

## **BAY COUNTY PERSONNEL POLICY**

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**BAY COUNTY BOARD OF COMMISSIONERS**

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Personnel related policies are incorporated by reference, as well as any other policies which may be adopted or amended by the Board of Commissioners. Policies are available in the Personnel Department and are part of the employment packet.

## RULE 1

### PURPOSE AND AUTHORITY

- 1.1 Purpose and Intent. It is the purpose of these rules and regulations to establish a uniform system for personnel administration that will improve the quality and efficiency of service. This personnel policy is applicable to non-union personnel employed by Bay County (hereinafter sometimes referred to as "County" or "Employer" or "County Board"). It is not applicable to any employee or group of employees which is now or shall hereafter be included in a union bargaining unit or covered under a collective bargaining agreement, and is applicable to employees of the circuit, district, and probate Courts to the extent specified by Michigan Supreme Court Administrative Order No. 1998-5 as amended. Further, this personnel policy is not applicable to any elected positions, except as otherwise noted under Rule 27.

It is also the purpose and intent of this policy to act as an informational outline of benefits that Bay County intends to extend to some of its employees. This policy should not be construed as creating a contract between the Employer and any of the applicable employees. The interpretation and operation of the benefits noted herein are within the sole discretion of the Employer. Benefits outlined in this document may be added to, expanded, reduced, deleted or otherwise modified by the Bay County Board of Commissioners and any such modifications in the policy shall be solely within the discretion of the County Board. The Employer reserves and retains, solely and exclusively, all rights to manage and operate its affairs and neither the constitutional nor the statutory rights, duties and obligations of the Employer shall in any way whatsoever be abridged by the terms of this policy.

No person or representative of the Employer, other than the County Board of Commissioners, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the provisions contained herein. Employees governed by this policy may be terminated only for cause, the procedure for which is set forth in Rule 12, Section 12.6. An employee cannot rely upon custom or prior practice. The fact that these policies may have been applied differently in the past does not affect their current or future enforcement.

- 1.2 Severability. If any section of these rules shall be held in conflict with any Federal, State, or local laws or regulations, such provisions shall be controlling for positions covered by this policy, and shall not affect the enforceability of any remaining section of this policy.
- 1.3 Organization and Administration. The Board of Commissioners may authorize the appointment of a Director of Personnel and Employee Relations to administer these rules and regulations.
- 1.4 Appointing Authority. An Appointing Authority is the head of a department, a person or group of persons who has or who have the power

by law, ordinance, or lawfully delegated authority to make appointments to positions in the County Service.

- 1.5 Department Head. A department head is an elected or appointed official who heads a recognized department.
- 1.6 Wages, Salary, and Benefits. No department head shall add to or otherwise increase the wages, salaries or benefits contained in this policy.

## **RULE 2**

### **EQUAL EMPLOYMENT OPPORTUNITY**

- 2.1 Policy. It is the policy of Bay County to pursue equal employment opportunity regardless of height, weight, political or religious affiliations, race, color, sex, disability, familial status, sexual orientation, gender identity, national origin, or other protected classification set forth by law in our relationship with applications for employment, employees of Bay County and the public.
- 2.2 Complaint Procedure. An employee who feels he or she has been the subject of prohibited discrimination may file a complaint and appeal in accordance with the Non-Discrimination Policy (see enclosure).
- 2.3 The County will not enter into collective bargaining agreements after the effective date of this revision to the Personnel Policy with any labor organization or employment agency which discriminates against any person on the basis of height, weight, political or religious affiliations, race, color, sex, disability, familial status, sexual orientation, gender identity, national origin, or other protected classification.
- 2.4 Nothing in this policy shall require the construction or provision of unisex, single user restrooms, changing rooms, locker rooms, or shower facilities nor effect policy regarding the use of restroom, changing rooms, locker rooms or shower facilities.
- 2.5 No county employee shall coerce, threaten, or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of the Policy, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- 2.6 Any employee of the County found guilty of violating this policy following the investigation of a formal complaint conducted by the Director of Personnel and the head of the department to which the employee is or was assigned shall be subject to discipline up to and including termination.

### **RULE 3**

#### **AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

- 3.1 Coverage. The employer and employees are covered by the Americans with Disabilities Act Amendments Act (ADAAA). Any inquiries regarding the ADAAA and its application should be directed to the Director of Personnel and Employee Relations.

### **RULE 4**

#### **ASSIGNMENT TO SALARY STEP**

- 4.1 Assignment. New hires shall be placed at the entry level step in the salary range. Should a department head experience substantial difficulty in recruiting qualified applicants for a vacant position, the department head may petition the Personnel/Human Services Committee, and request that the committee approve placing a new hire at a higher step in the salary range or approve offering a sign-on bonus or temporary retention bonus; however the Board of Commissioners makes the final decision.

### **RULE 5**

#### **POLITICAL ACTIVITY**

Employees working in federally grant-aided programs are subject to the provisions of the Federal program and/or the prohibitions under the Federal Hatch Act as amended.

### **RULE 6**

#### **HOURS OF WORK**

- 6.1 Office Hours. County offices shall be open for the transaction of business Monday through Friday of each week, from 8:00 a.m. until 5:00 p.m., except as changed from time to time by the County's Board. Exempted are departments requiring shift work.
- 6.2 Work Week. The basic week, normally, for full-time employment shall be forty (40) hours per week. Nothing in this policy shall be construed to guarantee a minimum amount of work hours per week.
- 6.3 Lunch Periods and Rest Periods. Each full-time employee shall be allowed a one-hour (1) lunch period and two (2) fifteen minute rest periods daily. Lunch periods and rest periods shall be staggered so as not to curtail services to the public. Rest periods shall be considered as working time and may not be added to the lunch period or accumulated in any manner. Breaks not taken shall not accumulate.
- 6.4 Shift Schedules. Shift schedules shall be subject to review and final approval of the elected official or department head.

## **RULE 7**

### **HOLIDAYS**

- 7.1 Holidays. The following holidays are recognized by the County:
- |                       |                                   |
|-----------------------|-----------------------------------|
| New Year's Eve        | New Year's Day                    |
| Veterans Day          | Martin Luther King Day            |
| Washington's Birthday | Thanksgiving Day                  |
| Good Friday           | Friday following Thanksgiving Day |
| Memorial Day          | Christmas Eve                     |
| Independence Day      | Christmas Day                     |
| Labor Day             | Three Personal Holidays           |
- 7.2 Compensation. Each regular full-time employee shall be paid for holidays at his or her regular rate of pay.
- 7.3 Alternate Days. Whenever one of the designated holidays falls on a Sunday it shall be observed on the following Monday; if the holiday falls on a Saturday, it shall be observed on the preceding Friday, except those departments that maintain a seven (7) day per week schedule.
- 7.4 Personal Holidays. Personal holidays are accrued on a pro-rata basis and shall be taken in the calendar year earned or they will be forfeited. In the case of severance, personal holidays shall be computed on the basis of one (1) personal holiday for every four (4) months worked in that calendar year.

## **RULE 8**

### **VACATIONS**

- 8.1 Rate of Accrual. Regular full-time employees shall receive up to two (2) weeks' vacation the first year and four (4) weeks thereafter. One (1) additional week will be earned after ten (10) years of service. If an employee is hired at a level higher than the starting rate of the classification, he or she is not exempt from this rule.
- 8.2 Administration. The department head must approve all vacation schedules. While every effort will be made to approve schedules as requested, department heads will arrange schedules so that there will be no need for temporary increases in personnel.
- 8.3 Request for Vacation Leave. Each employee shall be responsible for giving a signed request for vacation leave to the supervisor prior to the leave period.

- 8.4 Holidays. If a recognized holiday falls within a vacation period, it will not be considered as a vacation day.
- 8.5 Leave of Absence. Vacation leave shall not accrue during an employee's unpaid leave of absence or suspension.
- 8.6 Waiting Period. Paid vacation leave shall not be permitted during an employee's first 6 months of continuous service. After completion of the 6 month period the employee shall be entitled to the number of days accrued from the date of employment through the end of the month prior to the desired vacation. If there are compelling or unusual circumstances, the Department Head and the Director of Personnel may authorize the use of vacation days prior to the expiration of the six months, up to the accrual amount prior to the requested time off.
- 8.7 Separation. Upon separation from County service, an employee will be paid for unused accrued vacation. Compensation for unused vacation leave will be paid at the rate prevailing on the employee's last work day.
- 8.8 Employees who have in excess of 30 vacation days accumulated as of December 31 of each year shall be paid for all days in excess of 30 days, not to exceed the equivalent of six (6) days' pay. Pay will be computed at the rate applicable as of December 31 of that year. No more than thirty (30) vacation days may be carried over from one year to another. If not taken, vacation days over thirty (30) shall be forfeited, except as noted above.

## **RULE 9**

### **SICK LEAVE**

- 9.1 Rate of Accrual. Regular full-time employees shall accrue 1 day of sick leave for each month of service. (A month of service is completed when an employee works 11 days in any one month.)
- 9.2 Request for Sick Leave. Employees who cannot report to work shall, at or before their scheduled starting time, notify their supervisor. Failure to timely notify the supervisor may be cause for denial of sick leave pay and/or discipline. Employees shall be responsible for giving a signed sick leave form to their supervisor upon their return to work. Should an illness keep the employee out of work for more than three (3) days or should sick leave be utilized more than three (3) times in any twelve (12) month period, the supervisor may obtain medical substantiation of the illness. Sick leave shall not be viewed as an entitlement.
- 9.3 Administration. Sick leave is allowed when as an employee is too ill or disabled to work satisfactorily or safely. Sick leave may be utilized for appointments with a doctor or dentist.
- 9.4 Initial Period of Employment. Sick leave payment shall not be made to employees during the first six months of work.



- 9.5 Family Sickness Clause. An employee may use up to six (6) days of accumulated sick leave per year for serious illness in their immediate family, as follows: Parent, child, husband, wife or sibling.
- 9.6 On-The-Job-Injury. Days lost as a result of injury on the job, where not covered by Worker's Compensation, shall be deducted as sick days until such time as Worker's Compensation benefits become effective.
- 9.7 Sick Leave Payment. Upon Termination of employment by retirement or death, an employee (or employee's estate) will be paid for one half (1/2) of his or her accumulated sick leave. An employee who resigns the County's employ and has accumulated at least fifteen (15) years of unbroken service shall be paid one-half (1/2) of accumulated sick leave, not to exceed \$3,500.00.
- 9.8 Leave of Absence. No sick leave shall accrue during an unpaid leave of absence or suspension.
- 9.9 Vacation Conversion. In the event an employee should accrue more than ninety (90) days of sick leave at the end of any calendar year, he/she shall be granted one-half (1/2) of this excess sick leave accumulation to his/her vacation time available in the following year. For purposes of this computation, one day of vacation time will be added for each two full days of excess sick leave accumulation, i.e. 10 days = 5 days vacation; 12 days = 6 days vacation. Sick leave used as vacation under 9.9, shall be deducted from accrued sick leave.

## **RULE 10**

### **BEREAVEMENT LEAVE**

- 10.1 Administration. In the event of a death in a regular full-time employee's immediate family (spouse, child, step child, parent, parent-in-law, grandparent, son-in-law or daughter-in-law, brother or sister or a permanent member of the employee's family, i.e., one who lives in the employee's household), an employee shall be allowed three days paid leave to attend to matters directly pertaining to the death.

The Director of Personnel and Employee Relations may authorize up to two additional days of paid or unpaid leave if extenuating circumstances, such as extensive travel, require the employee to be absent.

## **RULE 11**

### **LEAVE OF ABSENCE**

- 11.1 Approval. All leaves of absence must be approved by the department head.
- 11.2 Application for Leave of Absence. The employee shall submit a written request to the department head. Leaves of absence shall be without pay except as otherwise noted below.

- 11.3 Return from Leave of Absence. When leave of absence is granted, the employee agrees to return to work immediately at the expiration of the leave period or extension thereof. Failure to return to work shall be considered a resignation from employment.
- 11.4 Extension. An employee may request an extension of a leave of absence in writing to the department head.
- 11.5 Benefits. No benefits shall accrue to an employee during an unpaid leave of absence. Time spent on leave of absence shall not be considered a break in service. The County will maintain the employee's health insurance if required by law (F.M.L.A.). See Rule 20 for F.M.L.A.
- 11.6 Military Leave. The County shall observe the provisions of the Federal regulations regarding re-employment rights and leaves of absence in accordance with the Military Selective Service Act as amended.
- 11.7 Disability Leave. An employee may request disability leave to cover a period of disability and the Family Medical Leave Act. Medical evidence of disability shall be required in accordance with procedures for the Sick and Accident Insurance. Rule 28, Medical Disputes, applies. A medical release will be required before returning to work.
- 11.8 Jury Duty. An employee who is called for jury duty shall notify the department head immediately upon receipt of such notice. If an employee serves on jury duty during normally scheduled work days, the County shall provide payment of the difference of jury duty pay and the employee's regular salary upon presentation of a written statement of jury earnings by proper Court officials. At the employee's option, he may turn over the payment for witness fees to the County Finance Department and receive full pay for that period of time.
- 11.9 Administrative Leave. Administrative leave with pay may be granted to an employee by the department head, for attendance at workshops, seminars, classes or visits to other governmental units or like purposes, for the purpose of improving the skills or obtaining knowledge required in performance of work.
- 11.10 Educational Leave. Unpaid educational leave of up to one year may be granted by the department head, and may be extended for up to one additional year with the approval of the Department Head and the Director of Personnel and Employee Relations.

## **RULE 12**

### **DISCIPLINARY ACTION/SEPARATIONS**

- 12.1 Separations. Employees may be separated from employment for cause in accordance with section 12.6.
- 12.2 Work Rules. The work rules enclosed in this policy provide some examples of causes for disciplinary action. The list of work rules is not all inclusive.

- 12.3 Disciplinary Action. No disciplinary action involving a suspension or discharge may be taken without the prior consent of the department head; however, supervisors may unilaterally issue reprimands and warning letters. For departments under the County Executive, no disciplinary action involving a suspension or a discharge may be taken by a Department Director without the prior approval of the Director of Personnel and Employee Relations. Department heads who are not under the County Executive should contact the Personnel Department for technical assistance prior to initiating a suspension or a discharge.
- 12.4 Suspension/Salary Test. Any suspension without pay of an exempt employee shall not violate the salary test under the Fair Labor Standards Act.
- 12.5 Resignation. Where practicable, an employee who resigns should submit a resignation in writing to the department head at least fifteen (15) working days prior to the employee's final day of work.
- 12.6 An Employee, pending discharge may apply, within five working days following the determination to discharge said employee, to have his or her case reviewed by (1) the Director of Personnel and Employee Relations, (2) Corporation Counsel for the County, (3) the County Executive or his or her designee, (4) the Chairman of the Board of Commissioners or the Chairperson of Personnel and Human Services, and (5) a representative from a department other than the one to which the employee was assigned. This representative shall be chosen by the Chairman of the Board of Commissioners with concurrence of the County Executive. This group shall review the case, and, if needed, conduct additional investigation if required, and shall make a final determination as to discharge. The decision of this group is final and not subject to further appeal.

### **RULE 13**

#### **RECLASSIFICATIONS**

- 13.1 With input from the County Executive, Department Heads, or on its own, the Board of Commissioners, at its sole discretion, may reclassify positions through the annual new budget process, with any reclassification granted becoming effective January 1 of the new budget year.
- 13.2 Step Placement. When an employee is promoted to a classification in a higher salary grade, the employee should be placed in the new range at a step which represents an increase equivalent to at least one-step increase in the old range. That is, the employee should be placed at a salary step in the new range which provides a salary increase which is not less than the difference between the minimum and the first step of the range for the lower class involved. This same formula shall be used for promotions to vacant positions.

An employee who experiences major reductions in responsibilities in his or her position will be reclassified to a lower salary rate; however, the employee's current salary will be frozen until the salary of the lower rate catches up to the employee's current salary. This section does not apply to

an employee whose position is abolished, and the employee is subsequently transferred to a lower position.

## **RULE 14**

### **HEALTH INSURANCE**

- 14.1 **Insurance.** The County shall furnish health insurance benefits to full-time, regular employees equivalent to health insurance provided for in the U.S.W. (Full-time) labor agreement. Eligible employees and retirees will have to contribute to the payment of premiums, per schedule published annually.
- 14.2 **Election.** An employee who elects not to enroll in the County's health insurance plan shall receive \$1,800 per year in deferred compensation for each year that neither the employee nor his or her spouse is enrolled in the County's health insurance program. In the case of married employees both working for the County and both are eligible for health care, neither shall be eligible for the \$1,800 compensation and only one may enroll for single, married, or family coverage. Employees must sign a waiver on a form prescribed by the County prior to the County granting permission for an employee to receive deferred compensation in lieu of health insurance.
- 14.3 **Worker's Compensation.** The Employer shall provide coverage for all employees.
- 14.4 **Utilization of Sick Leave.** An employee whose injury, illness or disability is accepted under the Michigan Worker's Compensation Act may utilize his sick leave pay benefits during the statutory one (1) week waiting period, and to supplement the statutory benefits payable thereafter to make up the difference between his compensation coverage and his regular pay. However, total compensation cannot exceed the employee's regular rate of pay.
- 14.5 **Sick and Accident Insurance.** The County will provide Sickness and Accident insurance for regular full-time employees subject to certain requirements. Insurance shall become operative on the thirty-first calendar day after occurrence and will provide payment of seventy-five (75) percent (with no dollar cap) of the employee's regular base pay for a period not to exceed fifty-two (52) weeks for any one disability. Employees hired on or after January 1, 1997, shall not be eligible for sick and accident insurance until they have completed one year of unbroken service.
- 14.6 **Retirees.** Retirees will be provided health insurance if there is no break between their last day of work or paid vacation or personal days and their first day of retirement as a retiree receiving a monthly pension check. That is, those who separate from employment, and either defer retirement or who are not immediately eligible for pension benefits, will not be provided with health insurance at any time.

## **RULE 15**

### **CONTINUOUS LENGTH OF SERVICE**

- 15.1 Definition. Continuous length of service for a County employee is that period of employment with Bay County that is considered unbroken.
- 15.2 Break in Service. Continuous length of service shall be considered as broken for the following reasons:
- (a) An employee resigns.
  - (b) An employee is dismissed.
  - (c) An employee fails to return at the expiration of an approved leave of absence.
  - (d) An employee is laid off and not re-called within 12 months.  
(Consistent with applicable law).
  - (e) An employee takes an unpaid leave of more than 12 months.
- 15.3 Temporary Service. Full-time service which immediately precedes the transfer of a temporary employee to a permanent position shall be given full credit toward continuous length of service.
- 15.4 Part-time. Regular part-time service shall be credited toward continuous length of service, but provisional, temporary, or seasonal service is not counted towards continuous length of service.

## **RULE 16**

### **RETIREMENT**

#### **Amended 8/10/99 (Resolution 99-237)**

- 16.1 Policy. Retirement benefits and health care benefits during retirement shall be provided to eligible employees in accordance with the terms contained in the U.S.W. (F.T.) collective bargaining agreement, and the provisions of the Bay County Employees' Retirement System Ordinance, and Rule 14.6 Retirees, however, retirement benefits and health care benefits during retirement may be provided to certain retirement groups at a level greater than that provided by the U.S.W. (F.T.) collective bargaining agreement.
- 16.2 Separations. Employees who separate from employment without having worked enough years to become vested in the retirement system shall be paid an amount equal to contributions made into the retirement system, plus interest, provided that the employee was hired before January 1, 1996.

## **RULE 17**

### **PERSONNEL RECORDS AND TRANSACTIONS**

- 17.1 The central personnel files for County employees shall be stored in the Personnel Department which will advise and assist, upon request, department heads concerning records systems, procedures, and transactions.

## **RULE 18**

### **TRAVEL**

- 18.1 Travel Policy. Travel while on duty is governed by the Travel Policy, a copy of which is retained in each department. The Fair Labor Standards Act is also applicable for non-exempt employees while on travel time.

## **RULE 19**

### **LIFE INSURANCE**

- 19.1 Eligibility. Those employees eligible for health insurance benefits shall be provided with \$50,000 in term life insurance after being an employee for twelve months.

A life insurance benefit of ten thousand dollars shall be provided to employees who retire and collect pension benefits from the employer's pension system, provided that the employee retired on or after March 1, 1998, and provided there is no break in time between the last day of work and the first day of retirement as a retiree receiving a monthly pension check. This benefit for retirees will become effective July 1, 1998. The benefit of life insurance in retirement shall only be provided to those who were eligible for life insurance benefits on their last day of work.

## **RULE 20**

### **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

- 20.1 General.

- (a). A regular employee who has completed twelve (12) months of employment and worked at least 1,250 hours for the Employer in the past twelve (12) months may request an unpaid personal leave of absence for a period not to exceed twelve (12) weeks in any twelve (12) month period for any of the other reasons outlined below or as otherwise provided in the FMLA. The Employer will use a rolling twelve (12) month period measured backward from the date an eligible employee uses any FMLA leave. All requests must be initially in writing to the Director of Personnel and Employee Relations, must give the reason for the request, must give the expected duration of

the leave, where practicable. A personal leave of absence shall be granted in the following cases:

- (1) The birth of a child and to bond with the newborn child within one year of birth.
- (2) The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement.
- (3) A serious health condition that makes the employee unable to perform the functions of his or her job.
- (4) To care for the employee's spouse, son, daughter, or parent who has a serious health condition.
- (5) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.

(b) When a husband and wife are both entitled to leave and are employed by the Employer, the aggregate number of work weeks of leave (for reasons (1) through (5) above) to which both may be entitled may be limited to twelve (12) work weeks during any twelve (12) month period if the leave is taken due to the birth of a child, the placement of a child or to care for a sick parent.

(c) Leave due to the birth of a child or placement of a child with the employee may not be taken intermittently or on a reduced leave schedule unless the Employer agrees to such an arrangement.

(d) Subject to notification and certification requirements described below, leave to care for a spouse, child or parent or due to a serious health condition of the employee may be taken intermittently or on a reduced leave schedule when medically necessary.

(e) **QUALIFYING EXIGENCY LEAVE**

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a servicemember with a serious injury or illness if the employee is the servicemember's spouse, son, daughter, parent or next of kin.

The County shall grant an eligible employee up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

Covered active duty means:

for members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or

for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence. See [Fact Sheet 28M\(c\), Qualifying Exigency Leave](#), for additional information about qualifying exigencies under the FMLA.

(f) **MILITARY CAREGIVER LEAVE**

A covered employer must grant an eligible employee up to a total of 26 workweeks of unpaid, job-protected leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

A covered servicemember is either:

a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or

a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.

For a current servicemember, a serious injury or illness is one that may render the servicemember medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

20.2 Continuation of Benefits. All FMLA leaves of absence shall be without pay and benefits, unless otherwise stipulated in a collective bargaining



agreement or the County's Personnel Policy. The only other exception to this policy is that the Employer shall continue to pay health insurance premiums for eligible employees employed for at least one (1) year and who have at least 1,250 hours of service in the past year (12) months, for up to twelve (12) weeks while the employee is on approved leave of absence under conditions (1), (2), (3), (4) or (5) listed in Section 20.1.A. above. The Employer shall have no obligation to pay health care premiums for the employee on unpaid personal leave for any time period after twelve (12) weeks from and after the employee's initial absence from work. In all other circumstances, the Employer shall not continue to pay health insurance premiums for the employees. Employees may continue insurance coverages at their own expense during an unpaid personal leave of absence after the period noted above. An employee will not accumulate sick leave or vacation time, nor be paid for holidays which may fall during the leave period.

20.3 Reinstatement After Leave. When a leave of absence under conditions (1), (2), (3), (4) or (5) of Section 20.1.A . above is granted for more than twelve (12) weeks, the Employer does not guarantee that the employee will be reinstated in his or her former position or to the same grade and step level when he/she is ready to return to work. That decision will be at the discretion of the Employer.

20.4 Notice. For leave taken due to the birth of a child or the placement of the child with the employee, and where the leave is foreseeable based on the expected birth or placement, the employee shall provide the Employer with not less than thirty (30) days' notice before the date the leave is to begin, except that if the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide such notice as soon as practicable.

When the employee's leave is due to care for a spouse, child or parent or to the employee's serious health condition and the leave is foreseeable based on planned medical treatment, the employee:

- (a) Shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Employer, subject to the approval of the health care provider and;
- (b) Shall provide the Employer with not less than thirty (30) days notice before the date leave is to begin, except that if the date of treatment requires leave to begin in less than thirty (30) days the employee shall provide such notice as is practicable.

20.5 Certification for medical leaves. For leaves taken to care for a sick spouse, child, or parent or due to a serious health condition of the employee, the Employer may require certification issued by the health care provider of the eligible employee or of the child, spouse or parent of the employee, as appropriate. This certification shall be sufficient if it states:

- (a) The date on which the serious health condition commenced;
- (b) The probable duration of the condition;

- (c) The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- (d) When applicable, a statement that the eligible employee is needed to care for child, spouse or parent and an estimate of the amount of time that the employee is needed to provide such care;
- (e) When applicable, a statement that the employee is unable to perform the functions of the position of the employee;
- (f) In cases of certification of intermittent leave or leave on a reduced leave schedule for planned medical treatment the dates on which the treatment is expected to be given and the duration of the treatment;
- (g) In cases of intermittent leave or leave on a reduced schedule due to an employee's serious health condition, a statement of the medical necessity for the intermittent leave or leave on a reduced schedule and the expected duration of the intermittent leave from the leave schedule; and
- (h) When intermittent leave or leave on a reduced leave schedule is requested for the purpose of caring for child, spouse, or parent, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the child, parent or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

20.6 Second opinion. In any case where the Employer has reason to doubt the validity of the certification as outlined above, the Employer may require, at the Employer's expense, if not covered by insurance, that the eligible employee obtain the opinion of a second health care provider designated or approved by the Employer concerning any information certified by the original certification. The provider of the second opinion shall not be employed on a regular basis by the Employer.

20.7 Resolution of conflicting opinions. When the second opinion described above differs from the opinion in the original certification, the Employer may require, at the expense of the Employer, if not covered by insurance, that the employee obtain the opinion of a third health care provider designated or approved jointly by the Employer and the employee concerning the information certified above. The opinion of the third health care provider shall be final and binding on both Employer and employee.

20.8 Subsequent re-certification. The Employer may require that the eligible employee obtain subsequent re-certifications on a reasonable basis.

## **RULE 21**

### **ANTI-NEPOTISM POLICY**

21.1 The County Board's Anti-Nepotism policy is enclosed.

## **RULE 22**

### **DRUG-FREE WORKPLACE POLICY**

- 22.1 Policy and Procedures. The following are adopted as policies and procedures, and the full text of those policies and procedures are attached.
- (a) Drug Free Work Place Policy Statement
  - (b) Drug Free Work Place Rules and Regulations
  - (c) Drug Testing Protocol revised Drug Testing Consent Form
  - (d) Medication/Drug List
- 22.2 Test. Drug and alcohol testing of employees may be implemented by the Director of Personnel and Employee Relations following adoption of the policies and procedures by the Board of Commissioners.

## **RULE 23**

### **WORK RULES**

- 23.1 Administration. The attached Work Rules are to be administered by all supervisors, and shall be followed by employees.

## **RULE 24**

### **SERVICE INTERRUPTION**

- 24.1 Policy. Should any or all County buildings be closed by an executive order which states employees shall not report to scheduled work, scheduled employees shall receive their daily base pay as if they had worked, provided they did not call in sick, or were not taking a vacation day or were on a leave. This also applies to employees who were at work but were ordered to leave the buildings.
- 24.2 Exception. The Service Interruption Procedures, listed above, do not apply to employees in twenty-four hour facilities.
- 24.3 The County Executive makes the decision as to whether or not to declare that a service interruption exists.

## **RULE 25**

### **SUPPLEMENTARY EMPLOYMENT**

- 25.1 Policy. Supplementary employment may be permitted if the additional employment in no way conflicts with the employee's hours of County employment or with the quantity, quality, or interest in County work on the part of the employee. The additional work must in no way conflict with satisfactory and impartial performance of duties or create a conflict of interest or the appearance of one. The decision to approve or reject a

request to work additional employment is determined within the sole discretion of the Employer. It is the Employee's responsibility to request permission to engage in supplementary employment, prior to engaging in the employment.

## **RULE 26**

### **CLEAN INDOOR AIR ACT POLICY**

26.1 Policy. (See enclosure)

## **RULE 27**

### **ELECTED OFFICIALS**

27.1 Coverage. Elected officials shall be fully covered by the benefits and stipulations under the following Rules without using a pro-rata formula; except that benefits under worker's compensation shall be pro-rated.

Rule 5 Political activity in grant-aided programs and the Federal Hatch Act.

Rule 14.1, 14.2 Health Insurance, excluding sick and accident benefits, shall be granted to commissioners, in accordance with the Affordable Care Act, and per Board of Commissioners Resolution No. 2016-29.

Rule 14.3 Worker's compensation

Rule 16 Retirement

Rule 18 Travel Policy

Rule 19 Life Insurance

Rule 29 Health Services

27.2 Identification. The following positions referred to, above, are:

County Executive County Register of Deeds

County Commissioners County Prosecutor

County Clerk County Drain Commissioner

County Sheriff County Treasurer

Circuit Judges District Judges

Probate Judge

Judges do not participate in the County's retirement system.

## **RULE 28**

### **MEDICAL DISPUTES**

- 28.1 **Policy.** In the event of a dispute involving an employee's physical or mental ability to perform his/her job, or his or her eligibility for sick and accident insurance or to return to work after a leave of absence of any kind and the Employer is not satisfied with the determination of the employee's doctor, the Employer may require a report from a medical doctor of the Employer's choosing at the Employer's expense if not covered by the employee's insurance. If the dispute still exists, the County Medical Director shall designate a doctor to perform an independent medical evaluation (IME) and provide such diagnoses as to fitness to the Employer and the employee. Any expense of the third doctor shall be borne equally by the Employer and the employee, if not covered by the employee's health insurance. (This rule does not cover worker's compensation cases.) Upon receipt of the IME, the Employer shall take appropriate action.
- 28.2 **Administration.** The Director of Personnel and Employee Relations shall coordinate cases involving medical disputes.

## **RULE 29**

### **HEALTH SERVICES**

- 29.1 **Health Department.** Employees at their own initiative, may request the Health Department to provide the following:
- (a) Tuberculin test
  - (b) Tetanus Toroid Series or Booster
  - (c) Influenza immunization
  - (d) Diphtheria Series or booster
  - (e) Polio series or booster
  - (f) Cholesterol test
  - (g) Hepatitis B vaccination for employees who need such vaccinations as determined by the County physician.

## **RULE 30**

### **TYPES OF APPOINTMENT**

- 30.1 **Types of Appointments.** Types of appointments are defined as follows:
- (a) **Regular full-time** – an employee who works at least thirty (30) hours per week on a regularly scheduled basis in a regular position.

- (b) Regular part-time - an employee who works less than thirty (30) hours per week on a regular schedule in a regular position.
- (c) Temporary - an employee who works either part-time or full-time, but is hired for a limited period of time, not to exceed one (1) year of unbroken service, for special projects or during heavy workload periods, or as a substitute for an employee on leave of absence, or as a casual or on-call worker.
- (d) Provisional - an employee who is hired in the absence of an eligible list. Duration of employment shall be until such time as a list can be established or until the position is filled on a regular basis after a posting. Provisional appointees shall meet the minimum qualifications of the positions.

30.2 Benefits. Benefits shall be provided to regular full-time employees.

30.3 Probationary Period. All new full-time/part-time employees covered by the “for cause” provision of this Personnel Policy shall serve a one year probationary period. During this period, the employee may be terminated without recourse. The probationary employee can be terminated for any reason or for no reason. A probationary employee is an employee at will. If an employee is absent from work for any reason, his/her probationary period shall be extended by a period equal to the duration of such absence.

## **RULE 31**

### **OVERTIME/DOCKING**

31.1 Policy. Overtime payments and compensatory time for non-exempt employees shall be administered in accordance with the Fair Labor Standards Act. Employees who are exempt under the Fair Labor Standards Act shall not be eligible for overtime pay or compensatory time, and shall not have their pay docked until a review is conducted of the salary test under the Fair Labor Standards Act. Each case must be reviewed on an individual basis by the Director of Personnel and Employee Relations.

## **RULE 32**

### **TUITION REIMBURSEMENT**

32.1 Policy. Subject to budgetary constraints, the County may reimburse employees for some or all actual out-of-pocket tuition expenses (excluding books and fees) when the employees are participating, on their own time, in eligible studies at accredited colleges and universities, and subject to criteria listed below. The County reserves the right to reject any request for tuition reimbursement.

32.2 Authorization. The employee has submitted a signed tuition reimbursement form to the department head and Director of Personnel and Employee

Relations prior to the beginning of the course, and the department head and Director of Personnel and Employee Relations have provided their signature of approval prior to the beginning of the class. Additionally, no tuition reimbursement will be paid without approval of the Ways and Means Committee, which has final authority regarding requests.

- 32.3 Grades. Eligible employees must receive a grade of “B” or better to be granted tuition reimbursement. Tuition reimbursement for ungraded courses will not be granted. The employee must show proof of the letter grade in order to be considered for reimbursement.
- 32.4 Receipts. The employee requesting reimbursement must prove payment of tuition by a specific receipt in order to be eligible for reimbursement.
- 32.5 Class Criteria. Each course must be directly and concretely related to the work the employee is performing. Costs for unrelated courses on a degree program which is related to the work will not be reimbursed.
- 32.6 Dollar Cap. Tuition reimbursement shall be granted on the same basis as the provisions of the United Steelworkers #15157 (Full Time) collective bargaining agreement.

### **RULE 33**

#### **REFERENCES**

- 33.1 Procedure. Departments may be contacted from time to time, by employers who are considering hiring former employees of the County. Given the potential for litigation, departments shall refer requests for references without comment to the Personnel Department.

### **RULE 34**

#### **ECONOMIC BENEFITS OF COURT EMPLOYEES**

**THE BELOW SECTION IS SUPERCEDED BY THE “POLICY FOR NON-WAGE ECONOMIC BENEFITS FOR CIRCUIT COURT EMPLOYEES “ DATED JANUARY 1, 2007 AND SIGNED BY CHIEF CIRCUIT JUDGE KENNETH W. SCHMIDT**

- 34.1 District Court. The Chief Judge of District Court has agreed that employees of District Court shall follow the economic benefits and procedures on economic issues contained in the County’s personnel policy.
- 34.2 Probate Court. The Probate Judge has agreed that employees in Probate Court shall follow the economic benefits and procedures on economic issues contained in the County’s personnel policy.
- 34.3 Circuit Court. The judges of the Circuit Court have agreed that employees shall follow the economic benefits and procedures on economic issues contained in the County’s personnel policy, except as noted below.

34.4 History. The employees of the Circuit Court are not allowed to accrue sick time, and have different sick and accident benefits and personal days than all other employees. Accordingly, the Circuit Court has developed a long history of having different fringe benefits than other departments, and the County has agreed to accept some differences.

34.5 Pyramiding of Benefits Prohibited. Circuit Court employees shall not pyramid benefits received and shall not be eligible for benefits listed in this rule, plus the same benefits listed under another rule in the personnel policy.

34.6 Groupings. ~~Circuit Court employees are grouped as follows for purposes of sick and accident insurance and personal days.~~

~~Group A: Court Administrator, Friend of the Court, Assistant Friend of the Court/Office Manager~~

~~Group B: Family Counselors, Assistant Director Friend of the Court (Attorney), Coordinator of Assigned Counsel, Administrative Assistant, Law Clerks, Assistant Family Counselors~~

~~Group C: Judicial Secretaries and Court Recorders~~

34.7 Sick and Accident Benefit. ~~The Circuit Court will provide and pay the required premiums for a sick and accident insurance program or pay sick and accident insurance benefits for those eligible, regular, full-time employees who have completed 60 calendar days of employment with the Court. Employees who become totally disabled and prevented from working for renumeration or profit and who are otherwise eligible shall receive weekly indemnity benefits consisting of seventy-five percent (75%) of their normal gross weekly wages based on a forty hour work week. These benefits shall be payable from the first day of disability due to accidental bodily injury or hospitalization or from the eighth day of disability due to sickness for a period not to exceed fifty-two weeks for any one period of disability. A recurrence of a previous illness which occurs within six months of return to work shall be considered to be a continuation of that illness for computation of sickness and accident benefits. Employees are not entitled to this benefit for any disability for which they may be entitled to indemnity or compensation paid under a retirement plan, the Social Security Act, or any Workers' Compensation Act. An exception to the above is that group A employees receive their full salary for the first 30 calendar days of illness and then 75% of salary for the duration of time on sick and accident.~~

~~Time spent on sick and accident in excess of fifteen work days will be added to the time required to move to a higher pay step.~~

34.8 Personal Days. ~~Paid personal days for full-time, regular circuit court employees shall be provided on a pro-rata basis, using the anniversary date, from date of hire as follows: for group A, 2.5 days per year initially, changing to 3 days after ten years; for groups B and C employees, 5.5 days initially, 6.5 days after 10 years, and 7.5 days after 15 years.~~



## **ATTACHMENTS**

**BAY COUNTY**  
**NON-DISCRIMINATION POLICY**

A. Bay County declares that it will not, to the extent required by law:

Discriminate against an individual with respect to hiring, employment, compensation, or a term, condition, or privilege of employment, because of height, weight, political or religious affiliations, race, color, sex, disability, familial status, sexual orientation, gender identity, national origin, or other protected classification.

B. Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment;
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment; or
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, or creating an intimidating, hostile, or offensive employment environment.

Retaliation against a complainant for the act of filing a complaint is prohibited. Individuals who believe they may have been subjected to illegal discriminatory conduct shall immediately follow the below listed procedures which are intended to be informal and designed to reach a resolution of the complaint. The enclosed complaint form is offered for use.

Step 1. Report the alleged discriminatory conduct to the division head or department head who shall immediately notify the Director of Personnel and Employee Relations of the complaint. The department or division head shall investigate the complaint and attempt resolution. Within ten work days of receiving the complaint, the division or department head shall report in writing to the Director of Personnel and Employee Relations the results of the investigation and attempts at resolution. If the division or department head is the subject of the complaint, advance out of order to Step 2. (See Note 2).

Step 2. Absent a resolution in Step 1, the complainant may, within 30 days of filing the initial complaint with the department or division head appeal to the Director of Personnel and Employee Relations who shall conduct an investigation and attempt resolution. Absent a resolution at this step, the Director of Personnel and Employee Relations shall provide the complainant with a written response to the complaint within thirty work days of receipt of the appeal to Step 2. If the Director of Personnel and Employee Relations is the subject of the complaint, the County Executive shall substitute for the Director of Personnel and Employee Relations.

Step 3. Absent a resolution at step 2, the complainant may, within 10 days of

receiving the Director of Personnel and Employee Relations response, appeal in writing to the County Executive who shall review the complaint files and communicate a determination in writing to the complainant within 10 days of receiving the complaint. This is the last step in the procedures.

- NOTES: 1. Should the courts follow this policy, step 1 may be a non-represented supervisor's step, with step 2 being the court administrator's step, and step 3 being the Chief Judge's step. However, the content of the policy is at the discretion of the Chief Judge since this is a non-economic policy. The Courts are encouraged to follow this policy voluntarily.
2. Under step 1, a complainant may instead choose to lodge the complaint with the County Executive, Corporation Counsel, or Director of Personnel and Employee Relations instead of the department or division head.

Adopted by the Bay County Board of Commissioners: 4/12/94; amended 1/1/98  
Enclosure: Complaint Form

**DISCRIMINATION COMPLAINT**

OFFICE USE ONLY

COMPLAINT RECEIVED \_\_\_\_\_

COMPLAINT NUMBER \_\_\_\_\_

COMPLAINT CLOSED \_\_\_\_\_

**COMPLAINANT INFORMATION:**

NAME: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

DATE OF INCIDENT: \_\_\_\_\_

DATE OF SUBSEQUENT INCIDENTS: \_\_\_\_\_

DATE REPORTED TO SUPERVISOR/OTHER: \_\_\_\_\_

\_\_\_\_\_

HOW? ORAL/WITTEN: \_\_\_\_\_ TO WHOM: \_\_\_\_\_

PLEASE LIST THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ANY WITNESSES. ALSO LIST WHAT THEY MAY BE ABLE TO REPORT.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLEASE EXPLAIN YOUR COMPLAINT FULLY IN THE ORDER IN WHICH THE EVENTS HAPPENED.

\_\_\_\_\_

\_\_\_\_\_

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SIGNATURE OF COMPLAINANT

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DATE

## **BAY COUNTY PERSONNEL ANTI-NEPOTISM POLICY**

It is Bay County's policy to hire, promote and transfer employees on the basis of individual merit and to avoid any suggestion of favoritism or discrimination in making such decisions. The employment of relatives in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy. Even if favoritism or discrimination is not shown, the existence of the situation within the sphere of influence, may precipitate questions difficult to answer or may cause some discomfort for the individuals involved.

It is therefore, our policy to prohibit the hiring of relatives (father, mother, son, daughter, brother, sister, husband, wife) in situations where a relative would be under the direct or general supervision of an elected official, department head, division head or leader, or to employ relatives where the status or employment of that person might be influenced by an elected official, department head, division head or leader.

By adhering to the above policy which prohibits relatives from working in positions where they might have influence over each other's status, or the hiring of those relatives, a potentially discriminatory situation is avoided altogether. Bay County realizes that there may be existing relationships among employees which are contrary to this policy. It is the purpose of this policy statement to avoid creating any new situations where relatives are employed in "spheres of influence relationships", and not to affect the employment of any relationships that currently exist.

Adopted 10/10/88, Motion #24

**BAY COUNTY**  
**DRUG-FREE WORK PLACE POLICY STATEMENT**

Illegal drugs and alcohol in the work place present a danger to all concerned. Drugs impair safety and health, promote crime, lower productivity and work quality and undermine public confidence. Bay County will not tolerate the illegal use of drugs. Under the federal Drug-Free Work Place Act of 1988, in order for Bay County and its offices, departments, agencies and commissions to be considered a “responsible source” for the receipt of federal grant funds, Bay County adopts the following policy, which may be located on the Bay County employee intranet:

Effective immediately, all Bay County premises, including work sites, any County property, including but not limited to parking lots, and all Bay County vehicles, are declared to be drug-free work places. This means:

- All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the work place.
- Employees found to be in violation of this policy will be subject to appropriate personnel/disciplinary action, up to and including termination for the first offense, and/or other remedial measures as the individual circumstances warrant.
- Employees have the right to know the dangers of drug abuse in the work place, Bay County’s policy regarding drug use, and what help is available to combat drug problems. Bay County will provide for drug awareness training, periodically, for all employees on the dangers of drug abuse in the work place.
- Any employee convicted of violating a criminal drug statute in the work place must inform Bay County of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform Bay County subjects the employee to disciplinary action, up to and including termination for the first offense. By law, Bay County must notify the granting agency within 10 days of receipt of such notice from an employee or otherwise.
- Bay County offers employees with substance abuse issues counseling through an employee assistance program (EAP). Such a program is through a third party provider and the results of such counseling are confidential, except that when such counseling is required as a condition of employment the third party provider shall release information limited to attendance in and completion of mandated counseling.
- Bay County reserves the right, in its sole discretion, to offer employees convicted of violating a criminal drug statute in the work place participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered and accepted by the employee, then the employee

must satisfactorily participate in and complete the program as a condition of continued employment. Pamphlets and information with information regarding the EAP are posted on bulletin boards through the County work sites, in the Personnel Department, and on the employee intranet.

Bay County supports the purpose and goals of the Drug-Free Work Place Act and by this policy, announces its intention to comply with the Act and make continuing “good faith” efforts to provide a drug-free work place. All employees are expected to cooperate and give this policy their full support.

1/01/1998

Updated: 9/20/2016



**BAY COUNTY**  
**DRUG-FREE WORK PLACE RULES AND REGULATIONS**

**DRUG FREE WORK PLACE**

It is the intention of Bay County (“Employer”) to select the best method for controlling the use and possession of illegal drugs and alcohol in the work place thereby reducing the risks and attendant costs which result from the use and possession of illegal drugs and alcohol on the job. These Rules and Regulations set forth standards regarding the use of drugs or alcohol at work.

A. Fitness for Duty. All employees are expected to be in suitable mental and physical condition at work, able to perform their assigned duties satisfactorily and behave properly. The use of alcohol, illegal drugs, misuse of properly issued prescription medication, or other intoxicants or substances that interfere with such performance may lead to disciplinary action up to and including discharge.

B. Use, Sale, Transfer or Possession. The use, sale, transfer, or possession of alcohol, illegal drugs, controlled substances without a physician’s prescription, drug paraphernalia, or any combination thereof, on any county-owned or operated premises or work site or in a county-owned vehicle will be considered grounds for discipline, up to and including, discharge.

Entry upon county property, or being at work: (1) with drug paraphernalia or (2) under the influence of alcohol, illegal drugs or controlled substances without a physician’s prescription, or any combination thereof will be considered grounds for discharge. “Under the influence” is defined as being unable to perform work in a safe and productive manner, being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees or the public and county property; or having any detectable level, in any confirmed positive result, of alcohol, drugs, or controlled substances, or any combination thereof in the blood.

C. Off Duty Conduct. These Rules and Regulations have no bearing on what an employee does on his/her own time unless it reflects on his/her job performance or establishes a nexus to the County or results in a criminal conviction, misdemeanor or felony.

D. Testing, Prior to and During Employment. An employee’s refusal to submit to a lawful security exam (e.g., interview, lawful electronic devices), to a search or inspection of his or her personal property, such as a purse or briefcase, located on county premises, work sites or facilities, including, but not limited to, the county building and parking lots, or refusal to submit to physical examination or sobriety examination where the Employer provides in writing its reasonable suspicion based on articulable objective evidence, such as slurred speech, smell of alcohol, impaired motor control, bloodshot eyes shall be grounds for discipline up to and including discharge.

Any positive results from such test may result in disciplinary action up to and including discharge.

New applicants (non-county employees) for employment and County employees transferring into the below listed job classifications shall be required to give consent to a physical examination including but not limited to the collections of a blood, urine or breath sample to be submitted for alcohol, illegal drug and controlled substance abuse screening tests. Applicants agree that test results are to be released to those officials of the County who make employment decisions.

9-1-1 Dispatchers

Cook - Division on Aging

Employees at Center Ridge Arms

Animal Control Officer

Cook - Jail

Correctional Facilities Officers (includes PBT, but excludes Records Spec.)

Deputies – Supervisory Unit

Deputies - Road and Detective

Electricians – Maintenance

Emergency Management Coordinator

Emergency Preparedness Manager

Environmental Health Sanitarian I and II

Equipment Operator (includes any person operating mobile powered equipment)

Homemaking Service Worker

In-home worker part time

Juvenile Home Director

Juvenile Home Supervisor

Lead Animal Control

Maintenance I, II, III, and IV

Mechanical Contractor/Maintenance

Nurse's Aide/Health Care (FT and PT)

Public Health Nurses

Recreation Coordinator

Recreation Manager

Summer Recreation employees assigned to Community Center

Youth Development Worker

Any other job directly related to the safety of the public or other employees, as determined by the Director of Personnel and Employee Relations.

E. Information Disclosure. Upon offer of employment, applicants must notify the County of any criminal alcohol or drug conviction which occurred prior to employment by the County within the last ten years.

County employees shall be required to provide notice to their department head of any criminal drug statute conviction for a violation no later than five days after such conviction. The County shall investigate and take appropriate disciplinary action which may include termination where the incident/event/conduct leading to the conviction is related to the employee's ability to perform the job or creates a nexus to Bay County.

Failure to disclose convictions, pleas of guilty or nolo contendere may be grounds for discipline up to and including discharge.

F. Confidential Nature of Information. The confidential nature of the medical records of individual employees with alcohol or drug dependency will be absolute.

G. Over the Counter and Prescribed Drugs. Employees should not take over-the-counter or prescribed medication that results in the inability to perform their jobs safely and efficiently.

H. Cooperation. All violations of these Rules and Regulations are viewed as serious matters which will be investigated. Any employee may submit a complaint to the Director of Personnel or designee regarding an alleged violation of these Rules and Regulations and all county employees, officials, agents, supervisors and department heads shall cooperate with any investigation, including submitting to a drug test where the Employer is able to articulate the basis for its reasonable suspicion. Violation of these Rules and Regulations or refusal to cooperate in an investigation by any person may result in discipline up to and including termination. Testing Facility Agents are considered agents of Bay County for purposes of directing employees on procedures related to testing. Failure to follow directions of testing facility agents shall be also considered as grounds for discipline up to and including termination.

I. When an employee displays objective evidence (such as, but not limited to slurred speech, impaired judgment, staggering, bloodshot eyes) of the influence of being at work under the influence of alcohol, illegal drugs or controlled substances without a physician's prescription, or any combination thereof, shall be instructed to report to a county-approved testing facility. The employee should be advised that he or she is not to drive to the facility, but rather to contact a family member or other person or cab to transport him or her both to the facility and to home after testing. If the employee indicates that he or she intends to drive, the employee must be notified that law enforcement personnel will be notified of same. If the employee then continues to indicate an intention to drive, 9-1-1 should be notified with a description of the vehicle and license plate number. Under no circumstances should a County employee drive the person while such employee is working.

J. Drug Testing Protocol. A drug testing protocol developed by the County is attached hereto as Attachment A and made a part hereof.

K. Possession of a Michigan Medical Marihuana Program certification (PA 1 2008) or certification from any other state does not exempt an employee from any of the provisions of this Policy.

1/1/98

Updated: 9/20/2016

**BAY COUNTY**  
**DRUG-FREE WORK PLACE RULES AND REGULATIONS**

**ATTACHMENT A**  
**DRUG TESTING PROTOCOL**

1. This protocol applies to the County's requests for submission of either a urine, hair, or a blood specimen.
2. The County shall be solely responsible for all costs incurred in conjunction with the securing of all of the required specimen(s) and the necessary laboratory analyses and report(s).
3. The County shall have the responsibility for selecting a laboratory that will properly conduct the drug test and furnish reliable results. The laboratory selected must also provide the ancillary services needed, including specimen retention of "positive" samples for at least six (6) months or longer if required by law. The laboratory shall have the capacity and responsibility within seventy-two (72) hours after specimen collection of providing hard or electronic copy results of specimen analysis results. The County shall have the right to approve or reject the selection of laboratory to conduct the testing on urine or blood specimens collected.
4. The County shall make the necessary advance arrangements for approved medical collection of the specimen by qualified Medical Reviewing Officer (MRO). Sample collection and testing shall take place upon the employee/applicant's receipt of notice from the County of drug test request. The notice to the employee/applicant shall be oral with written confirmation to the Personnel Department.
5. The medical facility's personnel credentials and procedures shall be reviewed and approved by the County in order to satisfy the County's need for a proper "chain of custody" and to minimize the risk of an adulterated sample.
6. The employee/applicant shall cooperate with the arrangements and procedure necessary to assure thorough "chain of custody" documentation in order to positively link the employee/applicant's sample to the ultimate test result. Documentation shall be required to include signatures, dates and times of all persons who handle the specimen from the time the specimen(s) are collected until results are reported and what actions were taken in each step of the specimen and testing process. Failure to comply within the time limits set forth without reasonable cause may be deemed to be a "positive" test result.
7. The employee/applicant shall sign whatever form(s) is/are necessary to authorize the clinic, medical facility and/or doctor's office, and/or the laboratory to disclose the test results immediately to the Personnel Department and to the employee/applicant. The employee/applicant's refusal to sign the form and/or the employee/applicant's withdrawal or rescission of previously executed authorization shall constitute a violation

of the County's Drug-free Work Place Rules and Regulations and Policy and may be considered as a basis for immediate termination of the employment relationship.

8. The employee/applicant shall fill out a form (attached) listing all prescription and over-the-counter medication that the employee/applicant is taking at the time of any such testing. The purpose of the list of medications shall be to identify possible causes of "false positives" due to the "cross-reactivity" with the medications that the employee/applicant is taking. A copy of the results of the drug test shall be furnished to the employee/applicant promptly.

9. The County shall treat the drug tests results as confidential information. It shall file drug test results in the same manner in which it files other confidential medical data about employees and/or applicants.

10. The County shall take steps to ensure the confidentiality of drug test results and shall take steps to protect against the unauthorized disclosure of tests results. Within the County, access to the test results shall be restricted to individuals with a "need to know the results."

11. The County shall not divulge test results to third parties such as other employees or prospective employers without the written consent of the employee/applicant.

12. An initial "positive" test result shall not be released to anyone except the person tested or those who need to know, or relied upon until a confirmatory test has verified its accuracy.

Confidential hard copy of results of testing shall be provided to the County and the employee within seventy-two (72) hours after specimen pick up. The hard copy shall be mailed in an envelope clearly marked CONFIDENTIAL and addressed to the Director of Personnel, who will distribute to other personnel, as appropriate, thereafter.

13. The County shall maintain a file of complete documentation for each drug test, including (1) an executed copy of this Agreement; (2) a copy of a signed drug test consent form, (3) a signed list of prescription and over-the-counter medication; (4) all chain of custody documents supplied to the employee/applicant; and (5) all hard copy test results supplied to the employee/applicant.

14. The drug tests shall be requested and administered as determined in the sole discretion of the County.

1/1/98

Updated 9/21/2016

**BAY COUNTY**  
**DRUG TESTING CONSENT FORM**

I, \_\_\_\_\_, consent and agree to immediately provide a clinically adequate amount of specimen(s) of my blood/urine/hair, for the benefit of Bay County, to the medical facility, laboratory or medical person if previously arranged for by me and approved by the Bay County Director of Personnel and Employee Relations.

I understand and agree that this specimen will be tested for the presence of alcohol, drugs, or medication in my body. I further consent and agree to the immediate release of the laboratory results of any tests performed on the specimen to the Bay County Director of Personnel and Employee Relations.

I intend that this consent remain effective for the period of \_\_\_\_\_  
(\_\_\_\_\_) months beginning on \_\_\_\_\_, 20\_\_.

**MEDICATION/DRUG LIST**

The only over-the-counter medications, prescription drugs or non-prescription drugs that I have taken in the past thirty (30) days are as follows:

<u>Medication/drug</u>	<u>Prescribing Physician</u>	<u>Amount/dosage</u>	<u>Applicable Time Period</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

By my signature below, I acknowledge that I have read and understand all the foregoing statements, and I have answered all questions truthfully.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bay County Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Title

## **BAY COUNTY WORK RULES**

**PURPOSE:** The orderly and efficient operation of the county government requires that certain work rules be established. Work rules covering personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, maintain uninterrupted service, and to protect the county goodwill and property.

**WORK RULES:** The following work rules shall be applicable to all county employees. These rules are not intended to be all inclusive and the county shall, when it deems appropriate, establish additional rules to ensure the effective operations of county government.

- (A) Employees shall deal with the public in a courteous and professional manner.
- (B) Where the operations are continuous, an employee shall not leave his post until replaced by the next shift employee or until he or she is relieved by his or her supervisor.
- (C) Employees shall not gather on county premises to conduct any personal business without authorization.
- (D) Employees shall follow all safety regulations to include the wearing of safety articles and the using of protective equipment. Employees shall immediately report accidents or injury to their supervisor.
- (E) Employees shall be responsible for and shall not misuse county property, records, or other materials in their care, custody and control. County property, records, or other materials shall not be removed from the premises without written permission.
- (F) Employees shall avoid littering work areas.
- (G) Employees must be at their designated work area on time and ready to work. Employees shall remain at their work area, at work, until the scheduled quitting time unless permission to leave is granted by their supervisor.
- (H) An employee shall immediately report to his or her supervisor his or her inability to work and the reason therefore.
- (I) Employees shall immediately report the loss of their badge or identification card to their supervisor. Employees shall not allow other persons to use their badge or identification card at any time.
- (J) Employees shall not park in prohibited areas.
- (K) Employees shall notify their supervisor whenever there is a change in their personal data.
- (L) Employees shall not restrict or interrupt work or interfere with the work of others.

- (M) Employees shall report for and remain at work only in a fit physical condition.
- (N) Employees shall not neglect their duties and responsibilities or refuse to perform assigned work.
- (O) Employees shall not engage in immoral conduct, fight, engage in horseplay, gamble, or use abusive language while on duty or on county premises.
- (P) Employees shall not use county telephones for personal calls or conduct personal business during working hours on county premises.
- (Q) Employees shall not engage in unapproved soliciting, partisan political activity, use their position for personal gain, or use their position to coerce others.
- (R) Employees shall not post notices on the county premises without prior written approval from the appropriate authority.
- (S) Employees shall not possess unauthorized firearms, weapons, or explosive devices on county time, premises, or business.
- (T) Employees shall not falsify records, reports, or claims of illness or injury.
- (U) Employees shall not punch or sign another employee's time card or worksheet.
- (V) Employees shall not engage in activities during non-working hours that are harmful to the county's service or which inhibit their effectiveness on the job.
- (W) Employees shall not be a party to a fraudulent act.
- (X) Employees shall not be involved in a theft of goods, services, or accept payment for time while not at an assigned duty.
- (Y) Employees shall not possess, use, or be under the influence of illegal drugs, legal drugs being used unlawfully, controlled substances, or intoxicating substances on County time, premises or business.
- (Z) Employees shall not harass, discriminate, bully, or otherwise intimidate for any reason any employee or other person while on company time and/or property.

**DISCIPLINARY ACTION:** Employees who violate any of the above work rules shall be subject to disciplinary action up to and including discharge.

May, 1983

Revised, 1/98 (Changed item (Y) only)

Revised, 4/2014 (added item (Z) only)



**BAY COUNTY CLEAN INDOOR AIR POLICY**  
**SMOKE FREE WORKPLACE**

To protect and enhance indoor air quality and contribute to the health and well-being of all persons who work in and use Bay County buildings and vehicles, effective September 1, 1991, all Bay County buildings and vehicles shall be smoke-free. This policy is established pursuant to Board Resolution #91-149 and the Michigan Clean Indoor Air Act 1988 PA 294, 296, 315.

The success of this policy will depend upon the thoughtfulness and cooperation of smokers. Infractions of this policy should be brought to the attention of the appropriate supervisor who shall then report to the Director of the Bay County Health Department.

Adopted: 6/11/91

Effective: 9/01/91