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**MISCELLANEOUS RESOLUTION #08119**

By: Personnel Committee, Thomas Middleton, Chairperson

**IN RE: MERIT SYSTEM**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS Article XI, Section 6 of the Constitution of the State of Michigan provides that a Michigan County may establish, modify or discontinue a merit system for its employees by ordinance or resolution of its governing body, which shall not take effect until approved by a majority of the electors voting thereon; and

WHEREAS the Board of Supervisors established a merit system for the County's employees on a trial basis with the adoption of Miscellaneous Resolution #4551 on April 12, 1966; and

WHEREAS on September 19, 1966, Resolution #4606 was adopted and provided a very workable basis for a merit system; and

WHEREAS the County wishes to utilize the benefits of a merit system in the recruitment and retention of quality employees, in the assurance of continuity of good governmental administration and in the assurance that the selection, pay and treatment of employees is based on merit; and

WHEREAS the County employee population has increased from 1,045 full time eligible employees (in 1966) to approximately 3,700 full time eligible employees today; and

WHEREAS over the last 42 years Oakland County government has experienced a considerable amount of changes which include moving from a Board of Supervisors form of government to a County Executive, updates and changes in employment laws, and advancements in technology; and

WHEREAS the changes in employee population and other legal and technological advancements as described above has made it necessary to modify the Merit System Resolution; and

WHEREAS the following modifications in this resolution are indicated by strikeout and bold print; and

NOW THEREFORE BE IT RESOLVED that these modifications to the Merit System covering the Employees of the County of Oakland be established and made effective when approved by a majority of the electors of the County.

BE IT FURTHER RESOLVED that the Board of Commissioners recommends that the proposed changes be placed on the November 2008 election ballot.

BE IT FURTHER RESOLVED that the County Clerk is directed to do all things necessary for the placing of this question on the ballot as required by law.

- I. The selection, pay, advancement and treatment of County employees shall be based solely on merit without reference to their political affiliation, religious beliefs, racial origin or sex in accordance with Federal and State Laws.
- II. This resolution applies in its entirety to all employees paid by the County of Oakland, except:
  - A. The employees of the Oakland County Road Commission; and
  - B. No provisions covering the manner of selection, appointment, removal from office or limitation of political activity shall apply to:
    1. Officers elected by popular vote, and persons appointed to fill vacancies in such offices.
    2. Officers and employees for whom the Constitution specifically directs the manner of appointment.
    3. Members of Boards and Commissions, officers and employees specifically required by law to be appointees of the Board of Commissioners, the Governor or other non-county officials or official bodies.
    4. One deputy or assistant to each of the elective offices, who in case of a vacancy in the elective office or inability of such elective officer to perform their duties, would be entitled to perform the duties of the office, until a vacancy is filled or the inability removed.
    5. The attorneys and investigators employed by the Prosecuting Attorney's Office.
    6. The Judicial Secretaries to the Circuit Court and Probate Judges.
    7. Those serving in temporary or part-time County positions.

The Personnel Committee shall have final determination as to who shall be covered within the intent of this resolution.

- III. The Merit System shall be administered by a Personnel Committee or its successor committee pursuant to any future reorganization of the Board of Commissioners, made up of members of the Board of Commissioners, to be appointed pursuant to the rules of the Board of Commissioners. The Personnel Committee shall meet at such times and places as its Chairperson shall designate in accordance with the rules of the Board of Commissioners.

IV. The duties and responsibilities of the Personnel Committee shall be as set forth in the rules of the Board of Commissioners and in addition shall include the preparation and enforcement of specific rules and regulations to carry out the provisions and intent of this resolution and recommending to the Board of Commissioners on the provisions of all employee fringe benefit programs.

A. Copies of the rules and regulations developed by the Personnel Committee and all future changes in such rules and regulations shall be submitted to the Board of Commissioners at a regular meeting of the Board of Commissioners and shall become effective thirty days after such meeting unless objection is received in writing by the Chairperson of the Board of Commissioners, in which case the objection shall become a matter of business at the next meeting of the Board of Commissioners.

V. The policies, rules and programs of the Personnel Committee shall be administered by the County Executive, whose Director of Human Resources shall be the Executive Secretary to the Personnel Committee.

VI. The Merit System shall provide:

A. The continued maintenance of a formal classification plan and salary schedule with the Personnel Committee being the final County appeal body on classification matters.

B. That all County positions shall be filled by the selection of all County employees on the basis of merit as measured by competitive examinations under rules and regulations promulgated by the Personnel Committee, except:

1. Those positions specifically exempted by the provisions of these policies, and

2. Incumbent County employees shall not be required to take competitive examinations for the classifications they hold as of the effective date of this resolution and shall be given regular status in such classifications, and

3. Positions may also be filled by the transfer, promotions or re-employment of an employee with regular status in County service provided the employee meets at least the minimum qualifications shown in the latest written specifications of the classification of the new positions, and

a. While not compulsory, department heads having a vacancy to be filled by promotion may request that a promotional examination be held, in which case the department head shall be required to make a selection for promotion, to each vacancy in that classification, from the top five inclusive of tied scores or top band/group if banding/grouping of scores is used, who passed the examination.

4. If it is necessary to fill a position before a competitive examination can be held, a person who meets the minimum qualifications for the classification can receive one non-renewable provisional appointment for a period of not more than six months.

C. That open competitive examinations shall be open to all persons who meet the minimum qualifications for the classification as defined in the latest approved written specification.

1. Applications to take an open competitive examination may be rejected if the applicant fails to meet the minimum qualifications for the classification; if the application was not received, postmarked or electronically submitted with confirmation by the announced closing date for filing applications; if the applicant has a documented record of previous unsatisfactory service in County employment or elsewhere, of such nature as to demonstrate unsuitability for employment in a position of the classification for which the applicant is applying; or if the applicant has been found guilty of a felony, a crime of moral turpitude or has received a dishonorable discharge from the armed forces of the United States. (The application of this section to be tempered by the nature of the crime, the applicant's subsequent rehabilitation and the type of position applied for.)

D. That examinations shall be conducted and scored in an objective manner and may be made up of written tests or oral tests or performance tests or personality evaluations or physical ability tests, or involve a rating of past experience and training or be made up of a combination of such tests.

E. That examinations shall be publicly announced at least seven calendar days in advance of the last date for submitting applications by means of an announcement posted on the official bulletin board in the County's Human Resources Office, and other forms of media (to provide adequate notice to the public) deemed appropriate by the Human Resources Director.

- F. That written notification shall be sent to each qualified applicant at least five calendar days in advance of the examination, notifying the applicant of the time and place of the examination.
    - 1. Rejected applicants shall be notified at the same time, giving the reasons for their rejection.
    - 2. Rejected applicants shall have the right to first review their application with Human Resources and, if not satisfied, to appeal the rejection to the Personnel Committee which shall have the power to reverse, modify or affirm Human Resources' action.
  - G. That all candidates shall be sent written notification of their examination scores and successful candidates shall be given their ranking on the eligible list.
    - 1. All candidates shall have the right to first review their examination results with Human Resources and, if not satisfied, to appeal the examination results to the Personnel Committee which shall have the power to reverse, modify or affirm Human Resources' action.
  - H. That in the filling of a vacancy, County Department Heads shall have their choice of the top five inclusive of tied scores or top band/group if banding/grouping of scores is used, on the eligible list for the classification of the vacancy.
    - 1. Eligible lists shall remain in effect for six months unless exhausted, superseded by a new eligible list for that classification or extended for another six months by the Personnel Committee.
  - I. That all County employees, except those exempted by the provisions of these policies shall be required to successfully complete a probationary period of six months before competitive appointments, or promotions shall be considered complete; at which time they will be deemed to have regular status in their classification.
  - J. That employees with regular status shall not be separated from the County service or demoted except for cause, or for reasons of curtailment of work or lack of funds.
  - K. That a formal appeal procedure be maintained giving employees with regular status the right to appeal dismissals, suspensions, demotions and disciplinary actions to a Personnel Appeal Board which shall act as the final County appeal body in matters of dismissals, suspensions, demotions and disciplinary actions involving covered County employees and departments and whose decisions shall be binding on such employees and departments.
- The Appeal Board shall be made up of six members; two members selected by the County's employees in the same manner in which employee members of the Oakland County Employees' Retirement Commission are elected; two, Members of the Board of Commissioners appointed by the Chairperson of the Board of Commissioners with the approval of the Board of Commissioners; and the fifth and sixth Members at Large to be selected by a majority vote by the other members. Personnel Appeal Board hearings will be conducted by three members, comprised of one Board of Commissioner member; one employee elected member; and one Member at Large.
- 1. If the four members of the Personnel Appeal Board are unable to select the fifth and/or sixth member(s) within thirty (30) calendar days after their appointment, they shall so notify the Oakland County Circuit Court Bench which shall appoint the fifth and/or sixth member(s) to the Personnel Appeal Board within fifteen (15) calendar days.
- The members of the Personnel Appeal Board shall be selected for one year terms beginning January 1 of each year. Personnel Appeal Board Members shall receive per diem and mileage as established by the Board of Commissioners. No member of the Personnel Appeal Board shall have been a County employee within one year prior to the date of appointment to this Board.
- The appeal procedure shall provide for the scheduling of a hearing within a reasonable length of time-after the receipt of the appeal.
- 2. Recusal/Disqualification of Personnel Appeal Board Member.
    - a. Who May Raise. A party may raise the issue of a board member's disqualification by motion, or the Personnel Appeal Board member may raise it.

- b. **Grounds.** A board member is disqualified when the board member cannot impartially hear a case, including but not limited to instances in which:
1. The board member is personally biased or prejudiced for or against one of the participating parties.
  2. The board member has personal knowledge of disputed evidentiary facts concerning the proceeding.
  3. The board member has been consulted or employed as attorney or an advocate in the matter in controversy.
  4. The board member was a partner of a party, attorney or other advocate for a party, or a member of a law firm representing a party within the preceding two years.
  5. The board member knows that he or she, individually or as a fiduciary, or the board member's spouse, parent or child wherever residing, or any other member of the board member's family residing in the board member's household, has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis interest that could be substantially affected by the proceeding.
  6. The board member or the board member's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
    - a. is a party to the proceeding, or an officer, director or trustee of a party;
    - b. is acting as a lawyer or advocate in the proceeding;
    - c. is known by the board member to have a more than de minimis interest that could be substantially affected by the proceeding;
    - d. is to the board member's knowledge likely to be a material witness in the proceeding.
- c. **Procedure.**
1. **Time for Filing.** To avoid delaying proceedings and inconveniencing the witnesses, a request to disqualify must be filed in writing within 14 days after the moving party discovers the ground for disqualification. If the discovery is made within 14 days of the hearing date, the request must be made forthwith. If a request is not timely filed, untimeliness, including delay in a scheduled hearing, is a factor in deciding whether the request should be granted.
  2. **All Grounds to be Included; Affidavit.** In any request under this rule, the moving party must include all grounds for disqualification that are known at the time the request is filed. An affidavit must accompany the motion.
  3. **Ruling.** The challenged board member shall decide the motion. If the challenged board member denies the motion, on the request of a party, the challenged member shall refer the motion to the three member panel, who shall decide the request de novo;
  4. **Motion Granted.** When a board member is disqualified, the action must be assigned to Personnel Appeal Board Member having the same representative status (employee, commissioner neutral). If one is not available, the Chief Judge of the Circuit Court shall assign a person to act as a board member for that appeal.
- d. **Remittal of Disqualification.** If it appears that there may be grounds for disqualification, the board member may ask the parties and their advocates to consider, out of the presence of the board member, whether to waive disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties without participation by the board member, all agree that the board member should not be disqualified, and the board member is then willing to participate, the board member may participate in the proceedings. The agreement shall be in writing or placed on the record.

L. That the political activities of covered County employees be limited to those allowed under rules and regulations promulgated by the Personnel Committee.

Chairperson, on behalf of the Personnel Committee, I move the adoption of the foregoing resolution.

PERSONNEL COMMITTEE

# **1. COVERAGE OF THE MERIT SYSTEM**

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(Reference to SECTION II of the Merit System Resolution.)

**1.1 This Resolution applies in its entirety to all employees paid by the County of Oakland, except:**

**1.1.1** The employees of the Oakland County Road Commission, and

**1.1.2** No provisions covering the manner of selection, appointment or removal from office or limitations of political activity shall apply to:

1.1.2.1 Officers elected by popular vote, and persons appointed to fill vacancies in such offices.

<u>Department</u>	<u>Classification</u>
CIRCUIT COURT	Circuit Court Judge
DISTRICT COURT	District Court Judge
PROBATE COURT	Probate Court Judge
CLERK/REGISTER	County Clerk/Register of Deeds
PROSECUTING ATTORNEY	Prosecuting Attorney
SHERIFF	Sheriff
WATER RESOURCES COMMISSIONER	Water Resources Commissioner
TREASURER	County Treasurer
COUNTY EXECUTIVE	County Executive

1.1.2.2 Officers and employees for whom the Constitution specifically directs the manner of appointment.

1.1.2.3 Members of Boards and Commissions, officers and employees specifically required by law to be appointees of the Board of Commissioners, the Governor or other non-County officials or official bodies. (Public Act 139 of 1973 permits the Board of Commissioners to create positions under the County Executive excluded from the Merit System.)

<b>COUNTY EXECUTIVE</b>	Community and Minority Affairs Coordinator Corporation Counsel Deputy County Executive II Director of Central Services Director of Economic Development and Community Affairs Director of Facilities Management Director of Human Resources Director of Health and Human Services Director of Information Technology Director of Management and Budget Director of Public Services Media and Communications Officer
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<b>CIRCUIT COURT</b>	Caseflow Alternative Dispute Resolution Supervisor Circuit Court Administrator Court Clerk Deputy Court Administrator Friend of the Court Manager Civil/Criminal Division/Judicial Assistant Judicial Staff Attorney Senior Court Reporter Staff Attorney
<b>DISTRICT COURT</b>	All Employees

1.1.2.4 One deputy or assistant to each of the elective offices, who in case of a vacancy in the elective office or inability of such elective officer to perform his or her duties, would be entitled to perform the duties of the office, until the vacancy is filled or the inability removed.

<b>CLERK/REGISTER</b>	Deputy Clerk/Register of Deeds
<b>PROSECUTING ATTORNEY</b>	Chief Deputy Prosecutor
<b>SHERIFF</b>	Undersheriff
<b>TREASURER</b>	Chief Deputy Treasurer
<b>WATER RESOURCES COMMISSIONER</b>	Chief Deputy Water Resources Commissioner

1.1.2.5 The attorneys and Investigators employed by the Prosecuting Attorney's office.

<b>PROSECUTING ATTORNEY</b>	Assistant Prosecutor I Assistant Prosecutor II Assistant Prosecutor III Assistant Prosecutor IV Chief - Appeals Chief - Circuit Court Chief - Deputy Prosecutor Chief - District Court Chief – Juvenile Justice Chief - Family Support Chief - Prosecutor Administration Chief - Warrants Principal Attorney Prosecutor's Investigator Prosecutor Trainee
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1.1.2.6 The Judicial Secretaries to the Circuit Court and Probate Judges.

<b>CIRCUIT COURT</b>	Judicial Secretary
<b>PROBATE COURT</b>	Judicial Secretary

1.1.2.7 Those serving in temporary or part-time County positions. (Employees whose appointments are for 1,000 hours or less in a 12 month period and employees in the classification of Student).

**1.1.3** The Human Resources Committee shall have final determination as to who shall be covered within the intent of this resolution. The exclusion of a classification from Merit System coverage must cite the subsection of the Merit System Resolution under which the exclusion is made.

1.1.3.1 Classifications specifically excluded from Merit System coverage due to Human Resources Committee action:

**BOARD OF COMMISSIONERS** Administrative Director of Program and Operations Analysis

**CLERK/REGISTER** Administrative Assistant to Elected Official

**COUNTY EXECUTIVE** Adm.-Emergency Response & Preparedness  
County Executive Assistant  
Deputy Corporation Council  
Deputy County Executive I  
Deputy Director - Economic Development and Community Affairs  
Deputy Director - Human Resources  
Deputy Director- IT  
Deputy Director-Management & Budget  
Risk Manager  
South Oakland County Liaison/Special Project Coordinator

**WATER RESOURCES COMMISSIONER** Administrative Assistant to Elected Official

**PROSECUTORS** Administrative Assistant to Elected Official

**SHERIFF'S OFFICE** Administrative Assistant to Elected Official

**TREASURER'S OFFICE** Investment Administrator

## 2. SALARIES

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(Reference to Section VI-A of the Merit System Resolution)

### 2.1 SETTING OF SALARIES

All County salaries shall be set by the Board of Commissioners on the recommendation of the Human Resources Committee. Classes in the County belong to one of several groups for the purpose of setting salaries.

#### 2.1.1 Salary Administration Plan

2.1.1.1 Unless otherwise designated, all County classes are evaluated using a point factor method of job evaluation, as adopted by the Board of Commissioners on December 12, 1985 for grades 1-15, and on February 19, 1987 for grades 16-21. Each classification is evaluated on specific factors and receives a total point value. Each salary grade has a designated point range and classes are placed in a salary grade based on the total points the classification receives on the point factor job evaluation. Each salary grade has a specified salary range. All positions within the same classification have the same salary grade designation.

2.1.1.2 A limited number of classes may remain assigned to a salary grade, but be temporarily excepted from that grade. Such classes will be reviewed at regular intervals to determine if the exception should be continued. The Board of Commissioners, on the recommendation of the Human Resources Committee, shall determine which classes are excluded from the Salary Administration Plan.

2.1.1.2.1 Labor market exceptions to salary grade placement may be made temporarily when market data clearly demonstrates such a need.

2.1.1.2.2 Other exceptions to salary grade placement may be made temporarily due to unique situations.

#### 2.1.2 Classifications excluded from the Salary Administration Plan are elected, appointed official, part-time, hourly and union represented classifications.

2.1.2.1 Salary ranges for these classifications may consist of a single rate or a series of salary rates.

2.1.2.2 These classifications are not evaluated using the point factor method of job evaluation and are not assigned to a salary grade.

2.1.2.3 Wages and salaries for union represented classes are negotiated and set forth in contractual agreements between the union and Oakland County, and approved by the Board of Commissioners.

### 2.2 SALARY GRADE PLACEMENT REVIEWS AND APPEALS

2.2.1 A department head wishing a re-evaluation of the salary grade placement for a classification shall make the request in writing to the Human Resources Department. Such a request shall identify changes that have occurred in the job duties since the original evaluation.

2.2.1.1 The Human Resources Department will review the request to determine whether job changes are sufficient to warrant a re-evaluation and will notify the department head in writing if the request is denied.

2.2.1.1.1 A department head may appeal the denial of a request to re-evaluate a salary grade placement by notifying the Human Resources Department in writing, identifying specific factors and evaluations which are considered inappropriate, and stating reasons. Upon receipt, the Human Resources Department shall schedule an appeal before the Job Evaluation Review Panel (see Section 2.2.3) where both sides shall present arguments.

2.2.1.2 If a re-evaluation is conducted, the Human Resources Department will notify the department head of findings regarding the point factor evaluations for the classification and the salary grade placement.

2.2.1.2.1 A department head may appeal the re-evaluation results by notifying the Human Resources Department in writing, identifying the factors and evaluations which are considered inappropriate and stating the reasons. The appealing department shall have up to 21 calendar days from the date of the notice prepared by the Human Resources Department in which to file an appeal. Upon receipt, the Human Resources Department shall schedule an appeal before the Job Evaluation Review Panel where both sides shall present their arguments.

**2.2.2** An employee wishing a re-evaluation of the salary grade placement for his/her classification shall make a request in writing to his/her department head or division manager. Such a request shall identify changes that have occurred in his/her job since the original evaluation.

2.2.2.1 The department head or division manager shall forward the request to the Human Resources Department, along with a recommendation regarding the request.

2.2.2.2 The Human Resources Department will review the request and determine if job changes are sufficient to warrant a re-evaluation, and will notify the employee in writing if the request is denied.

2.2.2.2.1 If an employee wishes to appeal the denial of a request for a re-evaluation of his/her salary grade placement, the employee must submit a written request to the Human Resources Committee to have the appeal forwarded to the Job Evaluation Review Panel and cite reasons for the request. The Human Resources Committee may either forward the request or file it without further action.

2.2.2.3 If a re-evaluation is conducted, the Human Resources Department will notify the employee and the department head or division manager of the findings regarding the point factor evaluations for the classification and the salary grade placement.

2.2.2.3.1 An employee may appeal the re-evaluation results by notifying the Human Resources Department in writing, identifying the factors and evaluations which are considered inappropriate and stating the reasons. The appealing employee shall have up to 21 calendar days from the date of the notice prepared by the Human Resources Department in which to file an appeal. The Human Resources Department shall place the appeal on the agenda for the next meeting of the Human Resources Committee. The Human Resources Committee may either forward the request to the Job Evaluation Review Panel or file it without further action.

**2.2.3** A Job Evaluation Review Panel consists of five members as specified in the Salary Administration Study Group Reports adopted by the Board of Commissioners on

December 12, 1985 and February 19, 1987. The panel shall hear salary grade placement appeals that are forwarded from the Human Resources Committee or scheduled by the Human Resources Department.

**2.2.4** The Human Resources Department shall present a quarterly report to the Human Resources Committee summarizing requested re-evaluations, recommendations on completed re-evaluations and findings of the Job Evaluation Review Panel on appeals heard.

2.2.4.1 The Human Resources Committee shall recommend salary grade changes to the Board of Commissioners.

2.2.4.2 Salary grade changes approved by Board of Commissioners are effective the beginning of the closest pay period following approval by the Board of Commissioners.

## **2.3 ANNUAL REVIEW OF SALARIES**

The Human Resources Committee shall review salaries annually to determine if adjustments to the salary grade table and salary ranges for classifications are warranted.

## **2.4 PREPARATION OF SALARY SCHEDULE**

The Human Resources Department shall annually prepare a Salary Schedule showing the latest approved salary ranges for County Classifications. The Salary Schedule shall be distributed to the Human Resources Committee members, elected officials, department heads, division managers and attendance clerks. Copies shall be available for inspection at the Human Resources Department.

## **2.5 APPLICATION OF SALARIES TO CLASSIFICATIONS**

The salary range for a classification shall apply to all County positions and employees so classified.

## **2.6 SALARY RANGES**

The salary set for a classification shall be called the salary range for that classification, whether the salary consists of a single rate or a series of salary rates.

**2.6.1** The salary rate shall not include service increment pay, night shift differential or other bonuses.

## **2.7 STARTING SALARY RATE**

The salary rate at which an employee begins employment in a given classification shall be the base rate of the class. Exceptions may be made upon recommendation by the department and subsequent approval by the Human Resources Department under the following conditions.

**2.7.1** When the employee enters the new class by way of promotion or transfer from another County classification with a higher salary than the base rate of the new classification.

**2.7.2** When the employee possesses recent directly comparable work experience or academic qualifications which exceed the minimum requirements for the classification.

**2.7.3** When there is an acute shortage of qualified applicants for the classification.

## 2.8 MERIT INCREASES

The advancement to the next higher rate within a salary range shall be called a Merit Increase and shall be based not only on the passage of the indicated length of service in the classification, but also on the written recommendation of the employee's department head as expressed on the official Human Resources Department Merit Increase form. The affected employee shall receive a copy of the completed Merit Increase form, whether the Merit Increase was granted or not. An approved Merit Increase shall be effective the pay period closest to the completion of the required length of service in the classification. A disapproved Merit Increase is a disciplinary action and may be appealed to the Personnel Appeal Board.

**2.8.1** The indicated length of service in the classification shall include only service credited during that period toward the employee's Benefit Date under Rule 22.3.2.1.1.

## 2.9 SERVICE INCREMENT PAY

The Service Increment pay plan is based on Miscellaneous Resolution No. 2817-A, effective January 1, 1954, and provides that County employees and appointed County Officials be granted automatic salary increments in addition to the salary range for their classification, as based on the following schedule:

<u>Years of County Employment</u>	<u>Percent of Current Salary Rate Step</u>
7 years	2%
10 years	4%
13 years	6%
16 years	8%
19 years	10%

**2.9.1** Employees initially appointed or hired or reappointed or rehired to eligible County employment on or after July 1, 1984 shall not be eligible for Service Increment Pay, except:

2.9.1.1 County employees who were eligible for Service Increment pay, separate from County service under Merit Rule 9.4, and then are rehired by the County under the guidelines of Merit Rule 12.3 or 12.4.

**2.9.2** Service Increments become effective the payroll period nearest the completion of the required years of service.

**2.9.3** Length of County employment is described in Rule 22, "Eligibility for Fringe Benefits."

**2.9.4** Service Increment for an employee shall be computed on the current actual salary regardless of the current classification or salary history. Certain items shall not be considered a part of the salary for the purpose of computing service increment. Examples of such items include:

2.9.4.1 Bonuses, such as those paid to Registered Professional Engineers.

2.9.4.2 Night shift differential pay as covered under Section 2.11 of this rule.

2.9.4.3 Overtime payment.

2.9.4.4 Temporary changes of rate.

2.9.4.5 Incentive compensation.

## **2.10 OVERTIME PAY**

### **2.10.1 Definition of Overtime**

2.10.1.1 To be considered as overtime, the work and the time of doing it must have been assigned by the employee's department head or another supervisory employee given this authority by the department head in accordance with County overtime procedures.

2.10.1.2 All such time, in excess of a normal eight hour working day, worked in the 24 hour period beginning with the start of the employee's normal working shift that day, shall be considered as overtime and credited to the calendar day on which the 24 hour period began. Exceptions may be made in departments or divisions which have received approval from the Board of Commissioners and the County Executive to adopt work schedules other than eight hours per day, such as 4/40, flextime, etc.

2.10.1.3 For full-time employees, all working days in excess of five in the employee's seven day work week, shall be considered overtime, except for those employees on rotating shifts where the shift rotation sometimes results in three days off at shift change time and sometimes one day off.

2.10.1.4 For part-time employees, working time in excess of that worked by similarly situated full-time employees in a normal working day shall be considered as overtime as shall any time worked in excess of what the similarly situated full-time employee works in a normal work week.

2.10.1.5 See also, Rule 26, "Legal Holidays."

### **2.10.2 Eligibility for Overtime**

2.10.2.1 All County Employees are eligible for overtime (as defined in Section 2.10 of this rule) except:

2.10.2.1.1 Officers elected by popular vote and persons appointed to fill vacancies in such offices.

2.10.2.1.2 Officers and employees for whom the constitution specifically directs the manner of appointment.

2.10.2.1.3 Members of Boards and Commissions specifically required by law to be appointees of the Board of Commissioners, the Governor or other non-County officials or official bodies.

2.10.2.1.4 The deputies or assistants to each of the elective officers excluded from coverage by the Merit System under Rule 1.

2.10.2.1.5 Executive, Administration or Professional employees interpreted by the Human Resources Committee as being excluded from the mandatory payment of overtime in accord with applicable Federal or State statutes, as determined by

the appropriate governmental regulatory agency unless made eligible for overtime.

2.10.2.2 The classifications of those County employees and officials exempted from the payment of overtime shall be noted in the County's official salary schedule.

2.10.2.3 The incumbents in the exempted positions:

2.10.2.3.1 Shall not be compensated for overtime in either money or compensatory time except as further defined in other sections in this rule.

2.10.2.3.2 Shall be expected to average at least the number of hours per week as required by the standard County work week.

2.10.2.3.3 Shall have their work and contributions to the development and accomplishment of departmental and County programs and goals evaluated in terms of quality and quantity of production and achievement rather than on adherence to set specific working hours.

2.10.2.3.4 Shall be held to the established schedule of Annual Leave accumulation but shall be allowed a higher maximum accumulation than employees who are eligible for overtime, as shown in Merit Rule 23. Such employees may not take a continuous vacation of more than the maximum accumulation allowable an employee eligible for overtime with the same length of service under Rule 23. NOTE: This subparagraph refers to maximum accumulation only, and not to the rate of accumulation. Employees exempted from payment of overtime shall still be held to the rate of Annual Leave accumulation based on their length of eligible County service as described in the rate table contained in Rule 23 - "Annual Leave."

2.10.2.3.4.1 Time absent from work and deviation from the official office hours of the employee's department must always be with the approval of the employee's department head who shall have the responsibility for evaluating the employee's performance and justifying permitted deviations from established hours of work.

2.10.2.3.4.2 Absence from work of less than one complete working day shall be compensated as if the employee were "on the job" and shall not be deducted from Annual Leave accumulations, Sick Leave accumulation or any similar leave plan.

2.10.2.3.4.3 Shall be compensated for periods of temporary military leave as though they were "on the job" except their salary for that period shall be offset by the amount of military pay received by the employee for that period.

2.10.2.3.4.4 Shall receive regular County pay while appearing as a witness if such leave is in accord with the provisions of Rule 14, whether subpoenaed as witness or appearing voluntarily.

### **2.10.3 Method of Compensation for Overtime**

2.10.3.1 Eligible employees, as described in Section 2.10.2 above, shall be compensated for overtime, as previously described by payment in salary which shall be computed at the rate of one and one-half of the employee's normal salary rate.

2.10.3.1.1 The time and one-half salary rate shall be based on the hourly equivalent of the employee's annual salary, including their Service Increment, night shift differential, and temporary change of rate, if any.

2.10.3.1.2 The following salary items are not to be included in the computation of time and one-half overtime pay.

2.10.3.1.2.1 Bonuses such as those paid to Registered Professional Engineers and Registered Land Surveyors, which are based on an annual amount.

2.10.3.2 All time to be compensated for shall be recorded on the employee's attendance record for the periods worked and on such other overtime requests and authorization forms as may be required.

2.10.3.3 Overtime compensated for by the addition of compensatory time to the employee's compensatory time accumulation prior to May 1, 1974 may be compensated for in salary under the following conditions:

2.10.3.3.1 If such a change is requested through the Human Resources Department by the employee's department head.

2.10.3.3.2 If funds are available for such payment.

2.10.3.3.3 If the compensatory time still remains in the employee's compensatory time accumulation.

2.10.3.3.4 If the time so compensated for in salary is removed from the employee's compensatory time accumulation.

2.10.3.3.5 When compensatory time for payment of overtime was entered in an employee's compensatory time accumulation, it was entered at the rate of time and one-half of the actual overtime worked. Payment from the compensatory time accumulation, therefore, must then be made at the straight time rate.

## **2.11 NIGHT SHIFT DIFFERENTIAL**

### **2.11.1 Definition of Night Shift Differential**

2.11.1.1 This is a bonus added to the salary rates of full-time eligible and part-time eligible employees in certain County positions for hours actually worked on the afternoon and midnight shift. The amount of the bonus shall be determined by Board of Commissioners Resolution or applicable collective bargaining agreements.

2.11.1.1.1 Shifts having four or more hours falling between 6:00 p.m. and 6:00 a.m. shall be considered eligible to receive the night shift differential pay for all hours worked on that shift, providing the positions involved are otherwise eligible.

### **2.11.2 Eligibility for Night Shift Differential**

2.11.2.1 With the exception of employees on rotating shifts, all employees in positions which are assigned to eligible shifts, as described above, shall be considered as eligible to receive night shift differential pay.

2.11.2.1.1 Employees in eligible positions but normally assigned to non-eligible shifts who are temporarily assigned to an eligible shift, either as a temporary change of shift or as overtime, shall receive night shift differential for the number of hours worked on the eligible shift.

2.11.2.1.2 Employees in non-eligible positions whose overtime work includes time worked on an eligible shift shall not receive night shift differential pay for this time.

2.11.2.1.3 Employees in eligible positions assigned to eligible shifts shall not receive night shift differential pay when working on non-eligible shifts.

2.11.2.1.4 Night shift differential pay shall be included in the salary rate which is used for the computation of time and one-half pay for the payment of overtime.

2.11.2.1.4.1 Employees in eligible positions who work overtime on eligible shifts shall receive overtime pay based on one and one-half times their normal salary, including night shift differential pay.

2.11.2.1.5 Employees in eligible positions who use Sick Leave, Annual Leave or are off on legal holidays, or other Leaves With Pay while assigned to an eligible shift, shall not receive night shift differential pay while on such leave.

## **2.12 METHOD OF PAYMENT - EMPLOYEES**

**2.12.1** Employees are paid bi-weekly (every other Friday).

**2.12.2** The two week payroll begins on Saturday and ends on Friday, fourteen (14) days later.

2.12.2.1 Full-time employees normally work, and are paid for, ten working days during this 14 day period.

2.12.2.2 Because of shift change dates on rotating shifts, it is possible that an employee may work nine days in one pay period and eleven days in the immediately proceeding or succeeding period.

2.12.2.2.1 In this situation, such employees are paid the normal ten day salary for each pay period.

**2.12.3** Payday is the Friday following the Friday the payroll period ends.

## **2.13 METHOD OF PAYMENT - ELECTED AND CERTAIN APPOINTED COUNTY OFFICIALS**

Elected Officials, Officials appointed by the Board of Commissioners, and other County Officials as may be required by law are paid on the basis of the number of actual calendar days in the year and are paid through the day they receive their bi-weekly pay checks.

## **2.14 METHOD OF PAYMENT ON SEPARATION**

(See Rule 9 - "Separations")

## **2.15 METHOD OF PAYMENT FOR THE LOSS AND GAIN OF TIME DUE TO CHANGES FROM STANDARD TIME TO DAYLIGHT SAVINGS TIME AND RETURN**

**2.15.1** The shift on duty when the time change is made from Eastern Standard time to Daylight Savings time will be paid for the normal eight hour shift, even though the actual time of work is one hour less.

**2.15.2** The shift on duty when the time change is made from Daylight Savings time back to Eastern Standard time will be paid for the normal eight hour shift, even though the actual time of work is one hour more.



## **3. CLASSIFICATION PLAN**

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(Reference to Section VI-A of the Merit System Resolution)

### **3.1 ALL OF THE POSITIONS IN THE COUNTY SERVICE SHALL BE GROUPED INTO CLASSIFICATIONS SO THAT ALL POSITIONS REQUIRING THE SAME GENERAL TYPE OF WORK OF THE SAME GENERAL LEVEL WITH THE SAME RELATIVE DUTIES AND RESPONSIBILITIES SHALL HAVE THE SAME CLASSIFICATION.**

**3.1.1** A position shall be defined as a unit of duties and responsibilities to be carried out by one employee, normally on a full work year basis.

3.1.1.1 A governmental position is one which is paid from a department's budgeted salaries appropriation through the General Fund.

3.1.1.2 A special revenue position is paid from the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes.

3.1.1.3 A proprietary fund position is paid either from an Enterprise Fund, whereby the costs of providing goods and services to the general public on a continuing basis is financed or recovered primarily through user charges; or from an Internal Services Fund whereby the financing of goods or services provided by one department or agency of the County, or to other governments, is on a cost reimbursement basis.

3.1.1.4 Governmental, special revenue and proprietary fund positions shall be established by the Board of Commissioners, either as part of the County's budget process or as a separate action by the Board of Commissioners.

**3.1.2** A classification shall be defined as the title given to all County positions having the same general type of work with relatively the same duties and level of responsibilities.

**3.1.3** New classifications shall be created only by the Board of Commissioners on the recommendation of the Human Resources Committee.

## **3.2 DETERMINATION OF CLASSIFICATION**

**3.2.1** The classification of each position shall be arrived at by the Human Resources Department.

3.2.1.1 The Human Resources Department shall maintain an up-to-date written class specification describing each classification covered by the County Classification plan.

3.2.1.2 Classification determinations shall be arrived at by the Human Resources Department and approved by the Human Resources Committee after study of the duties and responsibilities of the positions involved and after consultation with the department head/division manager involved.

3.2.1.3 A department wishing the classification of a position studied shall make such a request in writing to the Human Resources Director.

3.2.1.3.1 Such a request shall identify the reasons for requesting reclassification.

3.2.1.3.2 The Human Resources Department shall review the request and shall determine whether a classification study is warranted based on the reasons cited in the request. The Human Resources Department shall respond within thirty calendar days regardless of whether or not a study is warranted and shall cite reasons for taking such a position.

3.2.1.4 An employee wishing to have the classification of his/her position studied shall make such a request in writing to his/her department head/division manager. The department head/division manager shall note that he/she has seen the request and forward it to the Human Resources Director along with a recommendation as to the need for a study no later than 14 days after receipt of request.

3.2.1.4.1 Such a request shall identify the reasons for requesting reclassification.

3.2.1.4.2 The Human Resources Department shall review the request and shall determine whether a classification study is warranted based on the reasons cited in the request. The Human Resources Department shall respond within 30 calendar days after receipt of the request from the department head/division manager regardless of whether or not a study is warranted and shall cite reasons for taking such a position.

3.2.1.4.3 If an employee has requested a classification study, and if that request has been found by both the Human Resources Department and the Human Resources Committee to not warrant such a study, then any subsequent request by that employee for a classification study, so long as the employee remains in that same classification, must specifically identify the job elements which have been changed or added since the time of the earlier request.

3.2.1.4.4 If a study is determined to be warranted, the Human Resources Department shall send a job analysis questionnaire to be completed by the employee and signed by the employee's supervisor.

3.2.1.4.5 The Human Resources Department shall complete the classification study within 120 days of the date the completed and signed questionnaire is returned to the Human Resources Department.

3.2.1.4.6 If the classification study results in upward reclassification of the employee's position, the reclassification will be effective on the beginning of the pay period closest to the date the employee returned the completed questionnaire to the Human Resources Department.

3.2.1.4.7 If the classification study results in lateral or downward reclassification of the employee's position, the reclassification will be effective on the beginning of the closest pay period following the determination.

3.2.1.5 A written notice of classification determination shall be sent to the current incumbent of the position in question and to the department head/division manager within five days after the determination has been reached.

### **3.3 FORMS OF CLASSIFICATION DETERMINATIONS**

**3.3.1 NO CHANGE** is a determination that the position is correctly classified at its present classification.

**3.3.2 A LATERAL RECLASSIFICATION** is a determination that a position should be reclassified to a classification having the same maximum salary.

**3.3.3 AN UPWARD RECLASSIFICATION** is a determination that a position should be reclassified to a classification having a higher maximum salary.

**3.3.4 A DOWNWARD RECLASSIFICATION** is a determination that a position should be reclassified to a classification having a lower maximum salary.

3.3.4.1 An incumbent in a position reclassified downward, who remains in that position, shall be reduced to the lower classification immediately, but shall remain at his/her present salary rate, receiving no further upward salary adjustments until such time as the maximum salary for the new classification of the position equals or exceeds his/her salary on the date the position was reclassified downward. An incumbent who is eligible to receive Service Increment shall have such Service Increment computed on the salary rate being paid.

3.3.4.2 An incumbent in a position reclassified downward may apply to the Human Resources Department for transfer into another position of the same classification from which his/her position was reclassified. This request shall be treated as all other requests for lateral transfer.

## **3.4 APPEAL OF CLASSIFICATION DETERMINATION**

**3.4.1** The Human Resources Committee shall appoint a Classification Determination Hearing Subcommittee to consist of three members and one alternate. Appointments shall be made for a one year term to run from January 1<sup>st</sup> thought December 31<sup>st</sup>. The Subcommittee shall hear appeals of the Human Resource Department's determinations from either employees or department heads/division managers and report findings of fact and a recommendation to the Human Resources Committee. The Human Resources Committee shall review the Subcommittee's findings of fact and recommendation and make a final determination on the classification appeal.

3.4.1.1 An appealing party shall have up to five work days after receipt of the notice of classification determination in which to notify the Human Resources Department of the appeal.

3.4.1.2 On receipt of a classification appeal the Human Resources Director shall place the classification appeal on the agenda of the next meeting of the Human Resources Committee.

3.4.1.3 The Classification Determination Hearing Subcommittee shall schedule the classification appeal hearing within 30 days of the notification to the Human Resources Committee by the Director of Human Resources.

3.4.1.4 The Classification Determination Hearing Subcommittee shall select its chairperson from the members.

3.4.1.5 The Classification Determination Hearing Subcommittee procedures may be changed by a majority vote of the Human Resources Committee members.

**4.****FILLING OF VACANCIES**

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(Reference to Section VI-B of the Merit System Resolution)

All County positions, except those specifically exempted by the provisions of the Merit System Resolution, shall be filled by one of the following manners. For each vacancy, department heads shall complete and send to the Human Resources Department a "Personnel Requisition" which gives them the choice of persons from any of the following methods. The methods are separate and distinct and department heads should carefully consider all available options before selecting one. Once the choice has been made, department heads will be bound by their original decision unless unusual circumstances or minimal recruiting response warrant reconsideration of how the position could best be filled. The Human Resources Department has the final responsibility for administration and efficient implementation of this Rule in accordance with applicable provisions of the Merit System Rules, administrative guidelines as established by the County Executive, and Personnel Policy as adopted by the Board of Commissioners.

**4.1 OPEN COMPETITIVE APPOINTMENT**

**4.1.1** For each vacancy, department heads shall have their choice of the top five candidates, inclusive of tied scores, or top band/group if banding/grouping of scores is used, on the current eligible list resulting from an open competitive examination for the classification of the vacancy. The Human Resources Department shall certify the current top five eligibles or the top band/group to the department head in writing.

**4.1.2** Persons receiving open competitive appointments must successfully complete a six month probationary period before the appointment shall be considered complete.

4.1.2.1 Probationary employees successfully completing the probationary period shall receive regular Merit System status giving them the right to appeal to the Personnel Appeal Board on those Human Resources actions within the Appeal Board's jurisdiction; the right to appeal to the Human Resources Committee on matters under that body's jurisdiction; and such other rights as spelled out in these rules and regulations as applying to employees with regular status.

4.1.2.2 Probationary employees failing to successfully complete their probationary period are separated from County employment without benefit of appeal to the Personnel Appeal Board and their names shall not be reinstated on the eligible list for that classification until they have successfully retaken the entire current open competitive examination for that classification.

4.1.2.3 Present County employees with Merit System status who have applied for and passed an open competitive examination are eligible for appointment to a position without separating from County service or giving up their Merit System status, providing they are among the top five candidates, inclusive of tied scores, or top band/group if banding/grouping of scores is used, on the eligible list. In such instances, those Human Resources transactions will be handled in accordance with the provisions of this rule established for inter-departmental promotion, inter-departmental transfer, intra-departmental promotion, or intra-departmental transfer, whichever is applicable.

## **4.2 RE-EMPLOYMENT OF A FORMER COUNTY EMPLOYEE**

For each vacancy, department heads shall have their choice of any former County employee eligible for reemployment under Rule 12.

## **4.3 INTER-DEPARTMENTAL TRANSFER OF A PRESENT COUNTY EMPLOYEE**

**4.3.1** For each vacancy, department heads shall have their choice of any present County employee outside of their department who meets all of the following considerations:

4.3.1.1 Has Merit System status in the same classification or a classification with the same or higher maximum salary, except:

Employees cannot be transferred while serving a probationary period resulting from an open competitive appointment. Any movement into a new classification or another department from that originally appointed requires another open competitive appointment. The provisions of this section of the rule may be waived in the event of an imminent layoff. Employees reappointed during their initial open competitive probationary period shall have their original appointment date used for the purpose of determining eligibility for and computation of all fringe benefits.

4.3.1.2 Meets at least the minimum qualifications for the classification of the vacancy as shown in the current examination announcement for that classification, or if such an examination is not open, the latest written specification for that classification.

4.3.1.3 The employee has agreed to transfer into the vacancy in question.

4.3.1.4 The employee's present department head has agreed to the transfer. The department head's agreement cannot be withheld unless a compelling and continuing need for the employee's services can be demonstrated. If this matter cannot be resolved by the parties involved, the Director of Human Resources shall have the authority to effect or deny the transfer request.

**4.3.2** The Human Resources Department shall have forms available for County employees requesting transfer into another department. Employees must specify on this form the department and classification into which they are interested in transferring. The Human Resources Department shall forward copies of appropriate transfer requests and updated application forms to department heads requesting to fill vacancies in this manner. A request for transfer will only be considered for a period of one year following the date of such request. After one year the individual still interested in a transfer must request an extension from the Human Resources Department.

## **4.4 INTRA-DEPARTMENTAL TRANSFER OF A PRESENT COUNTY EMPLOYEE**

**4.4.1** For each vacancy, department heads shall have their choice of any present County employee within their department who meets all of the following considerations:

**4.4.1.1** Has Merit System status in a classification with the same or higher maximum salary step.

Employees cannot be transferred while serving a probationary period resulting from an open competitive appointment. (Any movement into a new classification from that originally appointed would require a new open competitive appointment.) The provision of this section of the rule may be waived in the event of an imminent layoff. Employees reappointed during their initial open competitive probationary period shall have their original appointment date used for the purposes of determining eligibility for and computation of fringe benefits.

**4.4.1.2** Meets at least the minimum qualifications for the classification of the vacancy as shown in the current examination announcement for that classification, or if such an examination is not open, the latest written specification for the classification.

**4.4.1.3** The employee has agreed to transfer into the vacancy in question.

**4.4.2** This section of the Merit System Rules shall not be interpreted as applying to the reassignment of an employee with Merit System status to any similarly classified position covered by the Merit System within that division or department. The reassignment of an employee is defined as any position change consistent with the employee's current classification, between divisions within a department, or a change in assigned duties or position within a division consistent with the employee's current classification. Such reassignments may be made at the discretion of the department head.

## **4.5 INTER-DEPARTMENTAL PROMOTION OF A PRESENT COUNTY EMPLOYEE**

**4.5.1** In filling a vacancy, department heads can elect to consider eligible County employees from other departments to fill a vacancy in their department by an inter-departmental promotion.

**4.5.1.1** Such inter-departmental promotional opportunities shall be announced and posted on the official Human Resources Department bulletin board for a minimum of seven calendar days, during which time County employees may express their interest by filing an application with the Human Resources Department within the specified time period. Applications received after the filing deadline will not be considered for the vacancy in question.

**4.5.1.2** Notice of such opportunities shall be distributed and posted in locations deemed appropriate by the Human Resources Department.

**4.5.2** Applicants for inter-departmental promotion must meet the minimum qualifications for the classification, as shown on the current announcement. In addition, applicants must have Merit System status in any classification with a maximum salary lower than that of the classification of the position in the department into which they are interested in being promoted.

**4.5.2.1** Department heads may select any qualified person who applied for the inter-departmental promotion.

**4.5.2.2** Department heads may request that an examination be conducted by the Human Resources Department to help select the best qualified applicants. If such an examination is requested, department heads must make their selection for inter-departmental promotion from among the top five candidates, inclusive of tied scores, or top band/group if banding/grouping of scores is used, on the eligible list.

**4.5.3** Employees accepting an inter-departmental promotion will not be considered permanent employees of their new department for six months following the effective date

of their promotion. If, during that time the employee's new department head does not feel the employee's performance is satisfactory, the employee shall be returned to his or her previous department without the employee's consent or right to appeal.

4.5.3.1 If the employee's previous position in the department from which they were promoted is yet unfilled, the employee will be returned to that department and position in their previous classification and salary step with full Merit System status.

4.5.3.2 If the employee's previous position has already been filled, the originating department shall be required to accept the employee's return and remain temporarily overstaffed. The next vacancy in the employee's original classification, or another classification in the same series, will then automatically be filled by the returning employee.

4.5.3.3 An employee returning to the department from which they were promoted during this six month period may be assigned new duties and responsibilities consistent with his or her classification.

**4.5.4** County employees promoted under this section shall serve a six month probationary period before the promotion shall be considered complete.

4.5.4.1 Promoted employees successfully completing their probationary period shall receive regular Merit System status in the classification to which they have been promoted.

4.5.4.2 Promoted employees failing to successfully complete their probationary period shall be demoted to the highest classification in which they have regular Merit System status and shall be returned to their previous department as described earlier in this Section, without the right of appeal to the Personnel Appeal Board.

**4.5.5** After the successful completion of this six month period, the employee will be considered a permanent employee of the department to which they were promoted.

**4.5.6** The employee must agree to the inter-departmental promotion. The employee's present department head must be consulted regarding the promotion and must agree to reasonable transitional terms and conditions of the promotion before the action can be effective. To ensure that inter-departmental promotions do not result in excessive overstaffing or expense, the Human Resources Department must also approve such transactions.

## **4.6 INTRA-DEPARTMENTAL PROMOTION OF A PRESENT COUNTY EMPLOYEE**

**4.6.1** For each vacancy, department heads may promote a present County employee from their department who meets all of the following considerations:

4.6.1.1 Has Merit System status.

4.6.1.2 Meets at least the minimum qualifications for the classification of the vacancy as shown in the current examination announcement for that classification, or if such an examination is not open, the latest written specification for that classification.

4.6.1.3 Ranks as one of the top five candidates inclusive of tied scores, or top band/group if banding/grouping of scores is used, on the eligible list, if a promotional examination is given under Section VI, B, 3a of the Merit System Resolution.

4.6.1.4 Has agreed to the promotion into the vacancy in question.

**4.6.2** County employees promoted under this section shall serve a six month probationary period before the promotion shall be considered complete.

4.6.2.1 Promoted employees successfully completing their probationary period shall receive regular Merit System status in the classification to which they have been promoted.

4.6.2.2 Promoted employees failing to successfully complete their probationary period shall be demoted to the highest classification in which they have regular Merit System status, without the right of appeal to the Personnel Appeal Board.

4.6.2.3 Promoted employees failing to successfully complete their probationary period may be assigned their previous duties or new duties and responsibilities consistent with their previous classification in any division of their department that would normally utilize that classification.

**4.6.3** The provisions for temporary overstaffing, as provided for in Section 4.5.3.2 shall not apply to intra-departmental promotions of County employees.

## **4.7 PROVISIONAL APPOINTMENT**

**4.7.1** If it is necessary to fill a position before a competitive examination can be held, a person can receive one non-renewable provisional appointment for a period of not more than six months. All provisional appointments must be approved in advance by the Human Resources Department. If the department head and the Human Resources Department disagree on the need for a provisional appointment, the matter shall be referred to the Human Resources Committee for a final decision.

4.7.1.1 No provisional appointment can be made when an eligible list is in existence for that classification, or if the open competitive examination is currently announced.

4.7.1.2 Provisional appointees must meet the minimum qualifications for the classification, as shown on the current examination announcement for that classification, or if such an examination is not open, the latest written specification for that classification.

**4.7.2** To receive a regular appointment to County service, a provisional appointee must pass an open competitive examination for the classification in question and rank in the top five candidates, inclusive of tied scores, or top band/group if banding/grouping of scores is used, to be immediately certified from the resulting eligible list and be selected by the department head.

**4.7.3** Provisional appointees who fail in their attempt to pass the open competitive examination for the classification in question cannot continue their employment beyond six months from the date of their appointment or ten working days from the date that the certification is issued to the department head, whichever comes first.

**4.7.4** Provisional appointees who receive a regular open competitive appointment to the position they held as a provisional appointee must serve a six month probationary period. However, all time served as a provisional appointee in that classification and that department shall count toward the probationary period, providing there is no break in service.

## **4.8 PART-TIME NON-ELIGIBLE APPOINTMENT**

**4.8.1** Department heads can elect to fill a vacant position by the appointment of a part-time non-eligible employee.

4.8.1.1 A part-time non-eligible appointment shall be defined as an appointment of personnel where the employee is not eligible for employee benefits (see Merit Rule 22) and does not acquire Merit System status (see Merit Rule 7).

4.8.1.2 A part-time non-eligible appointment is further defined as an appointment of personnel not to exceed a total of 1,000 paid hours between the months of January through December of the same year.

4.8.1.3 Department heads shall be responsible for assuring that part-time non-eligible employees are separated prior to exceeding 1,000 hours of work. Any part-time non-eligible appointee exceeding 1,000 hours shall be terminated immediately by the Human Resources Department.

4.8.1.4 Employees in the classification of Student shall be considered part-time non-eligible employees regardless of the number of hours worked. Students are not eligible for employee benefits and do not attain Merit System status. All hours accumulated under student status shall count toward the 1,000 hour maximum accumulation if transferred to a part-time non-eligible position other than student.

**4.8.2** If an eligible list exists for the classification in question, the department shall first consider applicants from that list who are interested in part-time non-eligible appointments.

4.8.2.1 Applicants for part-time non-eligible positions must meet the minimum qualifications for the classification, as shown on the current examination announcement for that classification, or if such examination is not open, the latest written specification for that classification.

4.8.2.2 No time served in a part-time non-eligible position will be credited towards a probationary period.

4.8.2.3 While persons may receive more than one part-time non-eligible appointment, the total hours worked from all such appointments may not exceed a total of 1,000 paid hours from January through December of the same year.

4.8.2.4 Persons appointed as part-time non-eligible employees will not be eligible for any of the employee benefits granted to permanent employees, in accordance with the provisions of Rule 22.

## **4.9 PART-TIME ELIGIBLE APPOINTMENT**

The department head may elect to fill a vacancy with a part-time eligible employee. Such appointments should be made only in those circumstances where permanent part-time help is required on a year-round basis for the most effective and efficient utilization of personnel and where it is anticipated employment would be for more than 1,000 hours in a calendar year. Employees who do not actually work more than 1,000 hours in any calendar year following the year of appointment shall lose Merit System status and eligibility for fringe benefits and any continued employment shall be deemed part-time non-eligible.

**4.9.1** All such appointments shall be made from the top five candidates, inclusive of tied scores, or top band/group if banding/grouping of scores is used, on the eligible list who are interested in part-time work.

4.9.1.1 Department heads requesting to fill a position on a part-time basis must indicate on the Personnel Requisition the number of hours per week and the work schedule of the position they desire to fill.

4.9.1.2 The employee appointed in this manner shall be eligible for employee benefits in accordance with Rule 22.

**4.9.2** A part-time eligible appointee shall serve a six month probationary period in accordance with Rule 7.

**4.9.3** Employees in part-time eligible positions as of March 1, 1985, shall continue to be granted those employee benefits and other Merit System privileges available to those employees working more than 1,000 hours within a 12 month period but less than full-time. Part-time eligible employees under this provision must work more than 520 hours in each calendar year and remain continually employed in order to maintain their Merit System and employee benefit eligibility status.

**NOTE:**

The change in definition from over 520 hours to over 1,000 hours within a 12 month period for part-time eligible employment shall apply to all non-represented and those represented employees whose labor agreement provides for this change.

## **4.10 TEMPORARY CHANGE OF RATE**

Requests for temporary change of rate must be approved in advance by the Human Resources Department. When a position becomes vacant in the department as a result of military leave, short term disability leave, leave of absence without pay, etc., and where it is impractical to re-distribute the duties of the employee on leave, a department head may request that a present employee from that department in a lower classification, temporarily assume the duties of the employee on leave. During that time, the employee filling in will receive a salary at the base of the higher level classification, except in those cases where this would result in a decrease in salary in which case the employee would be placed at the lowest salary step which would result in an increase. Increased earnings resulting from a temporary change of rate, will not be counted in establishing the base upon which a service increment is computed. In order to be eligible for this temporary change of rate, the employee temporarily filling in must assume all the duties of the higher level vacant position.

**4.10.1** Payment shall not be made to an employee unless the temporary re-assignment extends beyond 30 calendar days. The Human Resources Department will then authorize payment retroactive to the first day of the temporary assignment.

**4.10.2** No time during which an employee is being paid a temporary change of rate may be applied towards a probationary period in the higher classification.

**4.10.3** A temporary change of rate may not exceed six months and may not be renewed.

## 5. EXAMINATIONS

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(Reference to Section VI-C through H, of the Merit System Resolution which are herein repeated in their entirety)

C. *That open competitive examinations shall be open to all persons who meet the minimum qualifications for the classification as spelled out in the latest approved written specification for the classification.*

1. *Applications to take an open competitive examination may be rejected if the applicant fails to meet the minimum qualifications for the classification; if the application was not received, postmarked or electronically submitted with confirmation by the announced last date for filing applications; if the applicant has a documented record of previous unsatisfactory service in County employment or elsewhere, of such nature as to demonstrate unsuitability for employment in a position of the classification for which he or she is applying; or if the applicant has been found guilty of a felony, a crime or moral turpitude or has received a dishonorable discharge from the armed forces of the United States. (The application of this section to be tempered by the nature of the crime, the applicant's subsequent rehabilitation and the type of position applied for.)*

D. *That examination shall be conducted and scored in an objective manner and may be made up of written tests or oral tests or performance tests or personality evaluations or physical ability (agility) tests or involve a rating of past experience and training, or be made up of a combination of such tests.*

E. *That examinations shall be publicly announced at least seven calendar days in advance of the last date for filing applications by means of an announcement posted on the official bulletin board in the County Human Resources Department, by advertisement in the two County published newspapers with the largest County circulation and by such other means as the Human Resources Director shall deem appropriate.*

F. *That written notification shall be sent to each qualified applicant at least five calendar days in advance of the examination, notifying him of the time and place of the examination.*

1. *Rejected applicants shall be notified at the same time, giving the reasons for their rejection.*
2. *Rejected applicants shall have the right to first review their application with the Human Resources Department and, if not satisfied, to appeal the rejection to the Personnel Committee which shall have the power to reverse, modify or affirm the Human Resources Department's action.*

G. *That all candidates shall be sent written notification of their examination scores and successful candidates shall be given their ranking on the eligible list.*

1. *All candidates shall have the right to first review their examination results with the Human Resources Department and, if not satisfied, to appeal the examination results with the Personnel Committee which shall have the power to reverse, modify or affirm the Personnel Department's action.*

*H. That in the filling of a vacancy, County Department Heads shall have their choice of the top five candidates, inclusive of tied scores or top band/group if banding/grouping of scores is used, on the eligible list for the classification of the vacancy.*

- 1. Eligible lists shall remain in effect for six months unless exhausted, superseded by a new eligible list for that classification or extended for another six months by the Personnel Committee.*

## 5.1 DEFINITION OF EXAMINATION

**5.1.1** Examination shall be defined to mean the total battery of tests and other selection devices used to rank all candidates for that particular classification during the life of that examination. In cases where a classification covers positions in more than one division or where the class covers multiple positions which individually require different skills, examinations may be specialized to measure those skills required for the specific vacancy or area of specialization. Eligibility lists resulting from such "Specialized Examinations" shall be used only to fill vacancies requiring the specific skills tested.

5.1.1.1 See Section VI, D of the Merit System Resolution.

5.1.1.2 See Rule 4 "Filling of Vacancies". When a vacancy exists in a classification which is one of a series of classes differentiated by the level of experience required and/or the level of skills measured on a performance test as part of the examination, an eligible list resulting from a higher level class in the series may be used as an appropriate eligible list from which to fill vacancies in a lower level class in that series if:

5.1.1.2.1 No eligible list exists for the lower level classification, and if

5.1.1.2.2 Certification is made from the top five candidates, inclusive of tied scores, or top band/group if banding/grouping is used, on the current eligible list willing to accept a position in the lower classification, and if

5.1.1.2.3 The certified eligible is paid within the salary range for the lower classification.

**5.1.2** Each Merit System examination shall be given a number which shall identify that examination from the date it is announced until the resulting eligible list has expired, is superseded by the list of a succeeding examination or is combined with the list of a succeeding examination. The examination may never be administered if applicants are not forthcoming, may be given once or may be administered many times over a long period of time, as the needs of the County dictate.

## 5.2 PURPOSES OF EXAMINATION

**5.2.1** Examinations shall be given to fill present or future vacancies in a particular classification.

5.2.1.1 See Rule 4 "Filling of Vacancies".

## 5.3 EXAMINATIONS WITH CLOSING DATES

**5.3.1** Examinations may be announced with a definite announced period for the acceptance of applications.

5.3.1.1 The last date for the acceptance of applications shall be clearly stated on the official examination announcement and in the official newspaper announcement of the examination. There will be no newspaper announcement for promotional examinations.

5.3.1.2 This filing period shall be at least seven calendar days. (Section VI, E of the Merit System Resolution.)

5.3.1.3 Applications must be received at the County Human Resources Department before 5:00 p.m. on the announced last date for filing applications, be electronically submitted with confirmation or be postmarked on or before that date in order to be accepted.

## 5.4 CONTINUOUS EXAMINATIONS

**5.4.1** Examinations may be announced as CONTINUOUS EXAMINATIONS with applications being accepted until further notice.

5.4.1.1 The statement that applications will be accepted until further notice shall be clearly stated on the official examination announcement and in the official newspaper announcements of the examination. There will be no newspaper announcement for promotional examinations.

5.4.1.2 Continuous examinations shall be administered whenever sufficient applications have been received and as the need of the County Service dictate.

5.4.1.3 Successful candidates on continuous examinations shall be added to the eligible list resulting from that examination in order of their total examination score, regardless of when they took the examination. The certification of eligibles from eligible lists resulting from continuous examinations shall be made from those on the list the date the certification is made.

**5.4.2** Continuous examinations shall be closed by the posting of a formal notice, signed by the Human Resources Director, on the official bulletin board in the County Human Resources Department, at least seven calendar days in advance of the last date for filing applications.

## 5.5 APPEAL OF APPLICATION REJECTION OR EXAMINATION RESULTS

**5.5.1** All applicants shall have the right to review their results with the Human Resources Department. The requested review of the examination results must be made within 30 calendar days following the mailing of notice of examination results to the candidate. If not satisfied with the Human Resource Department's explanation, the applicant can appeal that decision to the Human Resources Committee within five calendar days following the review with the Human Resources Department.

**5.5.2** Candidates wishing to appeal application rejection or examination results to the Human Resources Committee shall submit a letter to the Director of Human Resources requesting the appeal. This letter shall contain the basis for the request and any supporting rationale as well as the relief sought. The Human Resources Department will prepare a response and forward the candidate's request and department's response to the Human Resources Committee for determination. The Human Resources Committee may resolve the issue on the basis of the written material or schedule an examination appeal hearing.

## 6. ELIGIBLE LISTS

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(Reference to Section VI, H of the Merit System Resolution)

### 6.1 DEFINITION

**6.1.1** An eligible list is the list of all candidates who have taken and passed all portions of an examination, ranked according to their total examination score, inclusive of tied scores, or top band/group if banding/grouping of scores is used, with the highest score being ranked as number one.

6.1.1.1 If the examination has a closing date, the names of all successful candidates are placed on the eligible list resulting from that examination at one time and will retain their relative ranking throughout the life of that eligible list.

6.1.1.2 Successful candidates on continuous examinations shall be added to the eligible list resulting from that examination in order of their total examination score, regardless of when they took that examination.

**6.1.2** The eligible lists shall be prepared by and kept at the Human Resources Department. The Human Resources Department has the final responsibility for administration and implementation of this rule in accordance with applicable provisions of the Merit System Rules, administrative guidelines as established by the County Executive and Personnel Policies as adopted by the Board of Commissioners.

### 6.2 USE OF ELIGIBLE LISTS

**6.2.1** Section VI, H of the Merit System Resolution states in part, "That in the filling of a vacancy, County Department Heads shall have their choice of the top five, inclusive of tied scores or top band/group if banding/grouping of scores is used, on the eligible list for the classification of the vacancy."

**6.2.2** For the filling of a vacancy, the department head shall submit a requisition for an employee, on a form provided by the Human Resources Department.

**6.2.3** If the department head has stated on the requisition that the position is to be filled by an open competitive appointee, the Human Resources Department shall issue a certification showing the names of the top five candidates, inclusive of tied scores or top band/group if banding/grouping of scores is used on the appropriate eligible list.

6.2.3.1 The certification of candidates shall be made from those on the eligible list on the date the certification is made.

6.2.3.2 A canvass of the candidates on a list may be made prior to certification to determine current availability of candidates interested in the vacancy and work location of the pending certification.

6.2.3.3 If any of the five certified candidates become unavailable or uninterested in the vacancy in question, after the certification has been issued, an amended certification can be made, to maintain the number of available candidates at five.

6.2.3.4 Candidates may request to be considered for employment in particular departments or work locations only.

## 6.3 REMOVAL OF NAMES FROM ELIGIBLE LIST

### 6.3.1 Names shall be removed from eligible lists for the following reasons:

(Candidates removed from the eligible list for reasons, other than 6.3.1.1 and 6.3.1.2 below shall be so notified by certified mail, return receipt requested, giving the reasons for the removal.)

6.3.1.1 Having been appointed to a County position in the classifications of the eligible list. Unless otherwise requested by the candidate, the above names shall also be removed from the eligible lists of all lower paying classifications on which they may appear.

6.3.1.2 At the request of the candidate.

6.3.1.3 Failing to pass the Employment Medical Examination.

6.3.1.4 Declining employment on two occasions after receiving an appointment and accepting it.

6.3.1.5 Twice failing to appear for employment interviews with departments after having agreed to appear at specific times and places without notice of cancellation or evidence of attempting to reschedule such appointments.

6.3.1.6 Being unavailable for employment interviews with departments during normal County working hours on three separate occasions, except for reasons of personal illness.

6.3.1.7 Being unreachable at the address given by the candidate as evidenced by an unsuccessful attempt by mail, return receipt requested or failure to respond to a certified letter witnessed by a signed return receipt. If this letter remains unclaimed after 30 days from the initial mailing, a second letter shall be issued to the candidate formally advising them that their name will be removed from the eligible list unless the Human Resources Department is notified by the candidate of their continued interest and availability. During the period while the candidate is unreachable, they shall not be considered for certification.

### 6.3.2 Names may be removed from eligible lists for the following reasons:

(Candidates shall be so notified by certified mail, return receipt requested, giving the reasons for the removal.)

6.3.2.1 A verifiable falsification on the candidate's application.

6.3.2.2 Documented evidence that the candidate has been found guilty of a felony, a crime of moral turpitude or has received a dishonorable discharge from the Armed Forces of the United States.

6.3.2.3 A documented unsatisfactory work record reported by a previous employer during a reference investigation or from previous unsatisfactory service with the County.

6.3.2.4 Documented evidence that the candidate suffers from a condition of such a nature which would render him or her unable to perform the essential functions of the position in the classification of the eligible list.

## **7. PROBATIONARY PERIOD**

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(Reference to Section VI, I of the Merit System Resolution)

### **7.1 WHO MUST SERVE A PROBATIONARY PERIOD**

- 7.1.1** Employees who have received an open competitive appointment to a covered Merit System position.
- 7.1.2** Employees having regular Merit System status, who have been promoted to a classification with a higher maximum salary. (See also Rule 4)
- 7.1.3** Former County employees who have been re-employed in a covered Merit System position under Rule 4.
- 7.1.4** Students and employees appointed to part-time non-eligible employment, do not serve a probationary period and are not eligible for Merit System status. Time served as a student or part-time non-eligible employee shall not be credited toward Merit System status for any classification.

### **7.2 DEFINITION OF PROBATIONARY PERIOD**

- 7.2.1** The probationary period shall be a six month trial period immediately following an employee's open competitive appointment, promotion or re-employment, under Rule 4 with the exceptions noted in Section 7.4.1, below.
- 7.2.2** The probationary period is a continuation of the selection, promotional or re-employment process and the appointment, promotion or re-employment is not complete until the employee has successfully completed the probationary period.

### **7.3 EFFECT OF PROBATIONARY PERIOD ON AN EMPLOYEE**

- 7.3.1** During the probationary period following an open competitive appointment or re-employment, an employee does not have regular Merit System status and does not have the right to appeal a dismissal, suspension or disciplinary action to the Personnel Appeal Board.
- 7.3.2** During a probationary period following a promotion, an employee does not have the right to appeal a Failure to Complete Probationary Period, to the highest classification in which they have regular Merit System status, to the Personnel Appeal Board.

### **7.4 LENGTH OF PROBATIONARY PERIOD**

- 7.4.1** The probationary period shall begin on the effective date of the appointment or re-employment and shall end on the same date of the sixth month in the future except time in the following categories will not count towards the completion of the six month probationary period:

7.4.1.1 All time spent in training after initial appointment providing the training is:

7.4.1.1.1 Required by a higher governmental authority.

7.4.1.1.2 Outside the County's jurisdiction under the control of an agency qualified to provide the training required.

7.4.1.1.3 More than 14 consecutive days of actual instruction.

7.4.1.2 All time spent on authorized leaves of absence without pay when such leaves are in excess of 14 consecutive work days.

**7.4.2** Provisions in Section 7.4.1.1 and 7.4.1.2 shall apply only to non-represented employees and to represented employees whose labor agreement provides for the addition of this benefit.

**7.4.3** The probationary period resulting from promotions within the employee's department shall begin on the effective date of the promotion, shall end on the same date of the sixth month in the future, and shall not be subject to the provisions of Section 7.4.1.1 and 7.4.1.2 of this Rule.

**7.4.4** Subject to the limitations of Section 7.4.1.1 and 7.4.1.2, when the starting date is the last day of the month and the sixth month has fewer days, the last day of the sixth month shall be the probationary period completion date.

## **7.5 NOTIFICATION**

**7.5.1** The Human Resources Department shall notify both the employee and the department head, in writing, of the starting of a probationary period.

**7.5.2** The Human Resources Department shall send a "Mid-Probationary Period Report" form to the department head at three months. This report shall be completed, discussed with the employee and returned to the Human Resources Department prior to the beginning of the 4th month of the probationary period.

**7.5.3** The Human Resources Department shall send an "End of Probationary Period" notice to the department head after five months. The department head shall complete this notice, discuss it with the employee, and return it to the Human Resources Department before the six month probationary period is over.

**7.5.4** If the employee is not separated or demoted, depending on the type of probationary period, he/she is deemed to have successfully completed his/her probationary period.

## **7.6 EFFECT OF A PROVISIONAL APPOINTMENT ON A PROBATIONARY PERIOD**

**7.6.1** Time spent in a provisional appointment in the same classification and department and immediately prior to receiving an open competitive appointment to that classification and department shall be considered as time spent under the probationary period of that appointment.

## **7.7 EFFECT OF PROBATIONARY PERIOD ON EMPLOYEE APPOINTED FOR THE LIFE OF A FEDERAL, STATE, LOCAL OR OTHER GRANT OR CONTRACT**

**7.7.1** Employees appointed under the Merit System to fill a position funded by a special grant or contract program, who have successfully completed a six month probationary period while in grant or contract funded employment shall be granted Merit System status only for the following purposes:

- 7.7.1.1 For the time the position continues to be funded by the Grant or Contract.
- 7.7.1.2 To qualify for re-employment rights under the Merit System Rule 12.
- 7.7.1.3 Transfer to regular Merit System status when and if the Grant or Contract position is converted to a County budgeted position.
- 7.7.1.4 To transfer to regular Merit System status when and if the employee is transferred to a County budgeted position.

## **8. DISCIPLINARY ACTIONS**

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(Reference to Section VI, K of the Merit System Resolution)

That a formal appeal procedure be developed giving employees with regular status the right to appeal dismissals, suspensions, demotions and disciplinary actions to a Personnel Appeal Board which shall act as the final County appeal body in matters of dismissals, suspensions, demotions and disciplinary actions involving covered County employees and departments and whose decisions shall be binding on such employees and departments.

### **8.1 TYPES OF DISCIPLINARY ACTIONS**

#### **8.1.1 Oral Reprimand**

8.1.1.1 This is an action taken by a department head in which the department head tells an employee about an action or behavior of the employee which he or she, as the department head, finds objectionable or wishes corrected.

#### **8.1.2 Written Reprimand**

8.1.2.1 This is an action taken by a department head in which the department head writes out the action or behavior which he or she wishes the employee to change, cease or begin. The Written Reprimand will describe in detail the behavior to be corrected, and will give direct and concrete orders for the future and will point out the consequences of repeating the actions which brought about the Written Reprimand

8.1.2.2 Written Reprimands must be given on forms provided by the Human Resources Department and must be presented to the employee in accordance with Section 8.2 of this rule.

#### **8.1.3 Withholding a Merit Salary Increase after the Prerequisite Length of Service in the Classification Has Been Completed**

8.1.3.1 Merit Increases in salary are given after the passage of a certain amount of time in the employee's classification and on the recommendation of the employee's department head. (See the County Salary Schedule for the time intervals between Merit Increases for the various classifications.) See also Rule 2, Section 2.8.

8.1.3.2 Merit Increase forms are prepared by the Human Resources Department and sent to the department head prior to the effective date.

8.1.3.3 A copy of the disapproved Merit Increase form, with the department head's comments, is presented to the employee in accordance with Section 8.2 of this rule. Department head's copies shall be returned to the Human Resources Department in a timely manner.

#### **8.1.4 Suspension Without Pay**

This is an action taken by a department head which removes an employee from employment in his or her department and from the County payroll. With the exception of cases involving criminal investigation or prosecution, this action is issued for a specified period of time.

8.1.4.1 This action does not require the employee's consent to be placed on such a Leave Without Pay (See Merit Rule 13.2, Effect of a Leave of Absence Without Pay on the Employee).

8.1.4.2 At the end of the suspension, the employee shall be returned to the payroll at the same department, classification and salary as when he or she was suspended.

8.1.4.3 Suspensions Without Pay must be given on forms provided by the Human Resources Department and must be presented to the employee in accordance with Section 8.2 of this rule.

### **8.1.5 Demotion**

This is an action taken by a department head which reduces an employee's classification to a classification with a lower maximum salary.

8.1.5.1 The employee's salary must be reduced to fall within the range of the new classification but to no lower step designation than the one held in the higher classification unless the new classification has fewer salary steps, in which case the employee should be placed at the highest step.

8.1.5.2 The employee's duties and responsibilities must be reduced to those of the lower classification.

8.1.5.3 The reasons for the demotion must be given on the Demotion form.

8.1.5.4 Demotions must be given on forms provided by the Human Resources Department and must be presented to the employee in accordance with Section 8.2 of this rule.

### **8.1.6 Dismissal**

This is an action taken by a department head which permanently removes an employee from employment in his or her department and from the County payroll (see also Rule 9, "Separations"). The dismissal process is not complete until such time as a pre-termination hearing is held consistent with County policy and applicable law. Department heads or their authorized subordinate preparing to dismiss an employee should contact the Labor Relations Unit of the Human Resources Department to arrange a hearing.

8.1.6.1 Dismissed employees need not be kept in employment or be paid for any time after the completion of their normal working day on the date they are dismissed.

8.1.6.2 Dismissed employees shall be treated the same as employees separated for reasons other than retirement, in the matters of paying for unused accumulated Annual Leave, Compensatory Time and unused Sick Leave accumulation.

8.1.6.3 Dismissals must be given on forms provided by the Human Resources Department and must be presented to the employee in accordance with Section 8.2 of this rule.

## **8.2 METHODS OF NOTIFYING AN EMPLOYEE OF:**

### **8.2.1 Written Reprimand**

Withholding of Merit Increase

Suspension Without Pay

Demotion

Dismissal

8.2.1.1 A written notice of the action, giving specific reasons for the action and the effective dates and conditions of the action, must be signed by the department head or the authorized subordinate and be presented to the employee in person by the department head or the authorized subordinate, or else sent to the employee's last known address by registered mail, restricted delivery, with return receipt requested, on/or prior to the effective date of the action.

8.2.1.1.1 If the written notice is presented in person, the employee should sign all copies to acknowledge receipt. If the employee refuses, the presenter should note it on the form.

8.2.1.2 The written notice must be on official forms made available by the Human Resources Department.

8.2.1.2.1 Such forms shall have the rules covering the method of appealing such an action either on an attached sheet or imprinted on the reverse side of the official notice.

8.2.1.3 The department shall give the employee the original form and retain one (1) copy for their records. Remaining copies shall be returned to the Human Resources Department, Employee Records Unit, where a copy shall be made part of the employee's file and record of employment. The Human Resources Department shall send one copy back to the originating department verifying receipt by Human Resources.

### **8.3 DISCIPLINARY ACTION MUST BE FOR "CAUSE"**

An employee shall receive disciplinary action, whether an oral reprimand, a written reprimand, the withholding of a merit salary increase, a suspension without pay, a demotion, or a dismissal, only for a specific clearly described reason or "cause". The department shall clearly specify and identify with particularity the specific reasons or "cause" for the disciplinary action taken. An adequate reason or "cause" for a disciplinary action shall include, but not necessarily be limited to, each of the following kinds of conduct.

8.3.0.1 Conduct or performance on the job which indicates a lack of ability to adequately perform the duties of the position or classification held by the employee.

8.3.0.2 Conduct or performance on the job which indicates a failure to produce the quality of work the position or classification requires.

8.3.0.3 Conduct or performance on the job which indicates a failure to produce the quantity of work the position or classification requires.

8.3.0.4 Conduct or performance on the job which demonstrates insubordination, which is defined as a refusal to follow appropriate written or oral procedures, instructions, or directions from a supervisory employee or department head.

8.3.0.5 The solicitation or acceptance of money or anything of value to influence the decisions of an employee in public matters or as a reward for such decisions.

8.3.0.6 Being under the influence of alcohol, narcotics or any other controlled substance while on the job.

8.3.0.7 Conduct or performance on the job which demonstrates a deliberate attempt to cause poor morale or disrespect among County employees by actions or attitude on the job.

8.3.0.8 Verbal or physical abuse, or improper treatment of an inmate, patient or client of any County institution or department.

8.3.0.9 Habitual or excessive tardiness in reporting for scheduled working hours.

8.3.0.10 Being absent from a scheduled work assignment during working hours without permission from an authorized supervisory employee or department head.

8.3.0.11 Stealing, misappropriation or conversion of County property or the property of other employees or inmates, patients or clients of any County institution or department.

8.3.0.12 The willful violation of any reasonable Departmental or County rule or regulation which has been adopted in written form and is known, or reasonably should be known, to the employees involved.

8.3.0.13 Has engaged in political activities restricted under Section VI, Subdivision L of the Merit System Resolution and Rule 19 of these Merit System Rules.

8.3.0.14 Has willfully failed to pay personal bills to the point that creditors garnishee the wages or salary of a County employee and cause a burden on the County.

8.3.0.15 Personal appearance or lack of cleanliness while on the job which exhibits symptoms of lack of hygiene and bringing unpleasantness to clients of the County or other County employees.

8.3.0.16 Reporting for a scheduled work assignment in clothing or other aspects contributing to appearance, which an authorized supervisory employee or department head has reasonably advised the employee is not acceptable or appropriate for the work assignment or duties performed by that employee.

8.3.0.17 Have been convicted of a felony.

8.3.0.18 Has been convicted of a misdemeanor involving moral turpitude or casting doubt on the employee's ability to properly perform his or her job.

8.3.0.19 Assigning overtime to oneself or to other employees without proper approvals in accordance with County overtime procedures and/or knowingly working overtime and incurring costs for the County where such overtime was not assigned or approved in accordance with County overtime procedures.

8.3.0.20 Unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace.

8.3.0.21 Failure to notify authorized supervisory employee or department head or any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction.

8.3.0.22 Engaging in any act of violence or threats or other violations of the Oakland County Workplace Violence Policy.

IN ADDITION, DISCIPLINARY ACTION MAY BE TAKEN FOR REASONS OR "CAUSE" SPECIFICALLY DEFINED BY THE DEPARTMENT OTHER THAN THOSE LISTED HERE.

# **9. SEPARATIONS FROM THE COUNTY SERVICE**

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## **9.1 RETIREMENT**

This is an action in which the employee leaves County service to become a reentrant member of the Oakland County Employees' Retirement System.

**9.1.1** Retiring employees must make application for retirement on an official "Application for Retirement" form obtainable from the Employee Relations Division of the Human Resources Department.

9.1.1.1 This form must be filed with Human Resources at least 30 days before the date of retirement and not more than 90 days before the date of retirement.

**9.1.2** Retiring employees must notify their department head of their intention to retire at least 30 days before the effective date of retirement.

## **9.2 RESIGNATION**

This is an action in which an employee voluntarily separates himself or herself from the County service for reasons other than formal retirement.

**9.2.1** Employees may resign from the County service by signing a County resignation form which is obtainable from their department head.

**9.2.2** Whenever possible, resigning employees should notify their department head at least two weeks before their final date of work.

**9.2.3** Resigning employees shall work their normal work schedule between the time the resignation is submitted and its effective date, except for department head approved uses of accumulated Annual Leave, Compensatory Time and Sick Leave and the working of department head approved overtime.

## **9.3 SEPARATION - BECAUSE OF INSUFFICIENT LEAVE TIME (SICK LEAVE, ANNUAL LEAVE, LEAVE WITHOUT PAY, ETC.) TO COVER ABSENCE FROM WORK**

This is an action where an employee voluntarily or involuntarily separates himself or herself from the County service by not appearing for work to perform assigned duties. It is not a disciplinary action in that the employee initiates the action by continued absence from work.

**9.3.1** Such separations can occur under any of the following conditions:

9.3.1.1 An employee has exhausted Personal Leave accumulation, Annual Leave and Annual Leave Reserve accumulations, authorized Leave Without Pay, Worker's Compensation Leave, and does not qualify for or cannot verify by a doctor's statement that a physical or mental disability is properly covered by Short Term Disability benefits or the use of their Sick Leave Reserve bank.

9.3.1.2 An employee is collecting Long Term Disability benefits. This separation can occur regardless of whether an employee has leave banks. Management shall be responsible to evaluate the likelihood that the employee will return in a reasonable time in light of the needs of the department and the contribution the employee will be able to make upon his or her return to work. A separation for this reason does not affect the employees' eligibility for Long Term Disability benefits.

**9.3.2** The department head shall take prompt action to warn the employee of such pending separation no less than five days prior to the effective date of the action. Such notice shall be delivered to the employee in person or sent by registered mail, restricted delivery, with return receipt requested, to the employee's last known address.

**9.3.3** Absence from work between the time of mailing the warning notice and the effective date of the action of separation or the employee's return to work shall be treated as an unauthorized leave of absence without pay. Employees may return to work within this five day period but subject themselves to a disciplinary action for taking unauthorized leave. Repeated unauthorized leaves could lead to other disciplinary actions such as suspension without pay, demotion or dismissal.

**9.3.4** Employees unable to return to work prior to the effective date of pending separation must contact the department head prior to the date of separation to seek authorization of a leave of absence without pay for the unauthorized time off. Authorization of such leaves must be requested in writing and approved prior to the effective date of the pending separation in order to prevent separation.

**9.3.5** Employees not intending to return or who cannot return to work may, within the five days between the Warning Notice and the effective date of the separation, submit their written resignation on the form provided by the Human Resources Department thereby making the separation voluntary in the employee's record.

Records of employees not submitting a written resignation or not appearing for work within the required time limits shall indicate "Involuntary separation because of no leave accumulations or authorized leave of absence without pay to cover time off work."

**9.3.6** Separation because of insufficient leave time to cover absence from work will not effect the employee's entitlement to income continuation benefits under the County's Long Term Disability benefit.

**9.3.7** The separation process is not complete until such time as a pre-termination hearing is held consistent with County policy and applicable law. Department heads or their authorized subordinate preparing to separate an employee should contact the Labor Relations Unit of the Human Resources Department to arrange a hearing.

## **9.4 SEPARATION - BECAUSE OF CURTAILMENT OF WORK OR LACK OF FUNDS**

**9.4.1** "Curtailment of Work" is a situation in which the need for the employee's services are no longer required because the County no longer performs the function to which the employee was assigned, to the degree that the same number of employees are needed.

**9.4.2** "Lack of Funds" is a situation in which the County is forced to drop positions because it does not have the funds to pay the salaries of the incumbent employees.

**9.4.3** In the event of separation because of curtailment of work or lack of funds, such reductions in force shall be limited to the department involved and shall be made in the following order. The order within each designated category shall be determined by length of County service and ability to perform the remaining workload. (Length of County service shall be determined by the employee's benefit date.)

9.4.3.1 Provisional employees.

9.4.3.2 Employees serving probationary periods after certification from open competitive eligible lists.

9.4.3.3 Part-time employees with regular status.

9.4.3.4 Full-time employees with regular status.

**9.4.4** Employees promoted but serving a promotional probationary period at the time of such reduction in force shall be considered as holding a position in the highest classification in which they hold regular status.

**9.4.5** Employees separated because of "Lack of Funds" shall be given formal written notice at least two weeks in advance of the date of separation or two weeks of regular pay in lieu of such notice.

**9.4.6** The names of such separated employees who have regular status shall be placed on the "re-employment list" and "recall list" in accordance with the provisions of Rule 12.

**9.4.7** The names of probationary employees shall be placed at the top of the current eligible list for the classes for which they are certified.

**9.4.8** The Human Resources Department is directed to bring such "re-employment lists" to the attention of County Department Heads as vacancies occur in such classifications.

## **9.5 DISMISSAL**

This is an action taken by the employee's department head which permanently removes an employee from employment in his or her department and from the County payroll.

**9.5.1** See Rule 8, Section 8.1.6 and Section 8.3

**9.5.2** For appeal of Dismissals see Section VI, J of the Merit System Resolution and Rule 11, "Appeals of Dismissals, Suspensions, Demotions and Disciplinary Actions."

## **9.6 DEATH OF AN EMPLOYEE**

**9.6.1** The deceased employee's department head should:

9.6.1.1 Send the deceased employee's separation papers to the Human Resources Department.

9.6.1.1.1 Any accumulated unused Annual Leave, Annual Leave Reserve, Compensatory Time, and Sick Leave Reserve should be noted on the separation papers so that the deceased's last paycheck will include payment for this time. (See Rule 2, Section 2.10, "Overtime Pay" and Rule 24A, Section 24A.3, "Payment for Sick Leave Reserve.")

9.6.1.2 Contact the Benefits Unit of the Human Resources Department for further instructions.

**9.6.2 The deceased employee's family should:**

9.6.2.1 Contact the Benefits Unit of the Human Resources Department for instructions.

9.6.2.2 Have available to submit to the Benefit Unit:

9.6.2.2.1 Two certified copies of the Death Certificate.

## **9.7 OFFICIAL DATE OF SEPARATION**

**9.7.1** The official date of separation shall be the last day of actual work. Time off, authorized by the employee's department head, shall not be granted for the purpose of prolonging the official period of County service.

**9.7.2** In the case of an employee's death while on the County payroll, the official date of separation shall be the end of their usual working day on the date of their death.

## **9.8 METHOD OF PAYMENT ON SEPARATION**

The separated employee's last paycheck shall contain payment for the following items at the employee's salary rate as of the official date of separation.

**9.8.1** Payment for all days worked, but as yet unpaid, through the official date of separation.

**9.8.2** Payment at straight time for all unused Annual Leave accumulated as of the official date of separation.

**9.8.3** Payment at straight time for all unused Compensatory Time accumulated as of the official date of separation.

**9.8.4** For employees separating for reasons of retirement or death:

9.8.4.1 One-half payment for all Sick Leave Reserve remaining as of the official date of separation.

**9.8.5** For employees separated for other reasons:

9.8.5.1 One-half payment for all Sick Leave Reserve remaining in excess of seventy-five days as of the official date of separation.

## **9.9 RETURN OF COUNTY PROPERTY**

The separated employee's last paycheck shall not be paid until his or her department head notifies the Human Resources Department that all County property, equipment, uniforms, keys and other material have been returned to the department head's satisfaction.

# **10. PERSONNEL APPEAL BOARD**

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(Reference to Section VI, K of the Merit System Resolution)

## **10.1 DUTIES OF THE PERSONNEL APPEAL BOARD**

The Personnel Appeal Board shall act as the final County appeal body in matters of dismissals, suspensions, demotions, and disciplinary actions involving covered County employees and departments. It shall be empowered to swear and hear witnesses and take testimony. Its decisions shall be binding on covered employees and departments.

## **10.2 JURISDICTION OF THE PERSONNEL APPEAL BOARD**

The Personnel Appeal Board shall act in cases involving all County employees except those specifically excluded from the provisions of the Merit System Resolution.

## **10.3 METHOD OF SELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

**10.3.1** The Chairperson of the Personnel Appeal Board shall be selected by a majority vote of the five members.

**10.3.2** The Vice-Chairperson of the Personnel Appeal Board shall also be selected by a majority vote of the five members.

## **10.4 DUTIES OF THE CHAIRPERSON OF THE PERSONNEL APPEAL BOARD**

The duties of the Chairperson shall include but not be limited to:

**10.4.1** Calling meetings of the Personnel Appeal Board and setting the time and place of such meetings:

10.4.1.1 Meetings may also be called by two Members of the Board.

10.4.1.2 Notices of meetings giving the time and place of the meeting shall be made in writing at least five (5) calendar days prior to the date of the meeting.

10.4.1.2.1 At a meeting with all members present, the above notice can be waived by a majority vote of the Members.

10.4.1.2.2 Preparing, or causing to be prepared, agendas and official minutes of the Board's meetings.

10.4.1.2.3 Calling and administering the oath to witnesses.

10.4.1.2.4 Acting as Chairperson of Board meetings and maintaining order.

10.4.1.2.5 Being responsible for the Board's actions being properly recorded, reported to the interested parties and for seeing that the Board's decisions are acted upon.

10.4.1.2.6 In the absence of the Chairperson, the Vice-Chairperson shall perform all of the duties of the Chairperson.

## **10A. PERSONNEL APPEAL BOARD**

---

(Reference to Section VI, K of the Merit System Resolution)

### **10A.1 MEMBERSHIP OF THE PERSONNEL APPEAL BOARD**

The Oakland County Personnel Appeal Board shall be composed of six members. Two members shall be elected by the qualified County employees who are within the Merit System. Two members of the Board of Commissioners shall be appointed to the Personnel Appeal Board by the Chairperson of the Board of Commissioners, subject to approval by the Board of Commissioners. In addition, the Chairperson of the Board of Commissioners may appoint any Commissioner to serve as a temporary alternate when an appointed Commissioner member is unavailable. The two Members at Large shall be selected by the other four members.

### **10A.2 ELIGIBILITY FOR MEMBERSHIP**

No person shall be eligible to serve as a member of the Personnel Appeal Board who is a County employee within the Merit System, or who has been a County employee within one year prior to the beginning date of service on the Board.

### **10A.3 LENGTH OF TERM**

Members of the Personnel Appeal Board shall serve for a term of one year beginning on January 1, of each year.

### **10A.4 COMPENSATION**

Members of the Personnel Appeal Board shall receive the same per diem compensation and mileage as that paid to Members of the Board of Commissioners for service on other Boards or Commissions.

### **10A.5 METHOD OF ELECTION OF EMPLOYEE ELECTED MEMBERS**

#### **10A.5.1 Date of Election**

The first Friday of December of each year shall be designated as the date for the annual election of two employee elected members of the Oakland County Personnel Appeal Board.

#### **10A.5.2 Official Nominating Petitions Must Be Used**

The County Clerk Elections Division shall make official nominating petition forms available to all interested employees and candidates as of the official posting date of the "Notice of the Last Date for Filing Nominating Petitions" (no later than the fourth (4th) Tuesday in the second (2nd) month preceding the election). PETITIONS FILED ON OTHER FORMS WILL BE CONSIDERED INVALID.

#### **10A.5.3 Employees Eligible to Nominate**

All County employees shall be eligible to sign nominating petitions and vote in this election except those specifically excluded from the provisions of the Merit System Resolution and those represented employees whose labor contract provides an alternate forum through which to resolve disciplinary matters.

#### **10A.5.4 Number of Signatures Necessary to Nominate**

To obtain the printing of the name of any candidate on the official election ballots, there shall be filed with the County Clerk Elections Division nominating petitions signed by not less than fifty (50) qualified County employees.

#### **10A.5.5 Invalid Petition Signatures**

No nominating petition signatures shall be considered valid if the employee has signed nominating petitions for more than two (2) candidates.

#### **10A.5.6 Nominating Petition Required**

No candidate shall have his or her name printed upon any official ballot nor be qualified to fill the office of the Employee Selected Member unless nominating petitions shall have been circulated and filed in accordance with these rules, and he or she is otherwise fully qualified to fill the office for which the election is being held.

#### **10A.5.7 Deadline for Receiving Nominating Petitions**

The County Clerk Elections Division shall receive nominating petitions filed in accordance with the regulations up to four (4) o'clock in the afternoon of the fourth (4th) Friday preceding the election.

#### **10A.5.8 Notice of the Last Date for Filing Nominating Petitions**

The County Clerk Elections Division shall not later than the seventh (7th) Friday preceding any election prepare for each department and institution a notice for the filing of nominating petitions. The notice shall be placed on a bulletin board or other conspicuous place within the various departments and their satellite offices or institutions, setting forth the last day for such filing and such other information as shall be necessary to such filing.

#### **10A.5.9 Acceptance of Nominations**

Each candidate shall, not later than 4:00 p.m. on the last day for the filing of petitions, file with the County Clerk's Director of Elections an official "Acceptance Statement." These official forms are to be supplied by the Elections Division Office. Failure to so file shall result in disqualification of any candidate on whose behalf nominating petitions shall have been filed.

#### **10A.5.10 Certification of Qualified Candidates**

The County Clerk Elections Division shall within three (3) business days after the last day named for filing and receiving nominating petitions, canvass the same to ascertain if such petitions have been signed by the requisite number of qualified employees, and for the purpose of determining the validity thereof. He or she shall then certify in writing to all qualified candidates, the names of all candidates so qualified.

#### **10A.5.11 Notification of Candidates Not Qualified**

In case it is determined that for any cause any candidate who has filed is not entitled to have their name printed on the official ballot, it shall be the duty of the County Clerk Elections Division to immediately notify the candidates of such fact.

#### **10A.5.12 Withdrawal of Candidate**

After the filing of a nominating petition by or on behalf of a proposed candidate, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is filed with the Director of Elections not later than three (3) business days after the last day for filing such petitions.

#### **10A.5.13 Notice of Election**

Not less than five (5) days prior to any annual or special election, the County Clerk Elections Division shall furnish to each department and institution a notice of election, the same to be placed on a bulletin board or other conspicuous place in the various departments and their satellite offices or institution, setting forth the date of said election, the names of qualified candidates in the order they will appear on the official ballot, the term(s) of office(s) to be filled, and such other information as shall be necessary in the conduct of said election.

#### **10A.5.14 Ballots**

All voting shall be by "absent voter's ballots". All balloting shall be on forms prescribed by the Personnel Committee.

#### **10A.5.15 Ballot Arrangement**

The names of all qualified candidates shall be arranged on the official ballot in alphabetical order of surname (last name) as to read in the following manner: First, middle, surname.

#### **10A.5.16 Ballot Designations**

No candidate shall have the right to any designation other than his or her full name; except that any candidate presently holding the office of Employee Selected Member shall be entitled to have the word "incumbent" following his or her name. In the event two or more candidates shall have the same name, the Election Board may prescribe the manner by which the candidates shall be differentiated.

#### **10A.5.17 Distribution of Ballots**

The County Clerk's Director of Elections, or the division's staff, shall provide for delivery of ballots to each employee eligible to vote, via U.S. mail no later than the Friday proceeding the date of the election. Mailing shall include an Official Ballot, voting instructions, campaign rules, information about the candidates and a pre-addressed return envelope.

#### **10A.5.18 Return of Ballots**

All voters shall be responsible for returning their ballots by the election day in the pre-addressed, postage paid return envelope in accordance with the voting instructions. Ballots must be postmarked by the date of the election in order to be officially counted.

## **10A.6 COMMISSIONERS APPOINTED TO THE PERSONNEL APPEAL BOARD**

During the month of December two Members of the Board of Commissioners shall be appointed to the Personnel Appeal Board by the Chairperson of the Board of Commissioners, subject to approval by the Board of Commissioners. In the event of vacancies, replacements shall be named at the next meeting of the Board of Commissioners.

## **10A.7 SELECTION OF THE TWO MEMBERS AT LARGE OF THE PERSONNEL APPEAL BOARD**

The two Members at Large shall be selected by a majority vote of the other four members. If the four members of the Personnel Appeal Board are unable to select the Member(s) at Large within thirty (30) calendar days after their appointment, they shall so notify the Oakland County Circuit Court Bench which shall appoint the Member(s) at Large within fifteen (15) calendar days.

# **11. APPEALS OF DISMISSALS, SUSPENSIONS, DEMOTIONS AND DISCIPLINARY ACTIONS**

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(Reference to Section VI, K of the Merit System Resolution)

## **11.1 ELIGIBILITY TO APPEAL**

All County Employees, except those specifically excluded from the provisions of the Merit System Resolution, who have regular status (have successfully completed their probationary period) shall have the right to appeal dismissals, suspensions, demotions and disciplinary actions.

**11.1.1** Employees who have not successfully completed a probationary period in any classification shall not be eligible to appeal any of these actions.

**11.1.2** Employees who have successfully completed a probationary period in one or more classifications, but have not completed the probationary period in a classification to which they have been promoted, shall have the right to appeal dismissals, suspensions and disciplinary actions, but shall not have the right to appeal a demotion from the classification in which they have not completed the probationary period.

## **11.2 METHOD OF APPEALING**

**11.2.1** Employees wishing to appeal their dismissal, suspension, demotion or a disciplinary action taken against them must file such an appeal in writing with the Human Resources Department within fourteen (14) calendar days of the effective date of the action with the following exception. If the Human Resources Department is closed and unable to receive appeals on the fourteenth day (Saturday, Sunday, Holiday or other non-working days) appeals will be received up to but no later than 5:00 p.m. on the next working day the Human Resources Department is open to receive such appeals.

11.2.1.1 The appeal must be delivered to the Human Resources Office in person or by certified or registered mail with return receipt requested.

11.2.1.2 The appeal must contain the reasons why the employee feels the appealed action was unjustified and state the remedial action requested.

## **11.3 INVESTIGATION BY THE HUMAN RESOURCES DEPARTMENT**

**11.3.1** The Human Resources Department will have the responsibility of reviewing and, if necessary, investigating all appeals of disciplinary actions in an attempt to determine if the matter can be resolved prior to a Personnel Appeal Board hearing.

## **11.4 SCHEDULING OF AN APPEAL**

**11.4.1** Appeals shall be assigned a case number and placed on the Personnel Appeal Board's schedule of pending hearings. Priority in the scheduling of hearings will be given to those employees appealing dismissals, suspensions without pay, demotions and any other discipline which reduces an employee's compensation (in that order).

**11.4.2** Both the department head and the employee shall be given written notice of the time and place of the hearing.

## **11.5 CONDUCT OF HEARINGS**

**11.5.1** The Personnel Appeal Board may conduct its hearings in an informal manner, but witnesses in such hearing shall be sworn.

**11.5.2** Employees and department heads may represent themselves or be represented.

**11.5.3** The Personnel Appeal Board may have the assistance of counsel.

**11.5.4** The Board may subpoena witnesses and records as it finds necessary.

**11.5.5** A quorum shall consist of three Board Members present.

**11.5.6** A majority vote of the Members shall be required for Board action.

**11.5.7** The Board may either affirm, modify or revoke the order of dismissal, suspension, demotion or disciplinary action to any extent, as in its judgment, is equitable. The decision and findings of fact shall be reduced to writing, shall be certified and forwarded to the interested parties and shall be enforced and followed by them.

11.5.7.1 If the action of the department head is affirmed by the Personnel Appeal Board, the effective date of the action shall stand.

11.5.7.2 If the action of the department head is modified by the Personnel Appeal Board, compensation and other benefits shall be in accordance with and in proportion to the extent of such modification.

11.5.7.3 If the action of the department head is revoked by the Personnel Appeal Board, all compensation and other benefits which would have accrued to the employee from the effective date of the action shall be restored to the employee.

## **11.6 EXTENSION OF TIME LIMITS**

In the event of unusual circumstances, the Personnel Appeal Board may authorize extensions of the time limits of the appeal procedure for individual cases.

## **11.7 REQUEST FOR POSTPONEMENT**

If an employee is dismissed, suspended or demoted for committing an act which casts doubt on his or her ability to perform his or her job, and at the time his or her appeal of the action is pending before the Personnel Appeal Board for hearing, the employee is involved in a criminal investigation or prosecution, the hearing may, at the request of the employee or the department, be postponed or continued until the completion of such investigation or termination of such prosecution.

# **12. RE-EMPLOYMENT AND RECALL TO MERIT SYSTEM EMPLOYMENT OF FORMER COUNTY EMPLOYEES**

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## **12.1 EFFECT OF RE-EMPLOYMENT AND RECALL TO MERIT SYSTEM EMPLOYMENT**

**12.1.1** Re-employment is the appointment of a former County Employee to a position covered by County Merit System employment without requiring the employee to be certified from an open-competitive eligible list for the classification of the position. (For employees separated under Rule 9, Section 9.4, see Recall provisions, below).

12.1.1.1 Former employees re-employed under this section shall serve a new six month probationary period starting with the effective date of their re-employment. Until the successful completion of this new probationary period, the re-employed employee shall not have the rights of an employee with regular status, such as the right to appeal a suspension, disciplinary action, demotion or dismissal to the Personnel Appeal Board.

**12.1.2** Recall shall only apply to those non-represented employees who held regular Merit System status and were separated under Rule 9, Section 9.4 (Curtailment of Work or Lack of Funds). Laid off employees will be offered the opportunity for recall prior to the hiring of any new employee in the classification in which they held status or in a classification with equal or lower maximum salary for which they meet the minimum qualifications within the department. This opportunity for recall will exist for a length of time equal to the employee's length of service in the department or two years, whichever is less.

12.1.2.1 Employees recalled under this section will not be required to be certified from an open-competitive eligible list, nor will they be required to serve a new six month probationary period.

## **12.2 ELIGIBILITY FOR RE-EMPLOYMENT OR RECALL TO MERIT SYSTEM EMPLOYMENT**

**12.2.1** This rule applies only to those employees who had regular status as an Oakland County Merit System employee at the time of separation from County Service, (i.e.)

12.2.1.1 Must have either been blanketed into the Merit System while in a position covered by the Merit System when it was established; or

12.2.1.2 Have been appointed to a position covered by the Merit System as the result of an open-competitive examination and have successfully completed the six month probationary period.

**12.2.2** At the time of separation, the returning employee must have had either:

12.2.2.1 Regular status in the classification in which he or she is returning; or

12.2.2.2 Regular status in a classification with equal or higher maximum salary than the one in which he or she is returning and in addition, must meet at least the minimum qualifications of the classification in which he or she is returning as shown in the current examination announcement for that classification, or if such an examination is not open, the latest written specification for that classification.

## **12.3 TIME LIMITS AND PROCEDURES FOR RE-EMPLOYMENT TO MERIT SYSTEM EMPLOYMENT**

**12.3.1** To be eligible for the provisions of this re-employment rule, former employees must, within twelve months after the effective date of their last separation from County Merit System employment, make written or electronic application to be placed on re-employment lists for specific classifications.

12.3.1.1 The written or electronic application must be made on forms provided by the Human Resources Department, which shall maintain lists of qualified former County employees who have expressed interest in re-employment with the County in specific classifications.

**12.3.2** While a former employee's name is on the re-employment list for a classification, it shall be certified by the Human Resources Department in answer to each Human Resources Requisition for that classification, for which the requisitioning department head has requested a former employee.

**12.3.3** Actual re-employment under the provisions of this rule, as indicated by the effective date of the appointment, must begin no more than twenty-four months after the effective date of the employee's last separation from County Merit System employment.

12.3.3.1 The names of former employees not appointed to a position covered by the Merit System within this twenty-four month period will be removed from the re-employment lists.

## **12.4 TIME LIMITS AND PROCEDURES FOR RECALL TO MERIT SYSTEM EMPLOYMENT**

**12.4.1** Employees eligible for recall shall automatically be placed on a Recall List for the department from which they were separated. Their names will remain on this list for the time specified under Section 12.1.2 of this Rule or until the employee is re-employed or recalled, whichever occurs first.

**12.4.2** Employees eligible for recall will be recalled in inverse order with the last separated being the first recalled.

**12.4.3** Employees eligible for recall will be notified of appropriate position openings by certified mail sent to their last known address. The employee must respond in writing to the employer, within 3 days of receipt of notice indicating intent to return to work within 5 days of receipt of the notice. Failure to return within said 5 day period shall waive further rights to recall under this Rule.

**12.4.4** If the position to which the employee is being recalled has a maximum salary less than the maximum salary of the position in which they held status when separated under Rule 9.4 the individual may refuse the position offered and remain on the recall list

for time limits specified in 12.1.2. However, if the individual accepts a position with a lower maximum salary than the position in which they held status when separated under Rule 9.4, their name shall be removed from the recall list.

## **12.5 EFFECTS ON THE EMPLOYEE BENEFITS**

**12.5.1** These apply, regardless of the method of re-employment and apply only to those eligible for employee benefits under Rule 22.

**12.5.2** Former County employees who return to the County Service and who left their employee retirement contributions on deposit with the Oakland County Employees' Retirement System shall have the following employee benefits based on their total length of County Service as described in Rule 22 "Eligibility for Employee Benefits".

- Retirement Credit
- Rate of Earning Annual Leave
- Service Increment Pay - See Rule 2, Section 2.9
- For Sick Leave Reserves - See Rule 24A, Section 24A.7

**12.5.3** Former County employees who return to the County Service and who withdrew their employee retirement contributions from the Oakland County Employees' Retirement System, shall be treated as new employees as far as the above listed employee benefits are concerned. However, from the payroll period nearest to the date they re-deposit such contributions with the above mentioned retirement system, these employee benefits shall be based on their total length of County Service as described in Rule 22, "Eligibility for Employee Benefits" (See Rules 2, 23 and 24A).

**12.5.4** Notwithstanding the provisions set forth above for retirement and other specified leave and compensation benefits, former County employees who were separated under Rule 9, Section 9.4 and rehired pursuant to Section 12.3 or 12.4 of this Rule shall be eligible for re-instatement, at the first of the month following the month of rehire, of those employee benefits in force at the time of separation. Employees shall become eligible for benefits not in force at the time of separation once the waiting period has been met by the employee's total length of County service as described in Section 12.5.2.

# 13. LEAVE OF ABSENCE WITHOUT PAY

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## 13.1 DEFINITION OF LEAVE OF ABSENCE WITHOUT PAY

**13.1.1** A Leave of Absence Without Pay is a predetermined amount of time off from work, without pay, which has been recommended by the employee's department head and approved by the Human Resources Department, within regulations established by the Human Resources Committee of the Board of Commissioners. All time, for which a full-time County employee is to be continued as an employee, but not paid, should be considered as a Leave of Absence Without Pay, whether it be one day or the maximum time allowable under the reason for the leave.

**13.1.2** With the exception of covering time off from work for the 10 days allowed each year for illness (13.3.1.2), running for County Elected Office (13.3.8) and the 12 weeks allowed for Family Leave (see Merit Rule 21), the fact that a leave is possible does not mean that the requested leave must be granted. A Leave of Absence deprives the employee's department of the services of an employee, who it is assumed is needed if the department is to properly do its job. Leaves of Absence Without Pay, except in the case of disciplinary leaves, should be considered as a privilege and the best interests of the department and the County service must be the determining factors when deciding whether to grant such leaves. Abuse of the Leave of Absence Without Pay policy will result in cancellation of the leave and may result in disciplinary action up to and including dismissal from County employment.

**13.1.3** When an employee is granted a Leave of Absence Without Pay, the department head commits himself or herself to allowing the employee to return to work at the end of the leave to the same classification and the same salary that the employee was performing and earning when he or she went on leave. Any substitutes hired to fill in for employees on Leaves of Absence Without Pay, shall be hired for the length of the leave or up to 1,000 hours, whichever occurs first. Under these regulations, no leave shall be granted in conjunction with another type of leave for the purpose of extending the leave.

**13.1.4** When granted a Leave of Absence Without Pay, the employee commits himself or herself to returning to work at the end of the leave.

## 13.2 EFFECT OF A LEAVE OF ABSENCE WITHOUT PAY ON THE EMPLOYEE

**13.2.1** During a Leave of Absence Without Pay, the employee:

13.2.1.1 Does not receive pay from the County.

13.2.1.2 Does not earn Annual Leave (except when on Military Leave as described in Section 13.3.7 of this rule).

13.2.1.3 Does not get paid for Legal Holidays occurring during the leave.

13.2.1.4 Has no time deducted from his or her Annual Leave, Annual Leave Reserve, Personal Leave or Sick Leave Reserve accumulations to cover the time off on the Leave of Absence Without Pay.

13.2.1.5 Remains a member of the Oakland County Employees' Retirement Plan but:

13.2.1.5.1 Because the Retirement System grants a full month of credit if a full-time eligible employee is on the payroll for ten days in a calendar month and a full year of credit if a full-time eligible employee is on the payroll for ten months in a calendar year, the effect of a Leave of Absence Without Pay on the accumulation of Retirement Service Credit time depends on the timing of each individual leave.

13.2.1.6 Does not have their Benefit Date affected for the first 10 approved Leave Without Pay days used each calendar year. This is true regardless of the nature of the Leave Without Pay (e.g. Family Leave, Extended Vacation, Educational Leaves, etc.). All time spent on Leave Without Pay beyond the initial 10 days per calendar year will not be credited toward an employee's Benefit Date and the employee's Benefit Date will be affected. (*With the exception of Administrative Leave Without Pay for budgetary or organizational purposes taken on or after June 28, 2003 as described under Merit Rule 13.3.3.9*)

13.2.1.7 Must pay any group health, dental and vision premiums falling due during any month in which the employee has not worked at least one day. (Such premiums are normally paid by the County for full-time employees.) Failure to pay the appropriate premium amount when it is due will result in cancellation of these benefits. The waiting period for reinstatement of these benefits may be up to one year. Employees on such leaves should contact the Employee Benefits Unit of the Human Resources Department to determine whether they will be required to pay any premiums.

13.2.1.8 Will retain full coverage under the Employees' Group Life Insurance Plan. The County will continue to pay the premium for the term portion of the employee's Group Life Insurance.

13.2.1.8.1 Employees contributing toward paid-up insurance may continue to do so during the leave but are not required to do so. The paid up value of the policy will not increase unless the employee elects to continue the payments of such premiums.

13.2.1.9 Will retain full coverage under the County short and long term disability plan for the first 30 calendar days of a requested and approved leave of absence without pay. Employees must meet all other requirements, as approved by the insurance carrier, in order to receive payments.

13.2.1.10 In addition, employees on the Flexible Benefits Plan will be responsible for paying any additional amounts they are having deducted as a result of their selections under this plan upon their return to work.

## 13.3 TYPES OF LEAVES OF ABSENCE WITHOUT PAY

### 13.3.1 Personal Illness

13.3.1.1 Employee must have exhausted his or her accumulation of Personal Leave and Sick Leave Reserve and is not receiving Short Term or Long Term Disability Income Benefits.

13.3.1.2 Full-time employees may use up to a total of 10 Leave Without Pay days per calendar year for illness as defined in Merit Rule 24A, Section 24A.2.6, subject to the verification and notification procedures contained in Merit Rule 24A, Section 24A.4.3. In order for an employee to use in excess of 10 Leave Without Pay days in a calendar year for illness, it would be necessary to have first exhausted all accumulated Annual Leave in addition to the leave banks listed above.

13.3.1.3 May be granted for 60 calendar days, and may be renewed.

### 13.3.2 Compensable Injury

13.3.2.1 Employee must have exhausted his or her accumulation of Personal Leave, Sick Leave Reserve and Annual Leave.

13.3.2.2 The same provisions apply to these leaves as apply to Leaves of Absence Without Pay for personal illness.

### **13.3.3 Extended Vacations**

13.3.3.1 Employee must have exhausted his or her accumulation of Personal Leave and Annual Leave.

13.3.3.2 Not to exceed 30 calendar days for any one leave.

13.3.3.3 Not more than one such leave to be granted within any twelve month period.

### **13.3.4 Emergency or Exceptional Circumstances**

13.3.4.1 Employee must have exhausted his or her accumulation of Personal Leave and Annual Leave.

13.3.4.2 May be granted for 30 calendar days, and may be renewed under extenuating circumstances not to exceed 180 calendar days.

13.3.4.3 Documentation of qualifying event may be required.

### **13.3.5 Disciplinary Leaves**

13.3.5.1 These are called Suspensions Without Pay and are covered in Rule 8.1.4.

13.3.5.2 There is no time limit to the length of time off for this leave.

13.3.5.3 There is no restriction as to the number of leaves in one year.

### **13.3.6 Educational Leaves**

13.3.6.1 Employee must have exhausted his or her accumulation of Personal Leave and Annual Leave.

13.3.6.2 Not to exceed one calendar year for any one leave.

13.3.6.3 Not more than one such leave to be granted within any twelve month period.

13.3.6.4 Limited only to those employees whose training will be of benefit in future County employment and where their return to County employment is reasonably certain.

### **13.3.7 Military Leaves**

(Refer to Merit System Rule 2, Section 2.10.2.3 - regarding temporary military leaves and compensating such leaves for employees not eligible for overtime under these rules.)

13.3.7.1 For required period of military training or service during times of war or national emergency, draft, or required National Guard or Reserve training.

13.3.7.1.1 Such Leaves are limited to the length of time provided by applicable Federal and State statutes.

13.3.7.1.2 Employees on leave to attend National Guard or Military Reserve Training will continue to accumulate Annual Leave and will have the training time credited toward the earning of Personal Leave as they normally would if they were working during this period.

13.3.7.1.3 Employees on such leaves should consult separate literature on the Group Life Insurance Plan and the Health Plan for the effect of military service on such programs.

### **13.3.8 Running for County Elected Office filled by a partisan election**

(See also Rule 19, "Political Activities")

13.3.8.1 Employee must have exhausted his or her accumulation of Personal Leave and Annual Leave.

13.3.8.2 If such a leave is requested, it must be granted, except no more than two leaves may be granted for the purpose of running for elected office in any one calendar year and each leave must be no less than 15 calendar days nor more than 30 calendar days.

### **13.3.9 Administrative Leave Without Pay for Budgetary or Organizational Purposes**

13.3.9.1 Leave is initiated by the department head.

13.3.9.2 Requires the designated employee(s) signed agreement to go on leave.

13.3.9.3 Limited to maximum 120 calendar days within a *calendar year*.

13.3.9.4 The employee shall not be required to exhaust Personal Leave or Annual Leave accumulations as a prerequisite to this leave.

13.3.9.5 The employee's benefit date will not be adjusted for time taken under this leave provision on or after June 28, 2003.

13.3.9.6 Time taken under this leave provision prior to June 28, 2003 will adjust an employee's benefit date for all days taken beyond the first 10 leave days per calendar year.

Human Resources Department Note:

Administrative Leaves Without Pay are to be used only at the initiation of a department head for legitimate budgetary or organizational purposes and must be approved by the Human Resources Department prior to the beginning of the leave. Employees should obtain written confirmation from their department head that an Administrative Leave has been approved before concluding personal plans for the leave.

## **13.4 PROCEDURE**

**13.4.1** Employees who desire a Leave of Absence Without Pay should apply to their department heads who have forms for this purpose.

## **13.5 RETURN FROM A LEAVE OF ABSENCE WITHOUT PAY**

**13.5.1** When an employee returns form a Leave of Absence Without Pay, the employee's department head must complete the RETURN FROM LEAVE OF ABSENCE WITHOUT PAY section of the "Request for Approval of Time Off" form and submit it to the Human Resources Department before the employee can be returned to the payroll.

**13.5.2** Consistent with the employee's authorization provided on the "Request for Approval of Time Off" form, if an employee fails to return to County employment at the end of a Leave of Absence Without Pay, the employee will be considered to have resigned from County employment effective on the date the employee was expected to return to work.

## **14. LEAVES OF ABSENCE WITH PAY**

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### **14.1 COURT APPEARANCE LEAVE - DURING SCHEDULED WORKING TIME**

#### **14.1.1 Definition**

Court Appearance Leave is an absence from work during scheduled working time, for which the employee is paid, as if he or she were at work, if the absence is caused by the employee being subpoenaed to appear in court.

#### **14.1.2 Eligibility**

14.1.2.1 Only those employees who are subpoenaed or ordered to appear in court during their regular working hours or employees not eligible for overtime (as defined under Rule 2 - Salaries) who appear in their own behalf during their regular working hours, will be eligible to use Court Appearance Leave. Employees eligible for overtime who appear in court as volunteer witnesses or who appear on their own behalf will not be eligible to use this type of leave.

14.1.2.2 Employees requesting the use of Court Appearance Leave must show proof of subpoena and will be required to deposit all witness fees, less mileage payments, with the County Treasurer.

14.1.2.3 Only those employees appointed full-time or part-time eligible are eligible for Court Appearance Leave.

#### **14.1.3 Effect of Court Appearance Leave on Personal Leave and Annual Leave**

Employees on Court Appearance Leave will continue to accumulate Annual Leave as if they were at work and will have the time credited toward earning of Personal Leave. No time will be deducted from the employee's Personal Leave or Annual Leave accumulations while on approved Court Appearance Leave.

### **14.2 COURT APPEARANCE LEAVE - DURING NON-SCHEDULED WORKING TIME**

#### **14.2.1 Definition**

This refers to the appearance in court during non-scheduled working time by County employees whose presence in court at this time is required because of their County position.

#### **14.2.2 Method of Payment**

14.2.2.1 The Court Appearance must be verified in writing by the court involved.

14.2.2.2 If the employee is in a classification which is eligible for overtime compensation, such compensation shall be made at the rate of time and one-half for all time spent in court, with a guarantee of a minimum of two hours compensation per day.

## **14.3 JURY DUTY LEAVE**

### **14.3.1 Definition**

Jury Duty Leave is an absence from work for which the employee is paid as if he or she were at work, if the absence is caused by the employee being ordered to serve as a juror.

County officers and employees, qualified in accord with current state statutes, are not exempt from jury service and should serve as jurors unless excused by the court.

### **14.3.2 Eligibility**

14.3.2.1 Employees requesting the use of Jury Duty Leave must show proof of being drawn for Jury Duty and will be required to deposit all fees received for such duty, less mileage payments, with the County Treasurer.

14.3.2.2 Only those employees appointed full-time or part-time eligible are eligible for this type of leave.

### **14.3.3 Effect of Jury Duty Leave on Personal Leave and Annual Leave**

14.3.3.1 Employees on Jury Duty Leave will continue to accumulate Annual Leave as if they were at work and will have the time credited toward earning of Personal Leave. No time will be deducted from the employee's Personal Leave or Annual Leave accumulations for the time served on approved Jury Duty Leave.

14.3.3.2 If the employee should become sick (as described in Merit Rule 24, "Personal Leave") while serving on a jury and is unable to appear as a juror, the employee must cover the time ill by drawing from Personal Leave, Sick Leave Reserve, Annual Leave, or Leave Without Pay.

# **15. HOURS OF WORK**

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## **15.1 WORK DAY**

### **15.1.1 Length**

15.1.1.1 For pay computation purposes, the normal County Work Day is 8 hours (excluding the lunch period) in a 24-hour period starting at 12:01 a.m.

### **15.1.2 Hours**

15.1.2.1 While most County business offices shall be open from 8:30 a.m. to 5:00 p.m., the hours of beginning and ending of work shifts vary with the situations facing particular departments at particular times and are the responsibilities of the department heads involved, provided:

15.1.2.1.1 That no scheduled work shift shall be longer than eight hours of work (excluding the lunch period) nor less than seven and one-half hours (excluding the lunch period). Exceptions may be made in departments or divisions which have received approval from the Board of Commissioners and the County Executive to adopt work schedules other than eight hours per day, such as 4/40, flextime, etc.

### **15.1.3 Lunch Period**

15.1.3.1 No scheduled lunch period shall be longer than one hour.

### **15.1.4 Relief Periods**

15.1.4.1 All employees scheduled to work a full shift shall be granted one 15-minute relief period before the lunch period and one 15-minute relief period after the lunch period.

### **15.1.5 Scheduling**

15.1.5.1 The scheduling of shifts, lunch periods and relief periods, within the above restrictions, shall be the responsibility of the department head, and shall be designed to provide the least possible disruption of the department's services and not work a hardship on the employees involved.

15.1.5.1.1 Department heads shall clearly inform all employees of their working hours and the timing of their lunch hours and must personally approve any exceptions to the normally scheduled routine.

## **15.2 WORK WEEK**

**15.2.1** The normal County work week is five days of work in a seven day period.

## **15.3 PAY PERIOD**

**15.3.1** The normal County pay period is ten days of work in a fourteen day period starting at 12:01 a.m. on the day officially designated by the County Executive as the beginning of the pay period.

15.3.1.1 The pay period schedule is published as part of the County Salary Schedule.

15.3.1.2 See also, Rule 2, "Salaries".

## **15.4 INCLEMENT WEATHER**

**15.4.1** Only the County Executive shall have the authority to excuse employees early from their shifts, with pay, because of dangerous or inclement weather. Individual department heads shall not have this authority.

**15.4.2** Only the County Executive shall have the authority to give time off with pay because employees may have been prevented from getting to work because of dangerous or inclement weather. In such cases, the following rule shall apply:

15.4.2.1 All employees on the same shift at the affected work locations shall be treated alike.

15.4.2.2 Those required to work and who are able to get to work shall receive double pay for the normal shift and 2-1/2 pay for overtime worked under such circumstances.

# **16. EMPLOYMENT SCREENING**

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## **16.1 COVERAGE**

**16.1.1** Appointees to all County positions, except those who serve at the pleasure of the Board of Commissioners, elected and appointed officials, and appointees of the Governor, must successfully pass the following screenings before their appointments will be considered permanent.

## **16.2 MEDICAL EXAMINATION**

**16.2.1** All appointees covered by this rule must take a medical examination administered by a physician selected and approved by the Human Resources Department.

**16.2.2** Failure to meet the medical requirements for the classification of an appointment shall be cause for disapproval and removal of the appointee's name from the eligible list for that classification.

## **16.3 EMPLOYMENT AND EDUCATION REFERENCES**

**16.3.1** The employment and education references of all appointees covered by this rule may be verified in writing by the Human Resources Department.

**16.3.2** Information gained from such reference verification shall be utilized under the appropriate sections of these rules.

# **17. WORK CONNECTED INJURY OR ILLNESS**

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## **17.1 REPORTING**

**17.1.1** County employees shall report all injuries or illnesses, arising directly from their County employment to their department head immediately.

**17.1.2** Department heads shall report all such injuries or illness to the Risk Management Department immediately on "Report of Injury on the Job" forms.

## **17.2 TREATMENT**

**17.2.1** The ordering of an employee involved in an on-the-job injury to receive immediate professional medical attention shall be considered a legitimate authority of the County department head and refusal on any grounds other than religious shall be deemed insubordination.

17.2.1.1 Except in dire emergencies, this medical treatment should not be given by County medical personnel.

17.2.1.2 The person or institution rendering the medical treatment should be told that it is a possible Worker's Compensation case.

## **17.3 PAYMENT OF MEDICAL BILLS**

**17.3.1** If the injury or illness is deemed compensable by the County's Worker's Compensation Servicing Agent, the servicing agent will pay reasonable and necessary medical charges for care and treatment of a work related injury or injuries.

17.3.1.1 All medical bills resulting from the case should be sent to the Risk Management Department.

## **17.4 PAYMENT FOR TIME OFF**

**17.4.1** If the injury or illness is deemed compensable, the Michigan Worker's Disability Compensation Act provides that the Employer, the County, shall pay part of the employee's salary if he or she is off work more than one week because of the illness or injury.

17.4.1.1 Oakland County is a licensed self-insured employer and as such pays any benefits to its employees as prescribed by the Michigan Workers' Disability Compensation Act either directly or through its Worker's Compensation Servicing Agent.

17.4.1.2 This amount will usually be less than the employee's normal County salary.

17.4.1.3 This payment is a substitute for a portion of the normal County salary and is not in addition to it.

17.4.1.4 If the employee is off work because of the compensable injury or illness for less than two weeks, the Act provides that he or she will not be paid from the servicing agent for the first week. Compensation shall begin on the eighth calendar day after injury.

17.4.1.5 If the employee is off work two weeks or more he or she shall be paid from the date of injury.

**17.4.2** If the injury or illness is deemed compensable, the employee shall be paid directly by the County in the following manner:

17.4.2.1 An eligible employee off work due to an injury or illness, deemed compensable by the Michigan Workers' Disability Compensation Bureau, shall be paid, by the County, the difference between 100% of their regular normal salary, at the time injured, and the payment made under the provisions of the Workers' Disability Compensation Act for periods (covering original injury or illness or reoccurrence of original injury or illness) not to exceed five working days. The County supplement for compensable time off in excess of five working days shall be reduced to the difference between 80% of the employee's regular normal County salary, at the time injured, and the payment made under the provisions of the Workers' Disability Compensation Act for as long as the Worker's Compensation payments are received but not to exceed 52 weeks including both the portion supplemented at 100% and the portion supplemented at 80% as noted above.

17.4.2.1.1 No deductions shall be made from the employee's Personal Leave, Annual Leave or Sick Leave Reserve to cover this payment from the County.

17.4.2.2 An eligible employee still unable to return to work within the time limit described in Section 17.4.2.1 above, who continues to receive Worker's Compensation payments, shall be paid by the County, the difference between his or her regular salary at the time injured and the payment made under the provisions of the Compensation Act, and the prorated amount of time involved shall be deducted first from the employee's Personal Leave and Sick Leave Reserve accumulations and if they are exhausted, from the Annual Leave accumulation.

17.4.2.2.1 An eligible employee off work due to an injury or illness deemed compensable by the Workers' Disability Compensation Bureau shall continue to accumulate Annual Leave at the normal rate and shall have the time credited toward the earning of Personal Leave for as long as he or she receives payment from the County under items 17.4.2.1 and 17.4.2.2 above.

17.4.2.2.2 Any amounts payable to an employee under Sections 17.4.2.1 and 17.4.2.2 above, shall be reduced by an amount equal to any benefits received under the provisions of the Oakland County Employees' Retirement System because of such injury or illness. In no case shall the total benefits paid by the combination of Worker's Compensation payments, payment from Oakland County Employees' Retirement System benefits and payment from the County, total more than the employee's normal salary at the time of injury or illness.

**17.4.3** Because there may be a delay while the servicing agent is determining if the injury is compensable, the employee shall receive full salary payment from the County until the first Worker's Compensation check is sent. If the injury is later determined non-compensable this time will be deducted from the employee's Personal Leave and Sick Leave Reserve accumulations and if they are exhausted, from the Annual Leave accumulation.

When notification is received by the County that the eligible employee received a payment from the servicing agent, this amount will be deducted from their next County paycheck, even though the time covered by the servicing agent check is different from the time covered by the County paycheck. This is continued until any overpayment is made up and may result in the employee receiving only partial pay from the County for a time after he or she returns to work following a compensable injury.

**17.4.4** Non-eligible County employee's (see Rule 22 - Eligibility for Employee Benefits) shall not receive supplemental Worker's Compensation pay (an employee benefit) as described in Section 17.4.2 of this rule.

# **18. EMPLOYMENT OF RELATIVES**

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## **18.1 COVERAGE**

**18.1.1** All sections of this rule shall apply to all positions covered by the Merit System, regardless of whether the department head obtained his or her position through election, appointment or Merit System appointment.

## **18.2 DEFINITION OF RELATIVE**

**18.2.1** For the purpose of this rule, a "relative" shall be a person holding the following relationship to the employee, whether that relationship is natural, adoptive, step or foster in nature.

<b>Spouse</b>	<b>Uncle</b>
<b>Child</b>	<b>Aunt</b>
<b>Parent</b>	<b>Niece</b>
<b>Brother</b>	<b>Nephew</b>
<b>Sister</b>	<b>Parent-in-law</b>
<b>Grandparent</b>	<b>Child-in-law</b>
<b>Grandchild</b>	<b>Brother-in-law</b>
<b>First Cousin</b>	<b>Sister-in-law</b>

## **18.3 PROHIBITIONS ON EMPLOYMENT OF PERSONS WHO ARE RELATIVES AT THE TIME OF APPOINTMENT**

**18.3.1** No person shall be appointed in a department where the department head, assistant department head, head of the division where employed or immediate supervisor is a relative of the employee at the time of appointment. (As described in 18.2 above.)

## **18.4 PROHIBITIONS ON THE CONTINUED EMPLOYMENT OF EMPLOYEES WHO BECOME SPOUSES AFTER THEY ARE EMPLOYED**

**18.4.1** No person shall continue to be an employee in a department after he or she becomes the spouse of the department head, assistant department head, head of the division where employed or immediate supervisor.

## **18.5 PROHIBITIONS ON THE CONTINUED EMPLOYMENT OF EMPLOYEES WHO HAVE REGULAR MERIT SYSTEM STATUS AND WHO ARE RELATIVES OF PERSONS PROMOTED OR APPOINTED TO POSITIONS OF DEPARTMENT HEAD OR ASSISTANT DEPARTMENT HEAD OF THE EMPLOYEE'S DEPARTMENT**

**18.5.1** Such employees may continue to be employed in the same department except:

18.5.1.1 Spouses as covered under Section 18.4 of this rule.

18.5.1.2 If such a relationship occurs before the employee gains regular Merit System status, the employee should be transferred to another department or separated from the County service.

## **18.6 PROHIBITIONS ON THE CONTINUED EMPLOYMENT OF EMPLOYEES WHO ARE RELATIVES OF PERSONS PROMOTED OR APPOINTED TO POSITION OF HEAD OF THE DIVISION WHERE EMPLOYED OR IMMEDIATE SUPERVISOR**

**18.6.1** All lower ranking employees in the division or supervisory unit who are relatives of the division head or supervisor, shall be transferred to another division or supervisory unit of the same department where they will not be supervised by a relative; exceptions may be made by the Human Resources Committee of the Board of Commissioners in cases where there is an intermediate level of supervision between the division head or supervisor and the related employee.

## **19.**

# **POLITICAL ACTIVITIES**

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(Reference to Section VI, L of the Merit System Resolution)

## **19.1 ANY OF THE FOLLOWING ACTIVITIES ON THE PART OF COUNTY EMPLOYEES COVERED BY THE MERIT SYSTEM SHALL BE GROUNDS FOR SUSPENSION OR DISMISSAL FROM THE COUNTY SERVICE.**

**19.1.1** Circulating petitions during scheduled working hours. The exceptions would be internal County authorized elections such as the Personnel Appeal Board, Oakland County Credit Union, and Oakland County Retirement Board.

**19.1.2** Engaging in any political activity or campaigning for a public elective office during scheduled working hours or while on duty or while off duty while wearing uniform or other identifying insignia of office.

**19.1.3** Neglecting his or her assigned duties or responsibilities because of permitted political activity. This includes circulating nominating petitions for political office during working hours.

**19.1.4** Using office, public position, public property or supplies to secure political contributions or to influence a partisan or non-partisan election to fill an office at any level of government.

**19.1.5** Soliciting or receiving anything of value as a partisan or non-partisan political contribution or subterfuge for such contribution from any other person.

**19.1.6** Giving money, property, or anything of value, as a contribution or subterfuge for such contribution, for any partisan or non-partisan political purposes, to any other public officer or employee, as distinguished from political parties or groups.

**19.1.7** Promising, or using influence, to secure public employment or other benefit financed from public funds as a reward for political activity.

**19.1.8** Discriminating in favor of, or against, an officer, employee or applicant, on account of his or her political contribution or permitted political activity at any level of government.

**19.1.9** Engaging in any permitted political activity directed at other public employees while the latter are on duty.

# **20. TUITION REIMBURSEMENT**

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## **20.1 PURPOSE**

Oakland County encourages and assists employees to improve their educational qualifications in subjects and fields of endeavor which are directly related to the County's operations, activities and objectives and which will place the employee in a position to improve their job performance and professional development.

## **20.2 ADMINISTRATION**

### **20.2.1 Designated Administrative Authority**

The Tuition Reimbursement Program shall be administered by the Human Resources Department in accord with the parameters described in this Rule.

### **20.2.2 Guidelines and Directives**

The Human Resources Department shall establish administrative guidelines and directives supplemental to this rule as may be necessary to ensure fair and equitable distribution of Tuition Reimbursements, to provide sufficient reserves to meet reimbursement commitments and to maintain the overall integrity of the Tuition Reimbursement Program.

## **20.3 REIMBURSEMENT REQUIREMENTS**

### **20.3.1 Employee Eligibility**

#### **20.3.1.1 Employment Status**

Applicants must be employed with Oakland County at the time of application for reimbursement and at the time the reimbursement check is to be issued. Reimbursements cannot be paid to persons after date of separation from the County.

#### **20.3.1.2 Employee Benefits Eligibility**

Applicants must be eligible for employee benefits, in accord with Merit System Rule 22, at the time of application and at the time the reimbursement check is to be issued. (Employees on leave of absence without pay and part-time non-eligible employees, for example, are not eligible for this benefit.)

#### **20.3.1.3 Other Sources Tuition Support - Fully Paid**

Employees shall not be reimbursed for course work fully reimbursed or paid by tuition payment support from other sources such as, but not limited to, scholarships, fellowships, veterans' educational benefits, Federal, State, Local educational grant or any other form of tuition support.

#### **20.3.1.4 Other Sources Tuition Support - Partial Payment**

Eligible applicants receiving a portion of the tuition costs requested from other sources but less than the maximum amount of reimbursement allowable under this Rule, are eligible for County reimbursement of the difference between the other sources payment and maximum reimbursement allowable under this Rule up to but not exceeding the total cost of tuition.

**Caution: Application for and/or acceptance of Oakland County Tuition Reimbursement by an employee not eligible for employee benefits (20.3.1.2) or reimbursed or paid by other sources (20.3.1.3-20.3.1.4) may be considered a misappropriation of County funds and cause for disciplinary action up to and including dismissal from County employment.**

## **20.3.2 Course Work Eligibility**

### **20.3.2.1 Institutional Requirements**

Course work shall be limited to programs offered by universities, colleges, business schools, trade schools, and school systems only, approved/certified by a State Board of Education and accredited by the primary, nationally recognized accrediting association for each type of institution. The applicant shall provide documented evidence that his or her school meets this requirement on request of the Human Resources Department. Course work in non-degree programs that leads to licensure or certification for use in employment with Oakland County will also be accepted.

### **20.3.2.2 Class Time**

No reimbursement will be allowed for course work taken on work time for which the employee is being compensated by Oakland County. Course work taken while the employee is on paid annual leave may be reimbursable if in accord with other provisions of this Rule.

### **20.3.2.3 Work Relatedness**

Course work shall be:

#### **20.3.2.3.1 Directly Related to Employee's Work**

Course work should be directly related to the applicant's present job, approved by the Department Authority, and directed towards improving the applicant's knowledge of and performance on the job, or

#### **20.3.2.3.2 Related to Probable Future County Employment**

Probable Future County Employment shall be defined as a position or positions the employee is likely to be transferred or promoted to based on reasonable evidence in the applicant's employment history and/or County experience with employees. The applicant must identify the job he/she chooses to work toward and one likely to be achieved on the Tuition Reimbursement Application, or

#### **20.3.2.3.3 Degree Requirement**

Course work not directly related to the employee's Present or Probable Future County Employment but required for a degree which is related to Present or Probable Future County Employment shall qualify for reimbursement within the intent of this Rule. The applicant may be required to provide reasonable evidence that the non-related course work cannot be substituted by related course work to achieve the same degree.

## **20.4 REIMBURSEMENT PROCEDURE**

### **20.4.1 Applicant Process**

Completion of the application form and meeting the application, receipt and grades filing deadlines is the sole responsibility of the applicant.

#### **20.4.1.1 Filing Deadlines**

##### **20.4.1.1.1 Application Filing Deadline**

Applications requesting Tuition Reimbursement should be filed prior to the starting date of class to confirm reimbursement. Applications will be accepted up to thirty (30) days beyond the starting date of class but under such circumstances reimbursement cannot be guaranteed. All applications submitted will be approved on a first come, first serve basis to the extent funding is available.

*The employee is urged to protect their investment by confirming reimbursement before the class starts and before they have committed their own funds.*

##### **20.4.1.1.2 Receipt/Grades Filing Deadline**

Grades and tuition receipts must be submitted to the Human Resources Department no later than sixty (60) days after the last meeting of the class as noted on the application for reimbursement except a grade of "I" or Incomplete will not be considered for any reimbursement until after successful completion. It is still necessary, however, to submit the incomplete grade within the sixty (60) day period to keep your application active. Also, if for any reason you cannot submit your grades within the filing time frame, e.g., computer error, notify the Human Resources Department in writing as soon as possible, stating the reason for the delay. Failure to meet this filing deadline may result in disqualification for reimbursement.

#### **20.4.1.2 Course Description**

Applicants may be required to submit with each application a full description of the course(s) for which reimbursement is requested. The published catalogue description or other official description provided by the educational institution are required for this purpose.

#### **20.4.1.3 Department Approval**

Each application for tuition reimbursement must be approved by the employee's Department Authority as being relative to the applicant's present or probable future County employment or as otherwise provided in Section 20.3.2.3 of this Rule.

Applications not approved by the Department Authority shall be returned to the employee by the Department Authority prior to the starting date of the course or no later than five working days after the receipt of the application with a written explanation of why approval was not granted.

#### **20.4.1.4 Human Resources Department Approval**

Applications for reimbursement must be approved by the Human Resources Department to assure that the application is complete and in accord with the provisions of this Rule, that an adequate course description has been provided and that sufficient funding is available to meet the reimbursement request.

Applications approved by the Human Resources Department will be acknowledged by forwarding to the employee a copy of the "Reimbursement Payment Authorization Form".

Applications not approved by the Human Resources Department shall be returned to the employee within ten (10) working days of receipt in Human Resources with a written explanation of why the course work was not approved.

#### 20.4.1.5 Notice of Change in Course Work

Applicants changing classes after original approval must notify the Human Resources Department in writing stating reason for change and submitting a description of the course for which reimbursement is requested. Changes from course work already approved may invalidate reimbursement approval if the substitute course work cannot be related to the employee's present or probable future County employment or as otherwise provided in Section 20.3.2 of this Rule.

### **20.4.2 Course Work Documentation**

#### 20.4.2.1 Original Documents

Only original reimbursement documents can be accepted by the Human Resources Department. Original applications, tuition payment receipts and grades or other original proof of successful class completion must be submitted to the Human Resources Department to complete a reimbursement transaction. Employees who wish original documents returned should forward the original documents along with a duplicate copy. Original documents will be returned only if they are accompanied by a legible duplicate copy. Course work documentation shall be maintained with the employee's reimbursement records.

#### 20.4.2.2 Verification of Tuition Payment

Applicants are required to submit proof of tuition payment. Institutional tuition payment receipts serve this purpose best although cancelled tuition payment checks are an acceptable substitute. Applicants may be required to verify that their Tuition Reimbursement request includes only tuition costs. Refer to Section 20.6.4 of this Rule for further explanation.

#### 20.4.2.3 Verification of Successful Completion

Applicants are required to submit proof of successful completion of course work before reimbursement payment can be authorized. Course withdrawals or failures are not reimbursable. Institutional grade reports serve this purpose best. A letter from the applicant's course teacher or instructor, on institutional letterhead, verifying successful completion, is an acceptable substitute.

## **20.5 REIMBURSEMENT LIMITATIONS**

### **20.5.1 Fund Limitations**

Reimbursement request approvals are contingent upon the availability of Tuition Reimbursement funds specifically budgeted for this purpose. Should funding become insufficient to meet reimbursement requests due to increase demand, budget cutbacks or for any other reason, reimbursements will be processed on a first come, first serve basis. Act 621 of the Public Acts of 1978, otherwise known as the Uniform Budgeting Act, prohibits payment of reimbursements in excess of the funds specifically budgeted for this purpose.

### **20.5.2 Course Work Limitations**

Tuition will be reimbursed for no more than two courses each session.

### **20.5.3 Dollar Limitation**

Reimbursement rates shall be determined by the Board of Commissioners in conjunction with the biennial budget process and reflected in the adopted General Appropriations Act.

## **20.6 REIMBURSEMENT NOT ALLOWED**

### **20.6.1 Law School Courses**

There shall be no Tuition Reimbursement for law school classes; however, employees who are current members in good standing of the State Bar of Michigan may take law school classes which are directly related to County operations, activities, and objectives and which will place the employee in a position to improve their job performance and professional development.

### **20.6.2 Seminars, Conferences, etc.**

There shall be no Tuition Reimbursement for seminars, conferences or other programs normally covered by a department's budgeted provisions for travel and conference.

### **20.6.3 Degree Limitations**

There shall be not Tuition Reimbursement for any course work, seminars, conferences or other educational programs from the Tuition Reimbursement fund for employees possessing a Doctor of Philosophy or equivalent advanced degree.

### **20.6.4 Costs Other Than Tuition**

Tuition costs only are reimbursable under this program. The applicant may be required to provide evidence that the following items are not covered by the reimbursement request, or a cost breakdown on items that are covered by tuition payment:

- Books
- Lab Fees
- Enrollment Fees
- Student Activity Fee
- Material Fees
- Non-resident Fees
- Other Fees

The cost of such items included under tuition payment shall be deducted from Tuition Reimbursement if not already excluded by the applicant in their reimbursement request.

For further information contact the Employee Relations Division of the Human Resources Department at 80533.

# **21. FAMILY LEAVE**

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## **21.1 DEFINITION OF FAMILY LEAVE**

### **21.1.1 A leave of absence from work for the following purposes:**

- 21.1.1.1 Providing care for the employee's newborn child or child placed with the employee for adoption or foster care; and
- 21.1.1.2 Providing care during the serious health condition of the employee's child, parent or spouse; and
- 21.1.1.3 Serious health condition of the employee that makes the employee unable to perform the functions of their position.
- 21.1.1.4 Qualifying exigency related to an employee's spouse, parent or child being called to active duty, and
- 21.1.1.5 Providing care for an employee's child, parent, spouse or next of kin who has been injured while on active duty.

**21.1.2** An employee may use up to a total of 12 work weeks during a calendar year for one or more of the purposes described above in 21.1.1. For leaves pursuant to 21.1.1.5, an employee may take up to 26 weeks in a single 12 month period, beginning with the first day of the leave. This leave cannot exceed 26 weeks or the 12 month period, which ever comes first for injury/illness occurring during active duty.

**21.1.3** An employee must exhaust all leave banks except Sick or Sick Leave Reserve prior to using Leave Without Pay during a Family Leave for birth, adoption, or foster care. In addition, an employee must also exhaust their available Sick Leave or Sick Leave Reserve bank prior to using Leave Without Pay in the event of family leave due to a serious health condition (see also 21.7) or during serious health condition of employees child, parent or spouse (see 21.6). In the case of a serious health condition of the employee, drawing from leave banks is not required if the employee is collecting short or long term disability, except for the waiting period.

**21.1.4** Subject to eligibility, notification and certification requirements and final review by the Human Resources Department, Family Leave shall be granted at the employee's discretion. The employee must keep their own department/division as well as the Human Resources Department/Employee Records Unit informed at all times as to their status and intention to return to work. Be advised that abuse of this leave will result in cancellation and may result in disciplinary action up to and including dismissal from County employment.

## **21.2 ELIGIBILITY FOR FAMILY LEAVE**

**21.2.1** Any employee eligible for employee benefits who has been employed for at least 12 months and has worked at least 1250 hours during the 12 month period immediately preceding the leave is eligible.

## 21.3 NOTIFICATION AND VERIFICATION OF FAMILY LEAVE

**21.3.1** Except in the case of emergency, employees are expected to complete a "Request for Family Leave" form and provide it to their department head or their designee, 30 calendar days prior to the intended use of Family Leave. Failure to provide adequate notice may result in delay of Family Leave. The employee may be required to provide other certifiable documentation (e.g. birth certificate, date of petition papers, physician statement, proof of relationship to child, parent, spouse) upon requesting the leave or at any time during the course of the leave.

**21.3.2** Upon receipt of a completed "Request for Family Leave" form and any certifying documentation provided by the employee, the department/division shall review this form and immediately forward it and any additional information to the Employee Records Unit of the Human Resources Department. All requests for Family Leave are subject to final review by the Human Resources Department. The request form shall be placed in the employee's permanent employment record.

**21.3.3** Employees wishing to modify the duration of their original request for Family Leave must notify their department/division and the Employee Records Unit of the Human Resources Department. All such requests for modification are subject to final review by the Human Resources Department.

## 21.4 EFFECT OF FAMILY LEAVE ON THE EMPLOYEE

**21.4.1** During a Family Leave the employee:

21.4.1.1 Does not receive pay from the County unless the employee is having time deducted from their available leave banks in accordance with section 21.1.3.

21.4.1.2 Does not earn Annual Leave except for the time period during which the employee is having time deducted from their available leave banks in accordance with section 21.1.3 or receiving short term disability payments.

21.4.1.3 Does not get paid for Legal Holidays occurring during the Family Leave unless the employee's leave banks cover the day immediately preceding the holiday and the day immediately following the holiday.

21.4.1.4 Remains a member of the Oakland County Employee's Retirement Plan but:

21.4.1.4.1 Because the Retirement System grants a full month of credit if a full-time eligible employee is on the payroll for ten days in a calendar month and a full year of credit if a full-time eligible employee is on the payroll for ten months in a calendar year, the effect of Family Leave on the accumulation of Retirement Service Credit time depends on the timing of each leave of absence without pay.

21.4.1.5 Does not have their Benefit Date affected for the first 10 approved leave without pay days used each calendar year. This is true regardless of the nature of the leave without pay (e.g. Family Leave, Extended Vacation, Educational Leaves, etc.). All time spent on leave without pay beyond the initial 10 days per calendar year will not be credited toward an employee's Benefit Date and the employee's Benefit Date will be affected.

21.4.1.6 Will have group health, dental, and vision coverage maintained during the period of an approved Family Leave. Any employee contributions required from full time employees for these coverages will be deducted from the employee's paycheck upon return to work. Part – time eligible employees on such leave, who pay half the premium, should contact the Employee Benefits Unit of the Human Resources Department to make arrangements to pay any premiums (e.g. family continuation riders, dependent dental, etc.) that they would normally pay while actively working.

21.4.1.7 Will retain full coverage under the Employee's Group Life Insurance Plan. The County will continue to pay the premium for the term portion of the employee's Group Life Insurance.

21.4.1.8 Will retain full coverage under the County short and long term disability plan for the remainder of the month in which a requested and approved leave of absence without pay begins plus all of the month immediately following the month in which the leave without pay begins. Employees must meet all other requirements, as approved by the insurance carrier, in order to receive payments.

21.4.1.9 Is allowed to return to work at the end of the Family Leave to the same classification that the employee was performing when he or she went on leave and to the salary in effect for that class at the time of the return from leave.

21.4.1.10 In addition, employees on the Flexible Benefits Plan will be responsible for paying any additional amounts they are having deducted as a result of their selections under this plan upon their return to work.

## **21.5 BIRTH, ADOPTION OR FOSTER CARE**

**21.5.1** Family Leave for the purpose of providing care for the employee's newborn child, foster child or newly adopted child must be taken within 12 calendar months of the date of birth or adoption. Leave for these purposes shall not be taken intermittently or on a reduced leave schedule (partial days). Birth certificate, date of petition papers or other verifiable documentation may be required.

**21.5.2** An employee and spouse who both work for Oakland County are limited to a combined total of 12 work weeks during the 12 month period for Family Leave described under this section.

## **21.6 SERIOUS HEALTH CONDITION OF A CHILD, PARENT OR SPOUSE**

**21.6.1** A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. The employee may be required to provide certifiable documentation. Certification provided under this section shall be sufficient if it states: 1) the date on which the serious health condition commenced; 2) the probable duration of the condition; 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition; 4) a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent.

**21.6.2** Leave may be taken intermittently or by utilizing partial days off when medically necessary. If an employee requests intermittent leave, or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the County may require such employee to transfer temporarily to an available alternative position offered by the County for which the employee is qualified and that; A) has equivalent pay and benefits; and B) better accommodates recurring periods of leave than the regular employment position of the employee. In the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment may be required.

**21.6.3** A spouse is defined as a husband or wife. Employee may be required to provide proof of relationship.

**21.6.4** Parent-child relationship is defined as a biological, adopted, foster, step child, legal ward or a child of a person standing in loco parentis (e.g. an aunt, uncle, etc. who acted as a parent to the child). Employee may be required to provide proof of relationship.

**21.6.5** Parent relationship includes employee's biological parents or an individual who stood in loco parentis (e.g. an aunt, uncle, etc. who acted as a parent to the employee) for the employee. Employee may be required to provide proof of relationship.

## **21.7 SERIOUS HEALTH CONDITION OF AN EMPLOYEE**

**21.7.1** A serious health condition is defined as an illness, impairment, or physical or mental condition that involves; A) inpatient care in a hospital, hospice, or residential medical care facility; or B) continuing treatment by a health care provider. Employees covered by short/long term disability plan whose personal illness or disability is expected to last more than 5 consecutive working days must make application for disability benefits. Completing a family leave request form is not required if you have made application for short/long term disability.

**21.7.2** Request for leave to be taken intermittently or on a reduced leave schedule may require certification by a health care provider stating the medical necessity, dates of treatment and expected duration of treatment.

**21.7.3** All time spent on short and long term disability, including the waiting period, shall count toward the 12 work week total accumulation allowed in a 12 month period. (see section 21.1.2)

**21.7.4** All time spent on worker's compensation shall count toward the 12 work week total accumulation allowed in a 12 month period. (see section 21.1.2)

**21.7.5** Certification provided under this section shall be sufficient if it states: 1) that the employee is unable to perform the functions of the position of the employee; 2) the date on which the serious health condition commenced; 3) the probable duration of the condition; 4) the appropriate medical facts within the knowledge of the health care provider regarding the condition; 5) in the case of certification for intermittent leave, or leave on a reduced leave schedule, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule.

## **21.8 ELIGIBILITY FOR MILITARY FAMILY LEAVE**

**21.8.1** An employee may use up to 12 work weeks for leave which is the result of a "qualifying exigency" related to a child, spouse or parent being called to active duty. This leave does not need to be a result of a serious injury or illness, but for any qualifying exigency caused by the call to active duty.

**21.8.2** An employee may use up to 26 work weeks of leave in a single 12 month period to care for the employee's child, parent, spouse, or next of kin, who has a serious injury or illness occurring while on active duty. Verification of next of kin may be required. This leave is limited to a maximum of 26 weeks in a single 12 month period per qualifying illness/injury.

**21.8.3** Leave may be taken intermittently or on a reduced leave schedule and, for leave resulting from a serious injury or illness, may require certification by a health care provider stating the medical necessity, dates of treatment and expected duration of treatment.

## **21.9 RETURN FROM A FAMILY LEAVE**

**21.9.1** When an employee returns from a Family Leave, the employee's department head must notify the Employee Records Unit of the Human Resources Department to verify the actual dates of Family Leave usage, before the employee can be returned to the payroll.

**21.9.2** Consistent with the employee's authorization provided on the "Request for Family Leave" form, if the employee fails to return to County employment at the end of a Family Leave, the employee will be considered to have resigned from County employment effective on the date the employee was expected to return to work and may be liable for any health premiums paid by the County during the period of Family Leave.

**21.9.3** Returning to work prior to the return to work date indicated on the "Request for Family Leave" form is permitted, upon written notification to their department/division and the Employee Records Unit of the Human Resources Department. All such requests are subject to final review of the Human Resources Department.

# **22. ELIGIBILITY FOR EMPLOYEE BENEFITS**

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## **22.1 DEFINITION OF EMPLOYEE BENEFITS**

**22.1.1** This rule shall be used to determine eligibility for the following Employee Benefits (unless spelled out differently in the provisions of, or laws regulating, the individual benefit).

- The earning, accumulation and use of Annual Leave.
- The earning, accumulation and use of Personal Leave.
- The use of Death Leave.
- County Payment of Traditional Health Coverage or Health Maintenance Organization Coverage.
- Membership in Oakland County Employee's Retirement System.
- County Group Life Insurance.
- Service Increment Pay. (See Rule 2.9)
- Tuition Reimbursement.
- Legal Holidays and Floating Holiday.
- Social Security.
- Worker's Compensation Supplemental Pay.
- Dental Coverage.
- Vision Coverage.
- Short-term and Long-term Disability Income Programs.

## **22.2 ELIGIBILITY**

**22.2.1** Part-time non-eligible employees shall not be eligible for these employee benefits. Employees appointed as part-time non-eligible who exceed the 1,000 hour limit shall not become eligible for benefits retroactively or upon exceeding the 1,000 hour limit. The type of the appointment (e.g. part-time non-eligible) shall govern employee benefit eligibility.

22.2.1.1 Department heads shall be responsible for assuring that part-time non-eligible employees are separated prior to exceeding 1,000 hours of work. Any part-time non-eligible appointee exceeding 1,000 hours shall be terminated immediately by the Human Resources Department.

22.2.1.2 Employees in the classification of student shall not be eligible for employee benefits regardless of the number of hours worked in a 12 month period. Time served as a student or part-time non-eligible employee shall not be credited toward employee benefit eligibility for any classification.

**22.2.2** Full-time or part-time eligible employees shall be eligible for these employee benefits, with the following exceptions:

22.2.2.1 Part-time eligible (see Merit Rule 4) employees shall:

22.2.2.1.1 Earn and accumulate Annual Leave on a pro-rated basis each pay period; based on the ratio of the number of hours they worked compared to the normal 80 hour pay period.

22.2.2.1.2 Use Personal Leave, Annual Leave, Sick Leave Reserve and Death Leave off with pay only to cover their normal working schedule of working days and hours.

22.2.2.1.3 Be paid for Legal Holidays not actually worked on the pro-rata applied to the previous pay period.

22.2.2.1.4 Be paid for Legal Holidays actually worked by applying Rule 26 to the hours actually worked on the day in question.

22.2.2.1.5 Receive 20 hours (2 and 1/2 days) of Personal Leave each year (half the five received by a full-time employee).

22.2.2.1.6 Receive four (4) hours of Floating Holiday time each year.

22.2.2.1.7 Have full traditional health coverage available with the County paying 50% of the premium and the employee paying 50% plus any required additions.

22.2.2.1.8 Have full coverage under the County dental plan available with the County paying 50% of the premium and the employee paying 50%. Employees are eligible for dental benefits on the first of the month following the completion of twelve (12) consecutive months of service since the date of their most recent hire.

22.2.2.1.9 Have an amount of life insurance equal to 1 and 1/2 times an amount equivalent to one-half of the annual full time salary for the classification. Employee contributions (if any) are also based on one-half salary.

22.2.2.1.10 Earn retirement credit based on the actual number of hours worked.

22.2.2.1.11 Not be eligible for long term disability insurance.

22.2.2.1.12 Be eligible for short term disability but the benefit is computed on an amount equal to one-half of the annual full time salary for the classification.

22.2.2.1.13 Have full coverage under the County vision plan available with the County paying 50% of the premium and the employee paying 50%. Employees are eligible for vision on the first of the month following the completion of six (6) consecutive months of service since the date of their most recent hire.

22.2.2.1.14 Part-time eligible employees are not eligible for coverage under the Flexible Benefits Plan.

**22.2.3** Unless spelled out differently in the rule applying to the individual employee benefit and with the exceptions noted in points 22.2.3.1, 22.2.3.2, 22.2.3.3, 22.2.3.5, 22.2.3.6, and 22.2.3.7 below, employees made eligible under this rule shall be eligible for employee benefits from the first day of County employment.

22.2.3.1 Employees are eligible for dental benefits on the first day of the month following the completion of twelve (12) consecutive months of service since the date of their most recent hire. Employees on the Flexible Benefits Plan are eligible for dental at the time they become eligible for health coverage.

22.2.3.2 Employees are eligible for vision benefits on the first of the month following the completion of six (6) consecutive months of service since the date of their most recent hire. Employees on the Flexible Benefits Plan are eligible for vision at the time they become eligible for health coverage.

22.2.3.3 Employees are eligible for Short or Long Term Disability benefits after six (6) consecutive months of service has been completed since the date of their most recent hire.

22.2.3.4 Failure to file the required paperwork for Short Term Disability with the Employee Benefits Unit of the Human Resources Department within 30 calendar days of the date of the employee's first day off work due to the disability shall result in ineligibility to receive this benefit. Employees are not eligible to submit a Disability claim after they have been separated from County Service.

22.2.3.5 Employees receive Personal Leave days after six (6) months of consecutive service has been completed since the date of their most recent hire. Employees are then credited with the appropriate Personal Leave Time.

22.2.3.6 Employees are eligible for health coverage as set forth in the enrollment schedule contained in the Employee Information section of this book.

22.2.3.7 Employees are eligible for life insurance coverage on the first of the month following the date of their most recent hire.

22.2.3.8 Employees receiving Short Term Disability Income benefits shall continue to have time spent on disability credited as time worked for the purpose of maintaining their benefit date for the first 130 work days of disability in any 12 month period. During this 130 day period, the employee shall continue to earn annual leave days and retirement credits and shall continue to receive those paid benefits they would otherwise be receiving if they were at work for all time spent on Short Term Disability, provided they have not been separated from County service. In addition, employees on the Flexible Benefits Plan will be responsible for paying any additional amounts they are having deducted as a result of their selections under this plan upon their return to work.

22.2.3.9 Employees receiving Long Term Disability Income benefits who are not separated from County service shall no longer have the time spent on disability credited as if they were at work for the purpose of maintaining their benefit date, shall not earn annual leave days or retirement credits, nor be credited with additional personal leave days and shall not receive any other paid benefits from the County. These employees may elect to maintain their health care, dental, and vision coverage through the County group plan provided they continue to submit prompt payment for such benefits. The two exceptions are health coverage which will be continued by the County for the first six-months of Long Term Disability provided all eligibility requirements have been met and Life Insurance which continues for the duration of the long term disability or age 65, which ever occurs first. Separation from County Service does not affect the limited continuation of health and life insurance benefits just described.

22.2.3.10 The Flexible Benefits Plan shall apply to employees in non-represented positions and in represented positions whose collective bargaining agreement includes this plan. New hires will receive a plan as designated by Oakland County and will be provided opportunity to make selections during the next open enrollment period.

**22.2.4** Time spent in non-eligible County employment cannot later be made eligible time and be credited toward employee benefits, except as they qualify under section 22.3.2.1.2 below.

Human Resources Department Note: Part-time eligible employees are responsible to check the provisions of individual benefits to determine final eligibility.

## **22.3 LENGTH OF COUNTY SERVICE**

### **22.3.1 For Retirement Benefits**

22.3.1.1 Length of County service shall be determined by the amount of service recognized by the Oakland County Employees' Retirement System.

**22.3.2 For all other employee benefits based on length of service**

22.3.2.1 Length of service shall be determined by the employee's "Benefit Date" which is based on time recognized by the Oakland County Retirement System except:

22.3.2.1.1 Regardless of the amount of service recognized by the Retirement System, and with the exceptions noted below, after January 1, 1971, only time for which the employee was actually paid by the County payroll shall be recognized as counting toward an employee's Benefit Date.

22.3.2.1.1.1 Time spent on Military Leave from Oakland County shall be counted.

22.3.2.1.1.2 Time recognized under section 22.3.2.1.2 below, shall also be counted.

22.3.2.1.1.3 The first ten days of Leave Without Pay used each calendar year do not affect the Benefit Date for full-time eligible employees.

22.3.2.1.1.4 An employee may use up to a total of 130 Short Term Disability days (working days) in a 12 month period without affecting their Benefit Date. Each Short Term Disability day in excess of 130 days in a 12 month period will move an employee's Benefit Date forward one day.

22.3.2.1.1.5 All time taken under Merit Rule 13.3.9, Administrative Leave Without Pay for budgetary or organizational purposes taken on or after June 28, 2003, shall be counted toward an employee's Benefit Date.

22.3.2.1.2 Service on the County payroll in non-eligible employment which meets the following criteria shall be included when computing the Benefit Date.

22.3.2.1.2.1 The service shall be immediately proceeding eligible County employment.

22.3.2.1.2.2 The transition from non-eligible to eligible employment must have been made without a break in service.

22.3.2.1.2.3 The entire period of non-eligible employment immediately preceding eligible County employment must have been full-time in nature as defined below.

22.3.2.1.2.3.1 The employee must have worked a total number of hours that is greater than or equal to the total number of hours available to work for a full-time employee, minus the maximum Annual Leave or Personal Leave usage available to a similarly situated full-time employee during the period being considered.

22.3.2.1.2.3.2 Hours available to work refers to the normal County work schedule of 8 hours per day, 5 days per week.

22.3.2.1.2.3.3 Official County holidays (including the floating holiday) are not counted as hours available for a full-time employee to work under section 22.3.2.1.2.3.1 above.

22.3.2.1.2.4 The Oakland County Retirement Board shall be responsible for determining what portion of time, if any, that an employee spends in non-eligible employment shall be recognized by the Oakland County Retirement System.

## **23. ANNUAL LEAVE**

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### **23.1 DEFINITION OF ANNUAL LEAVE**

Annual Leave is absence from work for which the employee is paid just as if he or she were at work. Annual Leave is earned and accumulated each pay period at a rate dependent on the length of the employee's County service. When Annual Leave is used, and the amount of Annual Leave that is taken at one time, are at the discretion of the employee's Department Head within the limitations of the employee's accumulation, of necessity, the welfare and convenience of the County and the continuation of the services the department renders must be the foremost consideration in allowing Annual Leave. An Annual vacation is the most common use of Annual Leave, although it also may be used for other purposes such as personal business and to cover a period of illness after Sick Leave Reserve or Personal Leave have run out.

### **23.2 ELIGIBILITY FOR ANNUAL LEAVE**

**23.2.1** See Rule 22 "Eligibility for Employee Benefits."

**23.2.2** All employees eligible for Annual Leave shall begin their accumulation from the first day of eligible County employment.

### **23.3 RATE OF ACCUMULATION OF ANNUAL LEAVE AND MAXIMUM ACCUMULATION**

**23.3.1** Annual Leave shall be earned and accumulated by pay periods, according to the following chart.

LENGTH OF ELIGIBLE COUNTY SERVICE (SEE RULE 22)		DAYS OF ANNUAL LEAVE EARNED*		MAXIMUM** ACCUMULATION (DAYS)	
From	Through	Hours Per Pay	In 12 Months	Elig. O/T	N/Elig. O/T
0	1 Year	3.07	10 Days	N/A	N/A
2 Yrs	4 Years	3.69	12 Days	18.0	36.0
5 Yrs	9 Years	4.61	15 Days	22.5	45.0
10 Yrs	14 Years	5.53	18 Days	27.0	54.0
15 Yrs	19 Years	6.15	20 Days	30.0	60.0
20 Yrs	24 Years	6.76	22 Days	33.0	66.0
25 Yrs	Remainder of County Service	7.38	24 Days	36.0	72.0

\*While the amounts earned per pay period do not appear to add up exactly to the amounts earned in a twelve month period, the computer which does the accumulating automatically corrects for this, once a year. See also Section 23.2.2 of this rule.

\*\*The maximum accumulation for employees eligible for Overtime is based on one and one-half year's worth of Annual Leave earnings. The maximum accumulation for employees not eligible for overtime is based on 3 years worth of Annual Leave earnings. When the maximum accumulation of Annual Leave is reached, additional time spent in County service, while an employee's Annual Leave accumulation is at the maximum, will not earn annual leave, either for immediate or future use when the employee's accumulation is below the maximum.

## **23.4 USE OF ANNUAL LEAVE**

**23.4.1** Annual Leave may be used only with the permission of an employee's department head. This provision shall apply to all other sections of this plan.

**23.4.2** Annual Leave may be used at any time after it is earned, subject to item 23.4.1 above.

**23.4.3** Annual Leave may not be used before it is earned.

**23.4.4** Annual Leave may be used in any combination of days, subject to item 23.4.1 above.

**23.4.5** Employees not eligible for overtime for whom Annual Leave has been placed in an Annual Leave Reserve Bank may draw from their reserve subject to item 23.4.1 above.

NOTE: At the time the maximum accumulation was applied to "non-overtime" employees, all banked Annual Leave days in excess of two times the annual earnings rate was placed in the Annual Leave Reserve. This allowed all "non-overtime" employees one more year to accumulate Annual Leave and schedule vacations before reaching the accumulation maximum.

## **23.5 EFFECT OF PERSONAL LEAVE AND SICK LEAVE RESERVE ON ANNUAL LEAVE**

**23.5.1** Employees utilizing Personal Leave or Sick Leave from their Sick Leave Reserve Bank shall continue to accumulate Annual Leave just as if they were on the job.

**23.5.2** If an employee has reason to draw from his or her Sick Leave Reserve Bank during a period of Annual Leave usage and if such Sick Leave Reserve is used to cover an illness of the employee and this usage is documented by a physician's written statement to the department head's satisfaction, such time may be deducted from the employee's Sick Leave Reserve instead of from his or her Annual Leave Accumulation.

## **23.6 EFFECT OF SHORT TERM AND LONG TERM DISABILITY INCOME INSURANCE ON ANNUAL LEAVE**

**23.6.1** Employees receiving Short Term Disability Income Insurance payments shall continue to accumulate Annual Leave just as if they were on the job.

**23.6.2** Employees receiving Long Term Disability Income Insurance payments who remain on the roll as a County employee shall not accumulate Annual Leave.

## **23.7 EFFECT OF DEATH LEAVE ON ANNUAL LEAVE**

**23.7.1** If an employee has reason to use Death Leave during a period of Annual Leave usage, and such Death Leave is documented to the department head's satisfaction, such time may be considered as Death Leave instead of deducted from the employee's Annual Leave accumulation. (See also, Rule 25, "Death Leave")

## **23.8 EFFECT OF PAID LEGAL HOLIDAYS ON ANNUAL LEAVE**

**23.8.1** Legal Holidays, as defined in these rules, which are counted as days off with pay by the County, shall not be deducted from an employee's Annual Leave accumulation when they fall during a period of Annual Leave usage.

## **23.9 EFFECTS OF LEAVES OF ABSENCE WITHOUT PAY ON ANNUAL LEAVE**

**23.9.1** Employees shall not accumulate Annual Leave while on Leaves of Absence Without Pay.

## **23.10 PAYMENT FOR UNUSED ACCUMULATED ANNUAL LEAVE ON SEPARATION FROM COUNTY SERVICE**

**23.10.1** Employees separated from County Service shall be paid at separation, for their unused accumulation of Annual Leave at the salary rate the employee is being paid on his or her final day of actual work.

23.10.1.1 This payment shall not be included in the computation of final average compensation (F.A.C.) for retirement benefit purposes for employees initially appointed to eligible County service (see rule 22) after December 31, 1977.

## **23.11 EFFECT OF TRANSFER OF AN EMPLOYEE FROM ONE DEPARTMENT TO ANOTHER WITHIN THE COUNTY SERVICE, ON ANNUAL LEAVE**

**23.11.1** An amount of money equal to the amount of unused Annual Leave time the employee has in their accumulation at the time of the transfer, paid at the rate the employee is being paid at the time of the transfer, shall be transferred from the salaries budget of the department the employee is transferring from, into the salaries budget of the department he or she is transferring to, if requested by the department head of the latter.

## **24. PERSONAL LEAVE**

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### **24.1 DEFINITION OF PERSONAL LEAVE**

**24.1.1** Personal Leave is an absence from work for which the employee is paid just as if he or she was at work. Personal Leave is provided primarily to provide income protection for the employee whose personal illness or incapacity is such that they are not able to work, but they have not yet met the required waiting period to qualify for the Short Term Disability plan. Personal Leave may also be used for, but is not limited to, personal business, vacation, care of ill family members and medical or dental examinations and treatment.

### **24.2 ELIGIBILITY FOR PERSONAL LEAVE**

**24.2.1** See Rule 22 - "Eligibility for Employee Benefits".

**24.2.2** All employees eligible for Personal Leave will receive this benefit as detailed below.

24.2.2.1 Full-time eligible employees will be issued five (5) Personal Leave days during the first full pay period of each calendar year in which they remain actively employed.

24.2.2.2 Part-time eligible employees will receive two and one half (2 1/2) Personal Leave days during the first full pay period of each calendar year in which they remain actively employed.

24.2.2.3 New full-time hires who successfully complete their six month probationary period will receive Personal leave days on the closest pay period following the completion of their probationary period, in accordance with the following provisions:

24.2.2.3.1 Those employees whose probationary period falls within two (2) calendar years will receive a pro-rated amount of Personal Leave days calculated from the date of hire through the end of the calendar year in which they were hired. In addition, these employees will receive five (5) Personal Leave days for the calendar year in which their probationary period is completed.

24.2.2.3.2 Those employees whose entire probationary period falls within a single calendar year will receive a pro-rated amount of Personal Leave days calculated from their date of hire through the balance of the calendar year in which they were hired.

24.2.2.3.3 New part-time hires will receive Personal Leave days as described in Merit Rule 22.2.2.1.5 in accordance with the provisions described in section 24.2.2.3.1 or 24.2.2.3.2, whichever is applicable.

### **24.3 ACCUMULATION OF PERSONAL LEAVE**

**24.3.1** Employees may accumulate up to a total of fifteen Personal Leave days. Once the maximum is reached no further Personal Leave Time will accumulate either for immediate or future use when the employee's accumulation is below the maximum.

**24.3.2** Personal Leave days have no cash-in value.

## **24.4 USE OF PERSONAL LEAVE**

**24.4.1** Personal Leave may be used only with the permission of the employee's department head. This provision shall apply to all other sections of this rule.

**24.4.2** Uses of Personal Leave with advance permission of the department head include, but are not limited to, personal business, vacations, scheduled medical and dental examinations or treatment and supplementing Worker's Compensation or Income Disability Insurance payment.

**24.4.3** Personal Leave may also be used without advance permission of the department head, for personal illness or incapacity over which the employee has no reasonable control, or the illness or incapacity of a family member and the employee is the only person available to render such care.

24.4.3.1 Each County department head shall be responsible for reviewing employee requests for Personal Leave under part 24.4.3 and determining their validity. The department head shall refuse to allow use of Personal Leave when, in their judgement, there is insufficient evidence to support the employee's claim, or where it is believed that the employee has not exercised reasonable effort to promptly notify the department of the absence. The employee may be required to submit a physician's statement in order to justify the use of Personal Leave under part 24.4.3.

24.4.3.2 Employees unable to work their shift shall notify their department authority or designated representative as follows:

24.4.3.2.1 In departments operating 24 hours a day, seven days a week, no later than one hour before their normal work shift begins if directed to do so in writing by their department authority, or no later than one-half hour before their normal work shift begins if not directed otherwise by their department authority.

24.4.3.2.2 In departments where the department authority or designated representative is normally on duty to receive such calls, no later than one-half hour before their normal work shift begins.

24.4.3.2.3 In departments where the department authority or designated representative is not normally on duty prior to the beginning of the normal work shift, as soon as possible after the beginning of their normally scheduled work shift or, in any case, no later than one-half hour after the work shift begins.

24.4.3.3 Personal Leave may not be used before it is credited to the Personal Leave Bank and no more time may be used than what is available in the Personal Leave Bank.

## **24.5 EFFECT OF PERSONAL LEAVE ON ANNUAL LEAVE**

**24.5.1** Employees on Personal Leave shall continue to accumulate Annual Leave just as if they were on the job.

**24.5.2** Legal Holidays which are counted as days off with pay by the County shall not be deducted from an employee's Personal Leave accumulation when they fall during a period of Personal Leave usage.

## **24.6 EFFECT OF RE-EMPLOYMENT ON PERSONAL LEAVE**

**24.6.1** Former employees, who return to County Service, must start their accumulation of Personal Leave as new employees. However, at such time that their prior County Service is recognized by the Oakland County Employees' Retirement System, all Personal Leave accumulation they had at the time of separation shall be reinstated.

**24.6.2** Employees who leave the County Service to enter the Armed Forces of the United States under the provisions of the Selective Service Act, who are members of the Armed Forces and are called to active duty, or who enlist in the armed Forces during a declared national emergency shall, upon re-employment by the County, have available any unused Personal Leave previously earned; provided that such re-employment takes place within 90 days after discharge or release from active duty in the Armed Forces whichever is later.

## **24.7 EFFECT OF DEATH LEAVE ON PERSONAL LEAVE**

**24.7.1** Employees who are given permission to use Death Leave during the period of approved Personal Leave usage shall not have the time spent on Death Leave deducted from their Personal Leave accumulation.

## **24A.**

# **SICK LEAVE RESERVE**

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### **24A.1 DEFINITION OF SICK LEAVE RESERVE**

Sick Leave Reserve is a leave bank established for those employees who had Sick Leave remaining in their Sick Leave Bank as of the date the County implemented Rule 24-Personal Leave. An employee may draw from his or her Sick Leave Reserve if the absence is covered by the provisions of this rule and the employee has the required amount of Sick Leave in the reserve to cover the absence in question.

### **24A.2 USE OF SICK LEAVE**

**24A.2.1** Sick Leave may be used only with the permission of the employee's department head. This provision shall apply to all other sections of this Rule.

**24A.2.2** Each County department head shall be responsible for reviewing employee requests for Sick Leave and determining their validity. The department head shall refuse to allow use of Sick Leave when, in their judgement, there is insufficient evidence to support the employee's claim, or where it is believed that the employee has not exercised reasonable effort to promptly notify the department of the absence. The employee may be required to submit a physician's statement in order to justify the use of Sick Leave.

**24A.2.3** Employees unable to work their shift shall notify their department authority or designated representative as follows in the same manner as is required in Rule 24, Section 24.4.3.2, for use of Personal Leave for personal illness or incapacity.

**24A.2.4** Employees must submit their "Request for Approval of Time Off" forms to their department head in writing as soon as possible after Sick Leave usage. These forms shall be forwarded to the Human Resources Department for review and shall provide the employee with a receipt copy to show that the Sick Leave was requested.

**24A.2.5** For employees on the employee benefit plan which took effect on December 7, 1985 for non-union employees, Sick Leave shall not be granted for a period of more than five consecutive work days. Employees absent from work for more than five consecutive days due to any disabling condition which is not work related are required to apply for Short Term Disability Benefits within the time period defined in Rule 22, Section 22.2.3.4.

**24A.2.6** Sick Leave may be used for the purposes described below. An employee is not required to draw from the Sick Leave Reserve but may use other types of leave to cover absences for the reasons enumerated below. An employee may be required to utilize Sick Leave Reserve under certain provisions of Rule 13 - Leave Without Pay and Rule 17 - Work Connected Injury or Illness.

24A.2.6.1 Acute personal illness or incapacity over which the employee has no reasonable control.

24A.2.6.2 Absence from work because of exposure to contagious disease which, according to public health standards would constitute a danger to the health of others by the employee's attendance at work.

24A.2.6.3 Medical and dental examination or treatment.

24A.2.6.4 The care of the employee's ill dependent children, spouse, parents or guardians, if the employee is the only person available to render such care. Such usage is not to exceed two days for any one illness.

24A.2.6.5 To supplement Workers' Compensation payments.

24A.2.6.5.1 See Rule 17 - "Work Connected Injury or Illness".

24A.2.6.6 To supplement Short Term or Long Term Disability Income benefits.

## **24A.3 PAYMENTS FOR ACCUMULATED SICK LEAVE RESERVE**

### **24A.3.1 Payment while still a County employee:**

24A.3.1.1 The number of unused Sick Leave days in each employee's Sick Leave Reserve Accumulation shall be recorded as of the end of the 22<sup>nd</sup> payroll period of each year, and each employee having more than 75 days shall have a choice of:

24A.3.1.1.1 Receiving one-half (1/2) pay, in cash, for Sick Leave days in excess of 75 days, OR

24A.3.1.1.2 The right to keep the days in excess of 75 in his or her Sick Leave Reserve accumulation.

24A.3.1.2 The annual cash payments will be paid at the rate the employee is earning at the end of the 22nd payroll period.

24A.3.1.3 Those employees electing to keep the extra Sick Leave days will again have the option of cash or days for all Sick Leave time in excess of 75 days, at the end of the 22nd payroll each succeeding year.

### **24A.3.2 Payment when separating from County employment for reasons of death or to become a retainer member of the Oakland County Employees' Retirement System.**

24A.3.2.1 An employee separating from County employment for these reasons shall receive one-half pay for all unused accumulated Sick Leave in the Sick Leave Reserve.

24A.3.2.1.1 Payment shall be made at the rate the employee is earning at the time of separation.

24A.3.2.1.2 This payment shall not be included in the computation of final average compensation (F.A.C.) for retirement benefit purposes for employees initially appointed to eligible County service (see Rule 22) after December 31, 1977.

### **24A.3.3 Payment when separating from the County for reasons other than Retirement or Death.**

24A.3.3.1 Any employee separating for these reasons shall receive one-half pay for unused accumulated Sick Leave in excess of 75 days in the Sick Leave Reserve.

24A.3.3.1.1 Payment shall be made at the rate the employee is earning at the time of separation.

## **24A.4 EFFECT OF SICK LEAVE RESERVE ON ANNUAL LEAVE AND PERSONAL LEAVE**

**24A.4.1** Employees utilizing Sick Leave Reserve shall continue to accumulate Annual Leave and shall have the time credited toward the earning of Personal Leave just as if they were one the job.

**24A.4.2** If an employee has reason to use Sick Leave Reserve during a period of Annual Leave usage, and if such Sick Leave Reserve is used to cover an illness of the employee, and if such Sick Leave Reserve usage is documented by a physician's written statement, to the department head's satisfaction, such time may be deducted from the employee's Sick Leave Reserve Accumulation, instead of from their Annual Leave Accumulation.

**24A.4.3** Legal Holidays which are counted as days off with pay by the County, shall not be deducted from an employee's Sick Leave Reserve Accumulation when they fall during a period of Sick Leave usage.

## **24A.5 EFFECT OF DEATH LEAVE ON SICK LEAVE**

**24A.5.1** Employees who are given permission to use Death Leave during a period of approved Sick Leave Reserve usage shall not have the time spent on Death Leave deducted from their Sick Leave Reserve Accumulation.

## **24A.6 EFFECT OF TRANSFER OF AN EMPLOYEE FROM ONE DEPARTMENT TO ANOTHER WITHIN THE COUNTY SERVICE ON SICK LEAVE RESERVE**

**24A.6.1** A transferring employee's accumulated Sick Leave Reserve shall transfer with them. No money shall be transferred from one salary budget to another to cover this.

## **24A.7 EFFECT OF RE-EMPLOYMENT ON SICK LEAVE RESERVE ACCUMULATION**

**24A.7.1** Former employees' who return to County service and have their prior County service recognized by the Oakland County Employees' Retirement System shall be entitled to reinstatement of all Sick Leave Reserve accumulation they had at the time of separation, less any Sick Leave Reserve for which they may have been paid at separation.

24A.7.1.1 Employees who leave the County service to enter the Armed Forces of the United States under the provisions of the Selective Service Act, who are members of the Armed Forces and are called to active duty, or who enlist in the Armed Forces during a declared national emergency shall, upon re-employment by the County, have available any unused Sick Leave Reserve previously earned, less any Sick Leave Reserve for which they may have been paid; provided that such re-employment takes place within 90 days after discharge or release from active duty in the Armed Forces, whichever is later.

## 25.

# DEATH LEAVE

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### 25.1 DEFINITION OF DEATH LEAVE

**25.1.1** Death Leave is an absence from work, for not more than three consecutive working days, for which the employee is paid just as if at work, because the reason for the absence is the death of a member of the immediate family or household as described by the following provision of this plan.

**25.1.2** The deceased must bear one of the following relationships to the employee. (Whether the relationship is natural, adoptive, step or foster in nature.)

Spouse	Spouse's Grandparent
Child	Brother-in-law
Parent	Sister-in-law
Guardian	Son-in-law
Grandparent	Daughter-in-law
Brother	<u>Member of the employee's</u>
Sister	<u>household which is in his or her</u>
Grandchild	<u>residence at the time of</u>
Spouse's Parent	<u>death</u>

### 25.2 ELIGIBILITY FOR DEATH LEAVE USE

**25.2.1** See Rule 22 - "Eligibility for Employee Benefits."

### 25.3 USE OF DEATH LEAVE

**25.3.1** Death Leave may be used only with the permission of the employee's department head.

**25.3.2** Permission to use Death Leave must be secured before the Death Leave is used. Employees must submit their request for Death Leave usage on the "Request for Approval of Death Leave" forms. These forms will then be forwarded to the Human Resources Department.

**25.3.3** In the event of the death of the employee's spouse, child, parent, brother or sister, the employee shall be granted three consecutive working days Death Leave.

**25.3.4** The length of Death Leave for relatives other than those listed in 25.3.3 above shall be at the discretion of the employee's department head, depending on the relationship of the employee to the deceased and the geographical location of the funeral, but in no case shall leave for one death be longer than three consecutive working days.

NOTE: These changes shall apply to all non-union employees and to those union employees whose collective bargaining agreement provides for these benefit changes.

## **25.4 EFFECT OF DEATH LEAVE ON SICK LEAVE AND ANNUAL LEAVE ACCUMULATIONS**

**25.4.1** Time taken off with pay as Death Leave shall not be deducted from either the employee's Annual Leave Accumulation or Sick Leave Accumulation.

## **26.**

# **LEGAL HOLIDAYS**

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### **26.1 DEFINITION**

**26.1.1** The following holidays are recognized as holidays by the County of Oakland.

<b>New Year's Day</b>	- January 1
<b>Martin Luther King's Day</b>	- The third Monday in January
<b>President's Day</b>	- The third Monday in February
<b>Memorial Day</b>	- The last Monday in May
<b>Independence Day</b>	- July 4
<b>Labor Day</b>	- The first Monday in September
<b>Veterans' Day</b>	- November 11
<b>Thanksgiving Day</b>	- The fourth Thursday in November
<b>Friday after Thanksgiving</b>	
<b>December 24</b>	- Whenever December 25 falls on Tuesday, Wednesday, Thursday, or Friday. In other years Christmas Eve Day shall not be considered a Holiday.
<b>Christmas Day</b>	- December 25
<b>December 31</b>	- Whenever January 1 falls on Tuesday, Wednesday, Thursday, or Friday. In other years New Year's Eve Day shall not be considered a Holiday.

**26.1.2** In addition to the above holidays, County employees who have completed three months of County service shall be entitled to use one "Floating Holiday" each calendar year. When using the Floating Holiday, employees shall be granted the day off and shall be paid at their regular rate for the day, just as if they had worked. There shall be no holiday premium pay for this day. The employee's department head shall be responsible for considering the best interest of the department and County service when approving use of the Floating Holiday. The remaining Section of this rule shall not apply to the Floating Holiday provision.

### **26.2 HOLIDAYS FALLING ON SUNDAY**

**26.2.1** Whenever New Year's Day, Independence Day, Veterans' Day, or Christmas Day falls on Sunday, the following Monday shall be a Holiday.

### **26.3 HOLIDAYS FALLING ON SATURDAY**

**26.3.1** Whenever New Year's Day, Independence Day, Veterans' Day, or Christmas Day falls on Saturday, the preceding Friday shall be a Holiday.

## **26.4 HOLIDAYS OFFICIALLY CELEBRATED ON MONDAY**

**26.4.1** Whenever one of the designated Holidays is celebrated on Monday, in compliance with Act 12 of the Public Acts of 1969, that Monday shall be considered as the Official Holiday for the purpose of these regulations.

## **26.5 EFFECT OF LEGAL HOLIDAYS**

**26.5.1** All County departments and institutions shall be closed on these designated Holidays except those departments and institutions which must stay open to provide continuous round-the-clock service.

**26.5.2** County employees eligible for employee benefits under Rule 22 shall be granted time off with pay except as otherwise indicated in the provisions of this rule.

**26.5.3** In those County departments and institutions which provide 24 hour, 7 days a week service, those employees on seven-day scheduling shall be designated eligible for holiday compensation on the actual holiday rather than the County celebrated holiday.

26.5.3.1 In those instances when New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Saturday or Sunday these designated employees shall be compensated for the actual day on which the holiday falls. (Section 26.2 and Section 26.3 of this Rule shall not affect these designated employees.)

26.5.3.2 Under no circumstances shall an employee be eligible to receive holiday pay for both the County celebrated holiday and the actual holiday when the two do not coincide.

26.5.3.3 This shall apply to employees in positions assigned to work stations providing weekend service and excluding employees normally assigned to a Monday through Friday work schedule.

## **26.6 METHODS OF COMPENSATION FOR LEGAL HOLIDAYS**

**26.6.1** The following provisions apply only to those employees both eligible for employee benefits under Rule 22 and eligible for overtime under Rule 2, Section 2.10.2.

**26.6.2** Eligible, but less-than-full-time employees shall be compensated for Legal Holidays in the same manner as full-time employees, except:

26.6.2.1 The compensation for those who actually worked the Holiday in question but who worked less than a full shift, shall be based on the hours actually worked.

26.6.2.2 The compensation for those who did not work the Holiday in question shall be based on their pro-ration for employee benefits of the previous pay period. (The ratio between the hours actually worked in the previous pay period and a full eighty hour pay period.)

### **26.6.3 Situations**

26.6.3.1 Employees normally scheduled to work on the day in question, but who do not because they have been granted the day off with pay because it is a Legal Holiday:

26.6.3.1.1 Shall be paid at their regular rate for the day, just as if they had worked.

26.6.3.2 Employees whose normal scheduled day off falls on the day in question, because of the assigned shift, and who do not work the day shall be granted an extra day's pay at the employee's regular rate.

26.6.3.3 Employees normally scheduled to work the day in question, but who would get it off with pay because it is a Legal Holiday, but who are assigned to work the day in spite of it being a Legal Holiday:

26.6.3.3.1 For the Legal Holiday the employee shall be granted:

- A day's pay at the employee's regular rate.

26.6.3.3.2 In addition, for the time actually worked on the Legal Holiday, the employee shall be granted time and one-half in pay.

26.6.3.4 Employees whose normal day off falls on the day in question because of the assigned shift, but who are assigned to and work the day in spite of it being a normal day off and Legal Holiday:

26.6.3.4.1 For the Legal Holiday, the employee shall be granted a day and one half in pay.

26.6.3.4.2 In addition, for the time actually worked on the Legal Holiday, the employee shall be granted time and one-half in pay.

## **26.7 EFFECTS OF LEGAL HOLIDAYS ON OTHER EMPLOYEE BENEFITS**

### **26.7.1 Effect of Legal Holidays on Sick Leave Reserve**

26.7.1.1 Legal Holidays falling within a period when an employee is on Sick Leave Reserve shall be counted as the Legal Holiday off and shall not be deducted from the employee's Sick Leave Reserve accumulation.

### **26.7.2 Effect of Legal Holidays on Annual Leave**

26.7.2.1 Legal Holidays falling within a period when an employee is on Annual Leave, shall be counted as the Legal Holiday off and shall not be deducted from the employee's Annual Leave Accumulation.

### **26.7.3 Effect of Legal Holidays on Personal Leave**

26.7.3.1 Legal Holidays falling within a period when an employee is on Personal Leave shall be counted as the Legal Holiday off and shall not be deducted from the employee's Personal Leave accumulation.

#### **26.7.4 Effect of Legal Holidays on Leave of Absence**

26.7.4.1 Employees on Leave of Absence Without Pay shall not receive Legal Holidays off with pay and shall not accumulate equivalent time off with pay for such Legal Holidays. An employee shall not receive pay for the Legal Holiday if they are on Leave of Absence Without Pay the day before the Legal Holiday and/or the day after the Legal Holiday.

## **STANDARDS OF CONDUCT**

### **FOR OAKLAND COUNTY OFFICERS AND EMPLOYEES**

1. A public officer or employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.
2. A public officer or employee shall not represent his or her personal opinion as that of an agency.
3. A public officer or employee shall use personnel resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
4. A public officer or employee shall not solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the County, which tends to influence the manner in which the public officer or employee or another public officer or employee performs official duties.
5. A public officer or employee shall not engage in a business transaction in which the public officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly scheduled working hours, except for annual leave or vacation time, shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with this County.
6. Except as otherwise provided by State law, a public officer or employee shall 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 officer or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.
7. Except as otherwise provided by State law, a public officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.
8. No public servant shall be a party, directly or indirectly, to any contract between himself and the public entity of which he is an officer or employee, except as provided by State law.
9. No public servant shall directly or indirectly solicit any contract between the public entity of which he is an officer or employee, and
  - (a) himself;
  - (b) any firm (meaning a co-partnership or other unincorporated association) of which he is a partner, member or employee;
  - (c) any private corporation in which he is a stockholder owning more than 1% of the total outstanding stock of any class where such stock is not listed on a stock exchange or stock with a present total market value in excess of \$25,000.00 where such stock is listed on a stock exchange or of which he is a director, officer, or employee; or
  - (d) any trust of which he is a beneficiary or trustee; nor shall he take any part in the negotiations for such a contract or the renegotiation thereof or amendment thereto or in the approval thereof; nor shall he represent either party in the transaction; except as provided by State law.

## **EMPLOYEE INDEMNIFICATION**

In accordance with Miscellaneous Resolution #85339, adopted November 21, 1985 by the Board of Commissioners, whenever a claim is made or a civil action is commenced against an officer or employee of the County of Oakland for injuries to persons or property allegedly caused by the officer or employee while acting within the scope of his or her authority, the County shall pay for all reasonable costs of litigation and engage or furnish the services of an attorney in accordance with County policy to advise the officer or employee as to the claim and to appear for and represent the officer or employee in the action. The County may compromise, settle and pay the claim before or after the commencement of a civil action. Whenever a judgement for damages is awarded against an officer or employee of the County as a result of a civil action for personal injuries or property damage caused by the officer or employee while in the course of employment and while acting within the scope of his or her authority, the County of Oakland shall indemnify the officer or employee or pay, settle or compromise the judgement.

When a criminal action is commenced against an officer or employee of the County of Oakland based upon the conduct of the officer or employee in the course of employment, if the employee or officer had a reasonable basis for believing that he or she was acting within the scope of his or her authority at the time of the alleged conduct, the County of Oakland shall pay for, engage or furnish the services of an attorney to advise the officer or employee as to the action and to appear for and represent the officer or employee in the action.

The County may purchase liability insurance to provide the above protection, or may provide a self-insurance program.

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