share of any premiums, whether or not the employee returns to work.
  
- i. Procedure for Requesting Leave.
  - i. All employees requesting E-FML must provide written notice (using the "FFCRA Request" form) to the HR Department as soon as practicable. If the employee is requesting intermittent E-FML, they must obtain their direct supervisor's permission for intermittent E-FML prior to submitting any forms to HR. Within five business days after the employee has provided this notice, HR staff will complete and provide the employee with any Department of Labor (DOL) required notices.
  - ii. On a basis that does not discriminate against employees on E-FML or FML, the County may require an employee on leave to report periodically on the employee's status and intent to return to work.
  
- j. Employee Status after Leave
  - i. Generally, an employee who takes E-FML will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms.
  - ii. If the position the employee held before their leave started no longer exists due to economic conditions or operational changes that are made because of the public health emergency, and no equivalent position is available, the employee will not be returned to employment. However, for the period of one year after qualifying leave under this policy ends, the County will make reasonable efforts to contact the employee if an equivalent position becomes available.



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#### 4. Coverage Mandate for COVID-19 Testing

The County's health plan will provide coverage for COVID-19 testing at no cost to plan participants.

COVID-19 testing for this purpose includes items and services furnished during a provider visit (including a telehealth visit), urgent care center visit, or emergency room visit, if the visit results in an order for an administration of COVID-19 testing. The coverage mandate does not apply to health care services for treatment after COVID-19 has been diagnosed.

#### 5. Modifications to Policy

Eligibility for, application of, or procedures for grant or compensation of COVID-19 related compensation or leave (including, but not limited to, under this Policy) may be modified by County Administration to comply with changing circumstance, staffing requirements, the law, anticipated future DOL regulations, or as recommended by Labor Counsel.



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>				
<b>5.05</b>	<b>WORKERS' COMPENSATION</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

- A. Workplace Injury.** County employees who suffer a work related injury or illness are covered by the Michigan Workers' Compensation Law. Any incident/accident must be reported to the Human Resources Department immediately. An employee who completes an accident report claiming their injury or illness is work related may be sent to the County's doctor or a prior approved medical facility or doctor. Workers' Compensation benefits which may be received may be supplemented by an employee's accrued compensatory, PML or annual leave time to equal the employee's regular salary, when requested by the employee. Non-compliance with this policy may result in disallowance of the claim.
- B. OSHA – Employee Rights:** Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or seriously harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. To help assure a safe and healthful workplace, OSHA also provides workers with the right to:
1. Raise a safety or health concern with the County or OSHA, or report a work related injury or illness, without being retaliated against.
  2. Receive information and training about job hazards, methods to prevent harm, including all hazardous substances in your workplace.
  3. Obtain copies of test results regarding potential hazards in the workplace.
  4. Request an OSHA inspection in your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential.
    - a. A representative may contact OSHA on your behalf.
    - b. You may participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
  5. File a complaint with OSHA within 30 days (by phone, online or mail) if you have been retaliated against for using your rights.



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6. Obtain copies of any OSHA citations issued to the County, copies of your medical records, tests that measure hazards in the workplace, and/or workplace injury and illness log.
7. There are postings for employees in all buildings which further explain rights, obligations and reporting requirements of the OSH laws.



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>				
<b>5.06</b>	<b>KALFLEX BENEFIT PLAN</b>				
Approved by BOC on:	02/20/2018	Effective Date:	02/21/2018	Supersedes:	09/19/2017

**A. Overview**

Kalamazoo County provides a comprehensive, flexible benefit plan to certain of its regular employees. KalFlex benefits are purchased on a pre-tax basis. An employee’s plan elections will be in effect for an entire plan year, except in very limited circumstances. These circumstances are defined by law as a qualified change in family status, such as: marriage, birth, adoption, divorce, death, or change in employment status (eligible to non-eligible or non-eligible to eligible) of the employee or employee’s spouse or change in residence or worksite. Other than those exceptions, the employee must wait until the next re-enrollment to make a change in KalFlex elections. This process of re-enrollment will be repeated annually.

Within the benefit plan there are health, vision, and dental options. Life insurance is also included. Eligible employees must select a life insurance option

**B. Opt-Out Bonus**

An opt-out bonus is available to all employees that are eligible for health care coverage who waive Kalamazoo County Government Health Plan coverage. To comply with the law, the County may require employees to provide acceptable proof and/or an affidavit regarding qualifying coverage, the scope of such coverage, and the source of the coverage. The current opt-out bonus will be paid biweekly based on an employee’s FTE as follows:

- For eligible regular employees working at least 0.75 FTE: \$20/single; \$35/two person; \$50/family.
- For eligible regular employees working between 0.5 FTE and 0.74 FTE: \$10 single; \$17.50/two person; \$25 family.

This bonus will be treated as taxable income. When an employee and spouse or an employee and child are both employed by Kalamazoo County Government and one chooses coverage, there is no opt-out incentive available to the spouse or the child.

No opt out bonus will be paid if such payment subjects the County or employee to penalties under the law.



# PERSONNEL POLICIES

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**C. Plan Adjustments**

The Board of Commissioners may make adjustments to the plan as resources and the law allow. The terms of the insurance policies control the benefits provided there under and the employee's eligibility for benefits. Kalamazoo County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer and employee contribution or benefit plan. In the event any conflict between this policy and the plan documents exists, the plan documents control.

**D. Employee Share of Health Care Plan Premium**

Employees must pay a share of the cost of the health care plan premium. The County premium contribution is determined annually as approved by the Board of Commissioners and will be announced to employees during the open enrollment period.

**E. Part-Time Employees**

Effective 1/1/2020, part-time employees (.50 FTE - .74 FTE) are eligible for medical benefits only. Benefit eligible employees, who are placed on a short-term, temporary reduction, will continue to be eligible for benefits. Please see individual policies for clarification of leave, holiday and other employee benefits.

Part-time employees hired prior to 1/1/2012 shall continue to be eligible for all insurance benefits (as offered to full-time employees) on a pro-rata basis of their regular schedule. The employee must continue to pay their share of elective benefits in order for the County to pay its portion.

**F. The County will continue to comply with all requirements under the Affordable Care Act.**



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>				
<b>5.07</b>	<b>DISABILITY INSURANCE</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2015

This policy outlines the current short-term and long-term disability benefits for regular employees. However, specific benefit eligibility and the payment schedule are set forth in the actual insurance policies that are in effect. (Benefits booklet copies are available in Human Resources or on Employee Info & Forms.) The terms of the insurance policies control the benefits provided thereunder and the employee's eligibility for benefits. Kalamazoo County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer and employee contribution or benefit plan. In the event any conflict between this summary and the plan documents, the plan documents control.

**A. Eligibility**

All active employees hired on or before 12/31/2011, who are at least a 0.5 FTE or employees who qualify, were hired on or after 1/1/2012 and who are at least a 0.75 FTE will be eligible to receive short-term disability and long-term disability benefits on the first day of the month that is at least forty five (45) days after the employee's first day of work, if the employee has been continuously employed during that period. Sheriff's Department union employees are not eligible for short-term disability and are eligible for long-term disability. Effective 1/1/2012, part-time employees are not eligible for disability. Elected Officials are not currently eligible for County provided disability insurance coverages.

**B. Short-Term Disability**

After an employee has been disabled per the plan provisions (twenty-one (21) calendar days for an illness/injury or day one for an accident), short-term disability would take effect. An employee's prior sick leave balance must be exhausted prior to the commencement of disability payments. An employee may opt to use PML, accumulated compensatory time or annual leave to continue 100% of salary before the disability payments begin. Leave time cannot be used to supplement disability payments. The short-term disability plan provides up to approximately 60% of the employee's current regular gross salary.

Short-term disability will remain in effect for the duration of the disability for up to three (3) months from injury/illness date.

While on short-term disability, the County will continue to pay the County portion of insurance premiums during that period as long as the employee continues to pay their portion.



# PERSONNEL POLICIES

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## C. Long-Term Disability

After short-term disability benefits have been exhausted, an employee who has continued to remain totally disabled for 90 days and who has exhausted their prior sick leave balance (if applicable) may be eligible for long-term disability benefits.

According to insurance company requirements, leave time cannot be used to supplement disability payments.

The long-term disability plan currently provides up to approximately 66.67% of the employee's current regular gross salary, with offsets for Social Security Disability income and/or other income.

For any employee on long-term disability, the County currently continues to pay the County portion of insurance premiums as long as the employee continues to pay their portion. The employee on long-term disability will pay a premium equal to active employee premium sharing; the premium share percentage is subject to the same increase/decrease as active employees. County continuation of health care coverage is limited to 24 months, beginning with the onset of the long-term disability benefits. After 24 months, health coverage would be terminated and insurance continuation would be offered to the employee. An extension of health coverage will be granted if proof of applying for Social Security Disability and, subsequently, Medicare benefits is provided to the County. The County will extend health coverage until all appeals through Medicare are finalized. While covered, the County will pay for the employee's health insurance only; the employee may continue dental, vision, and/or dependent health, dental and/or vision coverage at 100% their expense.

Eligibility or receipt of long term disability benefits does not guarantee continued employment with the County. An employee receiving long-term disability benefits may be terminated from employment with the County.



# PERSONNEL POLICIES

SECTION 5	EMPLOYEE BENEFITS				
<b>5.08</b>	<b>EMPLOYEE ASSISTANCE PROGRAM</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

It shall be the established policy of the Board of Commissioners that the County endorses an Employee Assistance Program (EAP) for all employees. Information regarding the EAP plan can be obtained from Human Resources or by contacting this number: (269) 383-8998.



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>				
<b>5.09</b>	<b>TUITION REIMBURSEMENT</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	12/01/2016

The County pays 100% of tuition up to a maximum annual amount to County employees taking approved courses, as outlined in a more detailed policy statement available from the Human Resources Department. This maximum may be adjusted by the Board of Commissioners as part of the annual budget process. Approved courses shall be those which provide for the systematic improvement of the knowledge or skills required in the performance of the employee's work or courses that, for other reasons, will be beneficial to the employee and the County. All courses shall be approved by the Human Resources Director prior to issuance of the tuition reimbursement.



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>				
<b>5.10</b>	<b>DEFERRED COMPENSATION</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	06/05/2012

All regular County employees are currently eligible to participate in a deferred compensation plan which provides for deferring a percentage of annual salary up to the maximum allowed by law per year.



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>			
<b>5.11</b>	<b>PENSION</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

Eligible employees may participate in the Kalamazoo County Employees' Retirement System, subject to eligibility requirements and the policies of the Kalamazoo County Employees' Retirement System and its Plan Documents. The plans are described in detail in the plan document which are available from the Finance Department. The terms of the plan documents control the benefits provided thereunder and the employee's eligibility for benefits. Kalamazoo County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer or employee contribution or benefit plan.



# PERSONNEL POLICIES

<b>SECTION 5</b>	<b>EMPLOYEE BENEFITS</b>			
<b>5.12</b>	<b>BENEFITS FOR RETIREES</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: 01/01/2015

**A.** Retiring employees, who terminate employment after becoming eligible for immediate commencement of retirement benefits from the County, are currently eligible for group health insurance when the retiring employee meets the insurance eligibility criteria set forth in this policy. The County currently pays a share of the premium for the retiree based on their completed years of retirement plan credited service. The retiree share of the premium, based on completed years of retirement plan credited service is currently:

At least 8	Same as active employees +60%
At least 9	Same as active employees +55%
At least 10	Same as active employees +50%
At least 11	Same as active employees +45%
At least 12	Same as active employees +40%
At least 13	Same as active employees +35%
At least 14	Same as active employees +30%
At least 15	Same as active employees +25%
At least 16	Same as active employees +20%
At least 17	Same as active employees +15%
At least 18	Same as active employees +10%
At least 19	Same as active employees +5%
At least 20	Same as active employees*

\*All retirees will pay at least the same premium share as active employees pay.

**B.** Retiree insurance eligibility is currently based on hire date, years of retirement plan credited service and age at retirement as follows:

- Employees hired on or before 12/31/2008 are currently eligible at age 55 with at least 8 years of service.
- Employees hired on or after 1/1/2009 are currently eligible at age 60 with at least 8 years of service.
- Employees hired on or after 1/1/2010 are currently eligible at age 60 with at least 8 years of service until they reach the age of 65.



# PERSONNEL POLICIES

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- C. An employee whose employment terminates prior to attaining the age and years of service set forth above is not eligible for retiree health insurance.
- D. For employees hired on or before 12/31/2009, at age 65 the County currently provides only supplemental insurance coverage (subject to premium sharing). A retiree and their covered dependents must obtain Medicare Parts A & B at the earliest date eligible. For purposes of this Section, “dependent” means a retiree’s spouse, minor children, and/or children who are physically or mentally disabled, regardless of age, who depend upon the retiree for full-time support.
- E. For employees hired on or after 1/1/2010, at age 65 the County currently provides the retiree the opportunity to purchase supplemental coverage with the retiree responsible for 100% of the cost (County premium share is 0%). A retiree and their covered dependents must obtain Medicare Parts A & B at the earliest date eligible. For purposes of this Section, “dependent” means a retiree’s spouse, minor children, and/or children who are physically or mentally disabled, regardless of age, who depend upon the retiree for full-time support.
- F. For employees hired on or after 1/1/2012, the County does not provide retiree health insurance.
- G. If dependent coverage is available and selected, the retiree must pay 100% of the cost of the coverage. If the retiree is married on the date of their retirement, spousal coverage is available.
- H. Optional dental and vision insurance coverage are currently available to a retiree and their dependents at 100% cost to the retiree.
- I. This policy does not apply to employees who have deferred retirement (i.e. deferred retirees). A deferred retiree is not eligible to receive retiree health insurance coverage.
- J. The County Board of Commissioners reserves the right to increase, decrease, amend, terminate and/or rescind its subsidy of retiree health care at any time, including during retirement. Copies of the current plans are available by request from Human Resources.



KALAMAZOO COUNTY GOVERNMENT

# PERSONNEL POLICIES

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## SECTION 6

### EMPLOYEE POLICIES



# PERSONNEL POLICIES

<b>SECTION 6</b>	<b>EMPLOYEE POLICIES</b>				
<b>6.01</b>	<b>PERSONNEL RECORDS</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	07/07/1998

- A. An employee who wants to review their personnel file may do so at any time by contacting the Human Resources Department and requesting an appointment. The employee may not remove any item from their personnel file, but may request that additional information be added.
  
- B. For purposes of employment references and employment verifications, the County Human Resources Department shall serve as the main sources of personnel records.



# PERSONNEL POLICIES

<b>SECTION 6</b>	<b>EMPLOYEE POLICIES</b>			
<b>6.02</b>	<b>EMPLOYEE BACKGROUND CHECKS AND DISCLOSING CERTAIN CRIMINAL INFORMATION</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: n/a

- A. All employees shall fully disclose to their supervisor any criminal convictions (misdemeanor or felony), or any pending felony charge no later than two (2) business days after such conviction or charge,
- B. County law enforcement departments, or other positions required by State or Federal law or grant requirement, may require reporting of arrests and/or misdemeanor (or specified misdemeanor) charges.
- C. Any employees who work directly with minors or who will have access to the records of minors who are convicted of a felony or misdemeanor, including expressly any law relating to drugs or other controlled substances, or who are charged with a felony, or are placed on the Child Protective Services Central Registry as a perpetrator, shall notify their supervisor in writing immediately, and in all cases, no later than five (5) days after such conviction, charge, or placement on the Child Protective Services Central Registry. An employee must disclose to the County any conviction resulting from such pending charges as described in this Section. However, as required by Federal regulation, employees working with minors must disclose any arrests or charges related to child sexual abuse, child abuse, or child neglect and the disposition of such arrest or charges, and may also be required to certify that no case of child abuse or neglect has been substantiated against them. In every case, employees in positions that work directly with minors or who will have access to minors' records, shall undergo the background checks including drug testing, and, if they have not resided or lived in Michigan for each of the previous ten (10) years, they must also sign a waiver attesting to the fact that they have not been convicted of a felony or been identified as a perpetrator.
- D. The County may, at its cost, conduct a criminal history search periodically on all employees when required to ensure compliance with laws, regulations, grants, licensing requirements, or performance standards.



# PERSONNEL POLICIES

<b>SECTION 6</b>	<b>EMPLOYEE POLICIES</b>			
<b>6.03</b>	<b>CONTINUITY OF SERVICE/SENIORITY</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: 01/01/2013

- A. Continuity of service or seniority date is the date of employment in the County without break or interruption. Continuous service begins at the date of employment into a regular County position. The time spent on approved leaves of absence shall be included in continuity of service.
  
- B. Continuity of service shall be considered **broken** for the following reasons:
  - 1. The employee resigns.
  - 2. The employee is laid off for more than twelve (12) consecutive months.
  - 3. The employee fails to return to their duties at the expiration of an approved leave of absence.
  - 4. The employee voluntarily signs an Acknowledgment of Receipt of Severance Pay and Release of Claims Agreement.
  - 5. The employee is discharged.
  - 6. The employee retires.
  
- C. Continuity of service can be restored when a returning employee has experienced a break under numbers 1 or 2 above, and has completed six (6) months of continuous employment. The prior service may be added to the current work period to determine a new adjusted service date for employee benefit annual leave purposes. Determination of service credit for retirement purposes is controlled by the Retirement Resolution.
  
- D. The Human Resources Director shall rule on all cases of continuity of service subject to the right of appeal by the employee to the County Administrator, whose decision shall be final.
  
- E. Periods of unpaid leave will not be treated as credited services for purposes of benefit accrual, vesting or eligibility to participate in a benefit plan.



# PERSONNEL POLICIES

<b>SECTION 6</b>	<b>EMPLOYEE POLICIES</b>				
<b>6.04</b>	<b>EMPLOYMENT STATUS</b>				
Approved by BOC on:	11/19/2019	Effective Date:	11/20/2019	Supersedes:	09/19/2017

- A. REGULAR** - This term means the employee occupies a position that is authorized by the County Board of Commissioners and is on active pay status (working or using leave time). **A regular employee may be full- or part-time.**
1. **Full-time** means the employee is budgeted to work forty (40) hours per week. A full-time employee, who is placed on a short-term, temporary hour reduction from full-time to part-time, will continue to be eligible for benefits.
  2. **Part-time** means the employee is budgeted for less than forty (40) hours per week.
- B. TEMPORARY** - This term identifies the duration of employment as temporary and for a specific limited duration. All temporary employees serve strictly at the will of the County and are excluded from all benefits and advantages of regular employment, unless statutorily required.

Temporary employees include seasonal and on-call workers.

Hourly rate shall constitute the only compensation paid for the performance of required duties. Holidays are regularly scheduled hours of employment for on-call workers and, therefore, are compensated by their regular hourly rate. No overtime compensation is paid unless they have worked more than forty (40) hours that week.



# PERSONNEL POLICIES

<b>SECTION 6</b>	<b>EMPLOYEE POLICIES</b>				
<b>6.05</b>	<b>OUTSIDE EMPLOYMENT</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	07/07/1998

The Board of Commissioners authorizes Human Resources to implement policies and procedures to establish guidelines and requirements for employees who seek to work at another position outside the County while continuing to work for the County. The policy, at a minimum, shall define the parameters for discretionary authorization to perform outside work; emphasize that all job performance standards must be met regardless of the demands of the outside employment; prohibit use of County equipment, tools or other property or conducting outside business during working time. Employees who violate the policies and procedures may be subject to discipline, up to and including discharge.



# PERSONNEL POLICIES

<b>SECTION 6</b>	<b>EMPLOYEE POLICIES</b>				
<b>6.06</b>	<b>DRIVING RECORDS</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	07/07/1998

It is the policy of Kalamazoo County that driving records be maintained for all employees (including volunteers) who operate County-owned vehicles or transport others in their personally-owned vehicle on the County's behalf. The Human Resources Department shall maintain these records.

Employees assigned to driving duties ("Drivers") must at all times meet the following criteria:

- A.** Drivers must have a current, valid driver's license for the state in which the employee resides; and
- B.** Drivers must maintain a clean driving record (i.e. must remain insurable under the County's liability insurance policy).
- C.** An employee driving a County-owned vehicle or driving on County business must adhere to all safety, traffic, and criminal laws of Michigan. No Driver may consume alcohol or illegal drugs while driving a County-owned vehicle, while on County business, while in a County-owned vehicle or prior to an employee's shift if such consumption would result in a detectable amount of alcohol or illegal drugs present in the employee's system while on duty. No Driver may consume or use any substance, regardless of legality or prescription, which impairs the Driver's ability to safely operate a motor vehicle.
- D.** No Driver may pick up or transport non-employees while in a County-owned vehicle or on County business, unless there is a work-related purpose.
- E.** Any illegal, reckless, or dangerous conduct while driving that could place the lives or property of others at risk is prohibited.

All employees covered by this policy shall maintain a responsible driving record on and off-the-Job and immediately report any restrictions, suspensions or revocations of their driver's license or any violation points attached to the driver's license to the Human Resources Department.

Any employee who violates any part of this policy, or who becomes uninsurable as a Driver, will be subject to reassignment and/or disciplinary action, up to and possibly including termination from employment.



# PERSONNEL POLICIES

SECTION 6	EMPLOYEE POLICIES				
<b>6.07</b>	<b>SOCIAL SECURITY NUMBER PRIVACY</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	n/a

- A. Social Security numbers should be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this Privacy rule. The County shall take reasonable measures to enforce this Privacy rule and to correct and prevent the reoccurrence of any known violations.
- B. Any employee who knowingly obtains, uses, or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this Privacy rule shall be subject to discipline up to and including discharge. Additionally, certain violations of this rule may carry criminal and/or civil sanctions.
- C. The County will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains uses or discloses Social Security numbers through the County for unlawful purposes.



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## SECTION 7

### GRIEVANCE POLICY



# PERSONNEL POLICIES

SECTION 7	GRIEVANCE POLICY				
<b>7.01</b>	<b>GRIEVANCE PROCEDURE FOR NON-BARGAINING UNIT EMPLOYEES</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	01/01/2013

**A. Scope and Purpose.**

1. The most effective accomplishment of work requires prompt consideration for equitable adjustment of employee grievances. Therefore, employees may avail themselves of this procedure. It is the desire of all parties to adjust problems informally, and both supervisors and employees are expected to make every effort to resolve problems informally as they arise. However, where such informal resolution is impossible, a grievance procedure has been established.
2. This grievance procedure shall be applicable to regular County employees covered under this Personnel Policy Manual, excluding, however, 1) employees under a collective bargaining agreement that has a contractual Grievance Procedure; and 2) employees employed by elected County officials (Sheriff, Treasurer, Clerk, Register of Deeds, Drain Commissioner, Prosecutor, and the Courts) for disciplinary or discharge matters. This grievance procedure is also not applicable to any County Elected Officials or contract employees.
3. Grievances of employees working for Elected Officials for disciplinary matters who are *not* covered by a collective bargaining contract may be considered under this procedure if such Elected Official, at their option, permits the same, and requests processing of the appeal in writing to the County Administrator. However, nothing contained in this Grievance Procedure shall alter the fact that regular County employees covered under this Manual are and shall continue to be at-will employees.
4. A complaint that may be heard under this procedure shall be limited to complaints regarding violation or misinterpretation of the rules provided in the County personnel policies or a complaint of unfair application of these rules. This procedure does not apply to discharges except to the extent the employee is claiming a form of unlawful employment discrimination in connection with the discharge, nor to any action taken by the County Administrator that involves concurrence of the County Board of Commissioners.



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5. A grievant must contact the EEO Compliance Officer (Corporate Counsel) prior to formally initiating the grievance relating to a discrimination violation for advisement purposes and/or explanation of the policy and procedures. The Compliance Officer does not have the authority or responsibility to resolve a grievance, but will assist the employee or applicant in following the appropriate procedures.

- B. Procedure.** Should any regular employee of Kalamazoo County to which this procedure is applicable, have a complaint about an interpretation or application of personnel policies, disciplinary action matter, the following steps will be taken:

Step 1. All grievances shall be submitted within ten (10) working days of its occurrence or when the grievant should reasonably have obtained knowledge of its occurrence. If not so submitted, the grievance shall be considered automatically closed. The complainant should complete a standard grievance form and submit it to the appropriate Department Head/Court Administrator/Elected Official. The Department Head/Court Administrator/Elected Official shall normally respond in writing within five (5) working days of the receipt of the grievance, unless it is mutually agreed that a longer time period is necessary. However, a failure to timely respond by the County shall constitute a denial of the grievance.

Step 2. If the response of Department Head/Court Administrator/Elected Official is not satisfactory, the grievant can submit an appeal to the Human Resources Director. The Human Resources Director will normally have ten (10) working days from the date the appeal is received to respond in writing to the grievance, unless the Human Resources Director sends notice to the Grievant that a longer period is necessary.

Step 3. If the response of Human Resources Director is not satisfactory, the grievant can submit an appeal to the County Administrator. The County Administrator will normally have ten (10) working days from the date the appeal is received to respond in writing to the grievance, unless the County Administrator sends notice to the Grievant that a longer period is necessary. The decision of the County Administrator is final and binding on all parties.

In an instance in which the grievance is filed against the County Administrator, the grievance may be submitted to the Chairperson of the Board of Commissioners. The grievance must be submitted within thirty (30) days of its occurrence or when the grievant should reasonably have obtained knowledge of its occurrence. The Chairperson of the Board of Commissioners or their



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# PERSONNEL POLICIES

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designee shall respond in writing to the grievance within fifteen (15) working days of the receipt of the grievance, unless it is mutually agreed that a longer time period is necessary. The decision of the Chairperson of the Board of Commissioners or their designee is final and binding on all parties.

Any grievance not appealed by Grievant within the above prescribed time limit shall be considered dropped and not subject to further appeal. NOTE: This policy does not apply to discharges except to the extent the employee is claiming a form of unlawful employment discrimination in connection with the discharge.



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## SECTION 8

### REDUCTION OF STAFF AND REHIRE PROCEDURES



# PERSONNEL POLICIES

SECTION 8	REDUCTION OF STAFF AND REHIRE PROCEDURES				
<b>8.01</b>	<b>REDUCTION OF STAFF AND REHIRE PROCEDURES</b>				
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes:	12/06/2011

Whenever the County determines it is necessary to lay off personnel due to the loss or reduction of funds, it shall conduct the layoff process in accordance with State and Federal laws, including the policies and procedures established by government regulatory agencies, if applicable.

This policy shall apply to all County authorized regular positions regardless of funding source.



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<b>SECTION 8</b>	<b>REDUCTION OF STAFF AND REHIRE PROCEDURES</b>			
<b>8.02</b>	<b>SEVERANCE PAY</b>			
Approved by BOC on:	09/19/2017	Effective Date:	01/01/2018	Supersedes: 07/07/1998

A severance payment is to entice the employee to stay in their current position and provide the service until the last day of their position existence. A regular employee whose employment is terminated involuntarily by an administrative action of the County (e.g. layoff or other type of reduction in force, elimination of employee's position, termination of funding for program in which the employee worked, etc.), shall be eligible to receive severance pay. In order to receive severance pay, the employee must:

1. Be a regular, non-union employee;
2. have six (6) months of continuous service; and
3. in exchange for receipt of severance pay, execute a release of all claims against the County, in a form approved by and supplied by the County.

The amount of severance for which an employee shall be eligible shall be computed by taking the number of full, continuous (excluding partial) years of service times the weekly salary at the time of separation (excluding benefits, overtime, etc.).

Example:

Annualized salary	= \$20,000; years of service = 10
Weekly salary = annualized salary 52	= \$384.60
Severance pay = weekly salary x years of service	= 10 x \$384.60
Severance pay	= \$3,846.00

Employees whose separation from employment occurs by voluntary termination, or who are terminated for misconduct or poor performance of any type (as determined by the County), shall not be eligible for severance pay under this policy. Temporary employees are also not eligible for severance pay. A regular part-time employee who is eligible for severance pay will receive pro-rated severance pay based on their regularly scheduled hours.



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This policy will be administered by the County Administrator. An employee who is dissatisfied with their severance pay may appeal that decision to the County Administrator. The decision of the County Administrator is final and binding on all parties.