



City of Flushing



Administrative Code

Effective Date: December 31, 2016

Adopted by action of the Flushing City Council on October 10, 2016

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ABOUT

The primary purpose of this Administrative Code (“Code”) is to establish formal procedures to serve as a guide to administrative action concerning various personnel activities and transactions. They are intended to indicate the customary and most reasonable methods of accomplishing the aim of the personnel program and to provide necessary information to the employee regarding the benefits and regulations that are part of his/her employment with the City of Flushing (“City”).

Because this Code is brief, it may not cover every situation that may arise. Personnel are expected to use good judgment in those matters not specifically covered by these regulations.

This Code supersedes any and all prior practices and policies of the City, oral or written. Any and all statements and policies herein are subject to unilateral change in whole or in part by the City at any time. The City retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished policies or procedures without advance notice, in its sole discretion as approved by the City Council or City Manager. Recognition of these rights is a term and condition of employment and continued employment.

This Code, or any other verbal or written communication from the City, is not intended and does not create a contract of employment, express or implied, and does not constitute contracted obligations between the City and its employees, unless specifically addressed in a formal employment contract or collective bargaining agreement (CBA). Where such contracted obligations specifically differ from this Code, then the applicable provision(s) of the agreement will control.

ARTICLE I - GENERAL INTRODUCTION

The City is responsible for the creation of all positions. The City has the authority, right, and discretion to control, supervise, and manage the City as it sees fit. Therefore, the City retains the authority and right to take whatever action it may deem necessary or prudent in the conduct of its affairs, including, but not limited to, the right to hire, assign, suspend, transfer, demote, discharge or layoff.

SECTION A. AUTHORITY TO INTERPRET AND ADMINISTER

The City Manager is the personnel director of the City of Flushing, who is authorized to interpret and administer this Code. Any and all policies and changes must be approved by him or her.

SECTION B. REVISION & MODIFICATION

The City may revise, modify, suspend, interpret, or cancel in whole or in part any of its personnel policies or procedures or Administrative Code, in its sole discretion, without having to give cause, justification, or consideration to an employee. Only the City Manager or City Council may make any such revision, modification, suspension or cancellation. Employees are invited to

provide proposed revisions, modifications, or concerns about this Administrative Code for the City Manager's consideration.

SECTION C. APPLICABILITY

Unless otherwise indicated, personnel related matters identified in this Code do not apply to: elected officials, members of all boards and commissions appointed by the City Council, or Mayor, or temporary or emergency appointments.

SECTION D. DEPARTMENTAL RULES

Department heads may adopt and provide additional rules for use in his or her department, but must submit such rules in writing to the City Manager, who must approve same. In any conflict between the department rules and the City's Code or other rules, the City-wide rules and policies control.

ARTICLE II – TERMS OF EMPLOYMENT

SECTION A. EQUAL EMPLOYMENT OPPORTUNITY

It is City policy to prohibit discrimination in matters of recruitment, employment, training, promotion, wages, or discipline because of race, color, sex, age, religion, national origin, height, weight, marital status, sexual orientation, genetic information, veteran status or physical disabilities in accordance with all federal, state or local regulations.

The City will maintain a system of uniform and equitable personnel policies and procedures to assure equal treatment of all employees, and will not discriminate on any unlawful basis. The City will not retaliate against any employee engaging in a protected activity in furtherance of this policy.

Therefore, it is the City's policy to:

1. Recruit, hire and promote all job classifications without regard to any class or characteristic protected by federal or state law and
2. Ensure that all personnel actions such as compensation, benefits, dismissals, company-sponsored training, education, and social programs are based on qualifications, experience, or other legitimate, non-discriminatory considerations.

Additionally, an employee may not be discriminated against in employment because of a disability that can be reasonably accommodated to enable the employee to perform the essential functions of his or her job. Disabled employees who feel accommodation is needed to perform a job must notify the City Manager of the need for accommodation as promptly as possible. Generally speaking, any request should be made in writing within 182 calendar days or sooner

after the employee knows or reasonably should have known of the need for accommodation. Any employee that believes he or she may be the subject of unlawful discrimination or retaliation must immediately report the alleged act, preferably in writing, to the City Manager or with any department head with whom he or she feels comfortable.

SECTION B. EMPLOYMENT RELATIONSHIP

Unless otherwise specified in a collective bargaining agreement or other employment agreement authorized by the City Manager and City Council:

- a) full time employees hired prior to July 1, 2016, (who have completed the orientation period) have a just cause employment relationship and
- b) all temporary, seasonal, part time and orientation employees hired before July 1, 2016, and all employees hired after July 1, 2016, are employed at will, meaning no contract of employment exists between the individual and City. Such indefinite employment is subject to termination by the City or employee at any time, for any or no reason, and with or without notice.

Subject to the provisions of the City Charter, no immediate supervisor or representative of the City, other than its City Manager, has any authority to enter into any agreement, either orally or in writing, for employment for any specified period of time or to make any agreement contrary to the employment relationship described above. Modifications to this policy may be made only by the City Manager and, to be effective, must be in writing and duly passed as a resolution of the Council.

SECTION C. EMPLOYMENT CLASSIFICATIONS

1. *EXEMPT OR NON-EXEMPT.* Each employee is designated as either Exempt or Non-Exempt for purposes of state and federal wage and hour laws.
2. *OTHER CLASSIFICATIONS.* In addition to the exempt or non-exempt classification, each employee will belong to one other employment classification: Full-time, Part-Time, Temporary or Paid On-Call Fire Fighter.
 - a. *Full Time Employee* - Employees hired to work on a regular basis, who complete their Orientation Period and work an average of 40 hours each week. Full-time employees are eligible to receive fringe benefits subject to the applicable eligibility requirements and limitations set forth in this Code.
 - b. *Part-Time Employee* - Employees hired to work on a regular basis, who complete their Orientation Period and work an average of less than 40 or more hours each week. Part-time employees are not eligible to receive fringe benefits except as specifically described in this Code or otherwise required by law.
 - c. *Temporary Employee* – Employees hired for six consecutive months (or fewer) in a year. Temporary employees are not eligible to receive fringe benefits except as specifically described in this Code or otherwise required by law.

- d. *Paid On-Call Fire Fighters* – Fire fighters who are compensated for time spent responding to emergency calls for fire suppression or related emergent scenarios on behalf of the City. A paid on-call fire fighter is not eligible to receive fringe benefits except as specifically described in this Administrative Code or otherwise required by law.

SECTION D. ORIENTATION PERIOD

All new employees, former employees who are rehired and current employees that are newly promoted or transferred must serve an orientation period of six months (1,040 hours). The orientation period may be extended, shortened or waived by the City Manager on the recommendation of the department head.

The department head will monitor work performance, attitude and attendance during this period. If the employee's work is unsatisfactory at any time during this period, the City may terminate the employment relationship.

Employees are not eligible for any fringe benefits until the orientation period is completed, except that, upon completing 90 days of service, a full-time employee:

1. may begin to accumulate sick leave and vacation time, but will not be reimbursed for vacation or sick leave earned if employment does not extend beyond the orientation period and
2. will receive health care benefits pursuant to the health care policy in effect

SECTION E. PERFORMANCE APPRAISALS

The City strongly encourages employees to regularly and informally discuss job performance and goals with their department head. Formal performance appraisals are conducted as the City may deem appropriate, in its discretion. These performance appraisals offer the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals. Results of employee performance appraisal may be considered in evaluating salaries or wages.

Employees who perform well in their assigned role may be offered a promotion to a role of more significant responsibility, subject to the needs to the City. If an employee subject to a collective bargaining agreement is promoted, and is therefore no longer in a collective bargaining unit, the terms of this Administrative Code will govern the terms and conditions of the promoted employee's employment, including, but not limited to, retirement and other fringe benefits.

SECTION F. PERSONNEL FILES

The City Manager and or their designee will maintain a personnel file for each employee, including all or some of the following:

- Application Form
- Record Of Physical Exam(s)
- Resume
- Positions Held
- Pay History
- Benefit Elections
- Paid Leave Use
- Memos And Letters To The File
- Disciplinary Notices
- Changes In Personal Data
- Job Title
- Injury Reports
- Emergency Contact
- Performance Appraisal Records
- Payroll Tax Withholding Election

To the fullest extent provided by law, employee files are kept confidential with access limited to the employee, the employee's supervisor, and appropriate administrative employees. On 48 hours' notice, employees may review the data in their files in the presence of a managerial or administrative employee. Copies of the contents of an employee's personnel file will be provided at a charge to the employee upon written request to the City Manager.

SECTION G. RECRUITMENT, HIRING AND EMPLOYMENT TESTING

All offers of employment and continued employment are conditional upon satisfactory background check, medical examination and drug test results.

1. *APPLICATION.* All prospective employees are required to:
 - a. fill out an approved employment application showing satisfactory past employment references and satisfactory personal references;
 - b. take such written and oral tests as may be required; and
 - c. furnish proof of date of birth after the date of hire.

2. *BACKGROUND CHECKS.* To ensure that individuals who join the City are well-qualified and to ensure that the City provides a safe and productive work environment, the City will conduct pre-employment background checks on all applicants who are considered for employment. Background checks may include verification of any information on the applicant's resume, application form, review of a driving record, criminal background check and, in certain positions, a credit report.

Background checks will be conducted in compliance with the Federal Fair Credit Reporting Act, Americans with Disabilities Act, and state and federal privacy and anti-discrimination laws. Reports are kept confidential and viewed only by individuals involved in the hiring process.

The City participates and registers applicants and employees in the Secretary of State Driving Record Program, which notifies the City regarding incidents

involving driving, including but not limited to accidents, tickets, and license suspensions.

The City reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner described above.

3. *MEDICAL EXAMINATION REQUIREMENTS.* After an offer of employment is made, the City may require a prospective or current employee to take a physical exam from a doctor selected by the City. Temporary employees may be exempted from this requirement, but at the department head's discretion.
4. *ALCOHOL AND DRUG TESTING.* The City reserves the right to test applicants and employees for alcohol or drugs.
5. *HIRING AND APPOINTMENTS.* Department heads may hire such employees for their department as authorized by the City Manager subject to procedures which may be established from time to time by the City Manager for the various departments. All appointments must be confirmed by the City Manager prior to the final hiring, and all rates of pay, benefits, etc., must conform to accepted City policies.

ARTICLE III - PAYROLL PRACTICES

SECTION A. WORKDAY AND WORKWEEK

The workday begins each day at midnight. The workweek for determining overtime begins at midnight each Sunday. Employee entitlement to overtime pay, if any, is based on this workday and workweek, unless otherwise specified in writing.

City Hall is generally open from 8:00 A.M. to 4:30 P.M., Monday through Friday. Department heads and the City Manager will generally schedule employees' work according to department and City needs.

SECTION B. BREAK TIMES

Up to two rest periods may be taken: 15 minutes in the morning and 15 minutes in the afternoon. Department heads will schedule lunch breaks to meet department needs.

SECTION C. COMPENSATION

Pay will be at the rate provided for by position classification in the Annual Budget approved by the City Council. Any deviation requires the written approval of the City Manager.

An employee who is demoted to a position in a lower classification will be paid at a rate within the approved range of the lower classified position as determined by the City Manager.

SECTION D. PAYDAYS, PAYCHECKS, AND DEDUCTIONS

1. All employees will be paid bi-weekly through direct deposit. If payday falls on a holiday, payment is made the preceding day. If an unexpected event occurs that delays wage payments, every effort will be made to issue payments as soon as possible.
2. The City will not advance pay to employees against wages not yet earned.
3. The City takes all mandatory deductions, including federal, state and local taxes, FICA (Social Security and Medicare), tax liability and any wage deductions directed by the courts. Notice of garnishment will be placed in an employee's personnel file, if such is received and implemented.
4. Employees must authorize any other deductions in writing. Employees must notify City Treasurer at least three (3) days prior to the end of the pay period of any changes to previously authorized deductions or withholding allowances.
5. If an employee believes an improper payroll deduction has been made, the employee must notify the City Treasurer immediately. The City will promptly review reports of improper deductions and, if valid, reimburse an employee for any improper deduction(s) as soon as possible after the conclusion of the investigation. The City will create a written account of the problem or concern and the resolution.

SECTION E. TIME KEEPING

1. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Accurately recording time worked on the City's time card is the responsibility of every employee.
2. Time worked is all the time actually spent on the job performing assigned duties. Time worked may not include any time spent performing personal activities in nature; i.e., not within the scope and course of the duties they are required to perform as a result of employment with the City.
3. On a bi-weekly basis, department heads must submit any sick leave, vacation, injuries, change of address, or other such information regarding personnel in the department to the City Manager.

SECTION F. OVERTIME

1. From time to time, the City may need to require an employee to work longer than his or her scheduled shift. Department heads will provide as much advance notice as possible if overtime may become necessary. Overtime work must be authorized in writing and in advance by the department head.
2. Non-exempt employees will be compensated with overtime pay (1 and ½ times the regular rate of pay) for hours worked in excess of forty (40) hours per week. Exempt employees are not eligible for overtime for hours worked in excess of forty (40) per week, unless specifically approved by the City Manager.
3. Overtime is computed based on actual hours worked and does not include observed holidays. That means that time off for any type of holiday, leave or vacation will not be counted for overtime purposes.
4. Overtime pay will be included in the next paycheck.

SECTION G. FLEX-TIME

On prior approval of the City Manager, exempt employees may be permitted to flex their schedule in an amount equal to the number of hours of work outside standard business hours that was required of the employee, such as elections work, attendance at a City Council meeting, and the like. For example, if an exempt employee is authorized to work additional hours at a City Meeting and attendance at such meeting required 1 hour of time, the employee may be able to take 1 hour off his or her standard workday at a later date.

No flex time may be carried over from year to year and no employee may accrue more than 40 hours of flex time. The City Manager determines the time period during which the compensatory time must be used. Exempt employees who are granted flex time may not convert it to cash, nor donate it to any other employee.

The use of flex time is limited. In the event of work schedule changes, a plan for continued fulfillment of work expectations, including how communications with co-workers, customers, and the department head will occur and how to handle departmental needs that arise during an employee's anticipated absence, must be addressed. Due to the nature of the work being performed, some options may not be available to all employees.

All work schedule alterations will be documented in the employee's personnel file and such information provided to payroll for accurate record keeping. Flex Time adjustments may be revised or revoked by the City Manager as needed.

SECTION H. EXPENSE REIMBURSEMENT POLICY

1. MILEAGE REIMBURSEMENT.

- a. The City may provide a vehicle for City-related necessary travel if one is available. Personal use of City vehicles is prohibited.
- b. When traveling, transportation must be shared whenever possible. Economical use of City funds has priority over personal convenience or preference.
- c. The City, by and through the City Manager, may reimburse employees that use his or her personal vehicle for City-related necessary travel at the current IRS mileage reimbursement rate. Employees must submit a reimbursement request to the City Manager within seven (7) days of the date of travel for approval in order to receive such reimbursement. The destination and miles traveled must be identified in the request.
- d. Intermittent parking charges for parking meters or lots will be reimbursed at actual cost, but traffic fines, parking fines and travel from home to the place of employment will not be reimbursed.
- e. All mileage is computed from the normal work location to the destination point and return, except in the following instances:
 - i. Mileage will be computed from residence to destination if actual departure is from the residence and if the distance is less than the distance from work location to destination.
 - ii. If the distance is greater from the residence, the employee may still leave from there, but mileage will be calculated from the work location to the destination.
 - iii. Under no circumstances is mileage allowed between the residence and normal work location.
- f. Authorized vehicle travel out-of-state will be reimbursed at the prevailing rate at least equal to but not more than the commercial air carrier coach rate.

2. MEAL REIMBURSEMENT.

The City will reimburse reasonable expenses for breakfast, lunch and dinner for employees traveling on City business. The purchase of alcoholic beverages will not be reimbursed and a City credit card may not be used to purchase alcoholic beverages. Gratuities up to 15% of a valid charge will be reimbursed. Employees must obtain original itemized restaurant receipts for meals and document expenses for reimbursement. All meal reimbursement requests must be approved by the City Manager or his or her designee and will not be processed through petty cash.

Official travel or City business taking an employee outside of the region during entire mealtime hours will make the employee eligible for a meal allowance, based on when the employee was required to leave and return as noted below.

- *Breakfast:* Travel/City business commences at least one hour prior to scheduled start time and extends one-half hour beyond scheduled start time.
- *Lunch:* Travel/City business commences prior to 11:30 a.m. and extends beyond 1:30 p.m.
- *Dinner:* Travel/City business commences at least one-half hour before end of scheduled shift and extends two hours beyond scheduled end time.

The meal allowances are:

- Breakfast: no more than \$11 per meal
- Lunch: no more than \$12 per meal
- Dinner: no more than \$23 per meal

Employees on official City travel to conferences or conventions will be reimbursed for the maximum allowable rate from the time of departure to return, excluding the cost of meals furnished at the conference or convention. Any meals included with conference registrations shall not be submitted for reimbursement.

3. OVERNIGHT ACCOMMODATIONS.

Reimbursement may be made for actual expenditures for overnight accommodations subject to the following restrictions and limitations:

- a. If the official business is to occur more than 150 miles from an employee's normal work location, and if the employee must be at the destination at or before 9:00 a.m., travel may commence after lunch on the preceding day. If inclement weather is pending, travel may begin earlier with the City Manager's approval.
- b. If official business terminates after the end of the scheduled shift and the location is more than 150 miles from an employee's normal work location, the employee may remain overnight and begin return travel the following morning. If inclement weather is pending, the City Manager may approve different arrangements.
- c. If an employee shares accommodations with an individual who is not employed by the City, the employee must reimburse the City for half the cost of the accommodations.

4. ADVANCES.

Advance payment of any mileage, meal or accommodations reimbursement is prohibited.

ARTICLE IV – HEALTH AND SAFETY

SECTION A. WORKPLACE SMOKING & TOBACCO USE

The City provides a smoke-free and tobacco-free work environment. Smoking and tobacco use, including the use of e-cigarettes and vaporizers, is permitted only in designated area(s), which does not include City vehicles or equipment. Smokers and tobacco users have a special obligation to keep those designated areas free of litter and to dispose of all smoking or tobacco materials or by-products in proper receptacles.

SECTION B. ZERO TOLERANCE FOR ALCOHOL AND DRUG USE

The City intends to provide a safe and secure work environment for its employees that is both alcohol and drug-free. This benefits not only the employees, but also residents and visitors in our City with whom we may come into contact. The City has the following zero tolerance policy, which will be strictly enforced.

1. Employees must not possess, distribute, use or be impaired by or under the influence of alcohol or illegal prohibited drugs on City property, while on City business, in a City vehicle, or during working hours, including rest and meal periods, nor have illegal prohibited drugs or alcohol in the bodily system in violation of the zero tolerance policy, while on City property, on City business, in a City vehicle, or during working hours, including rest and meal periods.
2. Employees must not be impaired by or under the influence of legal prohibited drugs or substances while on City property, on City business, in a City vehicle, or during working hours, including rest and meal periods.

Violating this policy is grounds for discipline up to and including discharge.

For purposes of this policy, “illegal prohibited drugs” are those drugs or substances that are illegal to sell or possess, including marijuana, whether prescribed for a medical condition or not.

“Legal prohibited drugs” include:

- a. Prescription or non-prescription drugs or substances used in a manner, combination, or quantity that is both contrary to the prescription or directions and may impair working ability. The term includes prescription drugs issued to another person.
- b. To the extent permitted by state and federal law, Medical Marijuana, which is marijuana acquired, possessed (externally or internally), cultivated, manufactured, used, delivered, transferred, or transported to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. See MCL 333.26423(e).

Employees have a duty to know if the legal prescription or non-prescription drugs being taken may impair working ability.

The City encourages any employee with a substance or chemical dependence problem or concern about such dependence to seek professional treatment.

The City reserves the right to test an employee for alcohol or drugs and to search an employee, employee work area, and property if the City has a reasonable suspicion that this policy may have been violated. Such searches or tests may be initiated without prior announcement and will be conducted at such times and locations as the City deems appropriate. Additionally, employees in safety-sensitive positions requiring a CDL are subject to random testing as required by the U.S. Department of Transportation.

Applicants who fail to take a valid drug test or who test positive will not be hired. Employees who fail to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy are subject to termination. If an employee tests positive for alcohol or illegal drug use in violation of this policy, the employee will be subject to discipline up to and including termination.

Employees will be paid for regularly scheduled work hours when they are sent for alcohol/drug testing and during any paid suspension pending the results of the drug/alcohol test. After the results of a test are received, a date/time will be scheduled to discuss the results of the test. This meeting will include a member of management, union (if applicable), and the City Manager. Should the results prove to be negative; the employee will be informed and reinstated without loss of pay.

SECTION C. SAFETY

To assist in providing a safe and healthy work environment for employees and visitors, the City has established the following policies, which may be amended or supplemented from time to time.

1. The City may from time-to-time develop and post safety standards for the workplace. Employees must observe proper safety rules, which include but are not limited to, properly using seat belts in City vehicles, operating City vehicles and equipment in a safe manner, and reporting all accidents and injuries immediately to the department head.
2. Employees must report safety concerns to their department head. If an employee violates safety standards, cause hazardous or dangerous situations, fails to report or remedy such situations (where appropriate), he or she may be subject to disciplinary action, up to and including termination of employment. Harassment of an employee who reports safety concerns is misconduct and may also result in disciplinary action, up to and including termination of employment.
3. No boxes, files or other items may be stored in hallways, stairs, and landings. Flammable liquids and power equipment must only be stored in designated locations. Other flammable materials may not be stored in the utility/furnace room.

4. In the event of a fire, all employees must immediately exit the building and gather for a head count at a safe distance away from the fire.
5. All on-the-job injuries, even minor ones, must be reported immediately to the employee's immediate supervisor and the City Manager. An incident report must also be completed and submitted to the City Manager.

Disregard of City safety rules will subject an employee to disciplinary action.

SECTION D. VEHICLE SAFETY

The safe operation and maintenance of all City-owned, leased or operated vehicles and drivable equipment ("vehicles") is of paramount importance. The use of a City vehicle is provided to designated employees for the effective and efficient performance of City business, in the City Manager's discretion.

Each employee must comply with the following conditions for the operation of City vehicles:

1. Unless authorized by a Department Head/City Manager or otherwise within the scope of the employee's work for the City, no employee may permit passengers, other than municipal or those persons performing work for the City, in any City vehicle.
2. Vehicles cannot be used for personal business or in the course of conducting personal matters.
3. Vehicles can be operated only by employees who are authorized in writing by the City and who have good driving records as demonstrated by a recent DMV record, have passed a drug-screening test, continually demonstrate a safe driving record, and are insurable at the determined City rates.
4. Only those employees designated in writing by the City Manager are allowed to drive City vehicles to and from work. For those so designated, the vehicle cannot be used, at any time, for any other purposes other than to conduct City business. The City reserves the right to revoke authorization or designation to drive City-owned vehicles at any time.
5. Employees may never talk on cell phones while driving vehicles, nor in any other way use a cell phone while doing so, including texting, viewing e-mail, etc. If a conversation is necessary, employee must allow a passenger in the vehicle to handle the cell phone conversation. If there is no passenger in the vehicle, employees must pull to a safe location and park the vehicle before beginning a cell phone conversation.
6. No driver of a City vehicle may participate in any activity that distracts him or her from safe driving including, but not limited to, eating, watching TV, writing, reading, while driving.

7. Employees must not loan a City vehicle to others, or allow any unauthorized individual such as vendors, customers, friends or relatives, to drive, ride in, or use, a City vehicle, during business hours or otherwise.
8. Authorized users must obey all City safety rules, state and federal laws, regulations, and local ordinances applicable to City vehicles and driving.
9. Employees who drive City vehicles must maintain a current valid Michigan driver's license at all times and always carry it on their person when driving a City vehicle.
10. Employees who drive City vehicles must immediately report to their supervisors any restriction, limitation, suspension or revocation of their operators or commercial driver's license or any potential for the same when they first receive notice or become aware of potential action.
11. Employees who drive City vehicles must report any moving traffic citation or ticket to their supervisors whether or not business related or occurring in a City vehicle.
12. The City will not reimburse employees for the cost of any fine or penalty for any traffic violation that occurs while the employee is driving a City vehicle.
13. Any employee who is required to drive a City vehicle and is found to be uninsurable or a high risk may be suspended or terminated until he/she is no longer a high risk or uninsurable, or permanently. A high risk is someone that the insurance carrier requires a higher premium for coverage due to their driving and/or accident history or alcohol and drug related convictions.
14. All City vehicle drivers and passengers must wear seat belts at all times when driving.
15. No vehicle, whether City owned or privately owned, may be used to conduct City business if the occupant restraint system provided in that vehicle by the manufacturer has been altered, disconnected or otherwise made inoperable. It is the responsibility of any City employee who discovers an inoperable restraint system or other safety device, to report same to their supervisor.
16. City vehicles must always be locked when not in use or parked.
17. Use or possession of alcohol or drugs, in City vehicles is strictly prohibited.
18. Driving a vehicle in an unfit condition for any reason is strictly prohibited.
19. Employees must report within twelve (12) hours all accidents or incidents involving City vehicles whether or not property damage (including the vehicle) or personal injury occurs. Employees must complete an accident report including identification of any witnesses (name(s), address(es), telephone number(s)).

20. Employees may not use City gasoline or City gasoline credit cards / credit cards for personal use.
21. Any vehicle or equipment malfunction, misuse or accident must be reported to the City Manager and department head immediately.

Any employee who violates the above conditions for the use of City vehicles, or who engages in unsafe operation of any City vehicle will be prohibited from using City vehicles and/or subject to discipline, up to and including discharge.

SECTION E. SEVERE WEATHER AND OTHER EMERGENCY CLOSINGS

In the event of severe weather conditions, certain City operations may be suspended, shortened, or delayed by the City Manager. Employees will not be compensated for time not worked when the City suspends, shortens or delays its operations. Employees may use available vacation or personal days to receive compensation for time lost due to severe weather.

ARTICLE V – CONDUCT

SECTION A. UNLAWFUL HARASSMENT

It is the City's policy to not tolerate discrimination against any employee or applicant on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, sexual orientation, or disability. In keeping with that policy, the City will not tolerate unlawful harassment by any of its employees against other employees, applicants, vendors, or citizens.

- a. *DEFINING UNLAWFUL HARASSMENT.* Unwelcome sexual advances, requests for sexual favors or other verbal, physical, or visual conduct relating to an individual's religion, race, color, national origin, age, sex, height, weight, marital status, sexual orientation, or disability constitutes unlawful harassment when:
 - i. Submission to the conduct is made either an explicit or implicit condition of employment;
 - ii. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
 - iii. The harassment substantially interferes with an employee's work performance; creates an intimidating, hostile, or offensive work environment; or it otherwise adversely affects an individual's employment opportunities.

The City commits to the premise that an employee reporting an incident(s) of harassment will not suffer any form of reprisal or retaliation.

In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, the nature of the harassment and the context in which the

alleged incident occurred will be investigated. The City Manager and other designated appropriate management staff (depending on the case and where the alleged harassment occurred) have the responsibility of investigating and resolving the complaints. The results of the investigation and any action taken thereon will be communicated to the complaining employee.

- b. *CONSEQUENCES FOR VIOLATING THIS POLICY.* The City considers harassment or retaliation in violation of this policy to be a very serious offense which will result in disciplinary action, up to and including discharge.
- c. *HANDLING COMPLAINTS OF UNLAWFUL HARASSMENT.* Any employee or applicant who believes that he or she has suffered harassment must submit a report about the incident(s) to the City Manager. When at all possible, complaint should be reduced to writing, signed by the employee making the complaint, and directed to the City Manager. The City Manager will immediately notify counsel for the City. In his or her discretion, the City Manager may investigate the complaint or designate another individual within the City, as counsel, or as a third party to perform the investigation. The investigation will include interviews with the complainant, the accused, and witnesses, if any. The investigation will maintain information as confidentially as possible, given the circumstances.

When the investigation is complete, the investigators involved will present the complaint and results of the investigation to the City Manager, who will, with counsel for the City, review the file and determine the action to be taken. The complainant and accused will be formally advised in writing as to the disposition of the case and whether or not disciplinary action will be taken.

A complete copy of the complaint, investigation, and disposition, stating specific reasons for such disposition, will be maintained in the City Manager's office. If evidence substantiates the complaint and disciplinary action is taken, a written copy of the complaint and disposition will be placed in the file of the accused.

SECTION B. WORKPLACE VIOLENCE

The City will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination. The City defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when administering discipline; it is the effect of the behavior upon the individual that is more important. The following are examples of bullying behavior:

- *Verbal bullying:* Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

- *Physical bullying:* Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person's work area or property.
- *Gesture bullying:* Nonverbal threatening gestures or glances that convey threatening messages.
- *Exclusion:* Socially or physically excluding or disregarding a person in work-related activities.

SECTION C. EXPLOSIVES, FIREARMS, AND WEAPONS

The possession of explosives, firearms or any other dangerous weapons at any time on City premises are prohibited, except where expressly permitted.

In consideration of the safety and well-being of all employees and the interest of our employees in carrying firearms on their personal time, the City emphasizes that firearms are prohibited when performing work on behalf of the City in any location, unless firearms are a required part of the employee's uniform. Employees that carry firearms on personal time may not remove such firearms from their personal vehicles, and such personal vehicles must remain locked at all times, while on City property. Failure to abide by this policy may result in discipline, up to and including discharge.

SECTION D. CONFLICTS OF INTEREST

In furtherance of the City Charter and City Ordinances, City employees are expected to act in an ethical manner and avoid conflicts of interest in their dealings. To that end, no employee may directly or indirectly maintain an outside business or financial interest or engage in any outside business or financial activity that conflicts with the interests of the City or that interferes with the employee's ability to discharge his or her duties fully.

All employees are required to disclose in writing to the City Manager any proprietary or financial interest he or she may have in any organization with which the City does business. The City Manager will determine whether a conflict of interest exists.

If an employee becomes aware of a potential conflict of interest with his or her employment, the employee must immediately notify the City Manager of all facts related to the possible conflict. The City Manager will make an initial determination as to whether the employee is disqualified from city employment activities involving a potential conflict and, if necessary, appoint another city employee to fulfill the disqualified employee's duties until the matter is resolved.

SECTION E. TECHNOLOGY USE

All technology systems owned by the City (telephones, facsimile machines, photocopiers, computers, printers, voice mail, e-mail systems, and other technology) are for City business purposes and are provided to further our goals. Employees must use common sense and adhere to appropriate work behavior when using the City's technology systems.

The City expects that employee communications will be professional and for business purposes. Employee use of City technology systems for discriminatory, harassing, illegal, immoral, other purposes to break the law, or for outside commercial purpose or other purpose not consistent with the City's business violates this policy.

Employees may not expect that their communications are confidential, because no expectation of privacy exists. Any data created or transmitted using City technology systems is the property of the City and is subject to monitoring. Employees are prohibited from accessing, copying, or otherwise using or obtaining confidential information using the City's technology systems.

To secure employee privacy, trade secrets, and other municipal business information, the City prohibits use of recording devices such as cameras, camera phones, tape recorders or any other recording device which may pose a threat to employee and City privacy. Any violation of this policy on technology use will be subject to disciplinary action, up to and including immediate termination.

SECTION F. PERSONAL COMMUNICATION DEVICES

Personal communication devices are devices capable of placing or receiving phone calls, messages (text, audio or video), or accessing internet or e-mail. Use of personal communication devices and City phones during normal working hours for private purposes are permitted only if such use does not interfere with City business or interfere with the work environment. Employees must exercise discretion in taking phone calls and never use personal communication devices in the presence of the public.

Any violation of this policy will be subject to disciplinary action, up to and including immediate termination.

SECTION G. CELL PHONE ISSUED BY CITY

The City may, in its discretion, issue City-owned cellphones to employees. Employees receiving such cellphones for use for City business will be selected by the City Manager, who retains the authority to revoke issuance of the cell phone. The City reserves the right to offer a stipend in lieu of offering a City-owned cellphone, in the City Manager's sole discretion.

SECTION H. USE OF CITY PROPERTY AND PREMISES

When using City property and premises, employees are expected to exercise reasonable care, including following all operating instructions, safety standards and guidelines. You must report any lost or damaged equipment immediately to your department head. Improper, careless, negligent, destructive or unsafe use or operation of equipment, property or premises, as well as excessive or avoidable traffic and parking violations in City vehicles can result in disciplinary action, up to and including termination of employment.

The personal use of the City premises, equipment, machines, supplies, postage or personal use of City labor, is prohibited as provided herein and as may be or have been

provided from time to time by separate Policy in the City's discretion. Any employee who violates this section shall reimburse the City for any expense the City has incurred as a result of the employee's violation and may also be subject to discipline or discharge depending on the severity of the infraction.

SECTION I. CREDIT CARD USAGE POLICY

1. The City Clerk's office is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the City's credit card usage policy. The City Manager has the exclusive right to determine when to issue credit cards and when to revoke authority and use of City-issued credit cards.
2. City credit cards may be used only by the named employee of the City for the purchase of goods or services for the official business of the City.
3. Employees who use a City-issued credit card must, within five (5) business days, submit a copy of the vendor's itemized credit card slip to the City Treasurer's office. If no credit card slip was obtained that described the transaction, the employee must submit a signed voucher that shows the name of the vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction, and the chart of account number indicating the line item to which the transaction is to be charged. All credit card slips should include this information as well. Vouchers must also include a statement as to why a credit card slip was not obtained.
4. An employee who is issued a credit card is responsible for its protection and custody. If a credit card is lost or stolen, the City Manager's office must be notified immediately, as well as the entity issuing the lost or stolen credit card in order to cancel the card.
5. An employee issued a credit card must return the credit card to the City Clerk's office upon termination of his or her employment or service with the City.
6. The City will review each credit card statement as soon as possible to ensure that transactions comply with this policy. Payment will not be issued until all transactions are verified.

SECTION J. CONFIDENTIALITY

City employees, through the course of their employment, have access to information about the City, its citizens, and other employees. This information must be kept confidential. Employees are expected to use good judgment in maintaining this information and safeguarding the reputation and integrity of the City. If an employee is uncertain about whether information is confidential, he or she must confer with the department head before discussing it with anyone. Any violation of this policy may result in discipline, up to and including termination of employment.

SECTION K. ATTENDANCE

Regular and timely attendance is important to the City's success. Frequent or unexplained absence or tardiness will seriously impair the value of the employee's service to the City, and of course, the value of the City's service to its residents. Employees are expected to be conscientious about reporting to work regularly and on time and with use of sick leave. If an employee will be late or absent, he or she must notify the department head or City Manager by the start of the shift. Notification is required for each day absent. Unauthorized absences, tardiness, or abuse of sick leave may subject the employee to disciplinary action, up to and including discharge.

SECTION L. SOCIAL MEDIA USE

The City of Flushing respects employees' rights to express themselves through social media and additionally adheres to all provisions in Michigan's Internet Privacy Protection Act. *However, employees are reminded that all content shared by City employees on their personal social media accounts should be considered public and permanent, and may be monitored by the City or its citizens.*

Non-official social media use is employee use of social media on their own personal accounts, when not representing the City in an official capacity. Although not all-encompassing, the following is a list of guidelines for an employee to consider when using social media in a non-official capacity.

- **Identification** – If an employee identifies him or herself as a City employee of the on a personal social media account, the employee should note that the account is non-official.
- **Disclaimer Recommendation** – Employees who identify themselves as City employees on personal social media accounts may want to consider posting a disclaimer on their account stating “The views and opinions expressed here do not necessarily reflect the views and opinions of the City of Flushing.”
- **Be Respectful** – Employees are expected to be fair and courteous to fellow employees, the public, vendors or people who work on behalf of the City. Also, employees are encouraged to remember that work-related complaints are more likely to be resolved by speaking directly with co-workers or by utilizing the City's Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if an employee decides to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers, citizens or suppliers, or that might constitute harassment or bullying.
- **Obscene or Vulgar Content** – City employees should refrain from publicly sharing vulgar or obscene content on personal social media accounts.
- **Confidential Information** – City employees may not publicly share confidential City information on personal social media accounts.

- **Use of City Logos** – City employees may not use any City logos on their personal social media accounts without the expressed written permission by the City Manager.

ARTICLE VI – CITY AND EMPLOYEE RELATIONS

SECTION A. OPEN DOOR POLICY

It is the City’s desire to provide good working conditions and maintain harmonious working relationships among employees, as well as between employees and management, because doing so helps to ensure the orderly and efficient operation of City business. In order to correct any work-related problems, the City must be fully informed about them. Therefore, the City has an “open door” policy. Employees are encouraged to discuss concerns or suggestions with the department head. If the Department Head has not, or cannot, adequately address the situation, employees are encouraged to discuss it with the City Manager. This procedure should in no way foreclose the direct discussions supervisors and department heads have always had on an informal basis with employees.

SECTION B. PROGRESSIVE DISCIPLINE

Policies concerning employee conduct are deemed necessary to ensure the orderly and efficient operation of the City. The City trusts that all employees will continue to act responsibly to establish and maintain a pleasant working environment, free of discrimination, harassment, and retaliation for all. The purpose of this policy is to state the City’s position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The City’s own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. To accomplish these objectives, the City may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps: verbal warning, written warning, suspension with or without pay, or discharge, depending on the severity of the occurrence. There may be circumstances when one or more steps are bypassed.

This policy does not alter any employment relationship from, or to, just cause or at will.

SECTION C. STANDARDS OF CONDUCT

Standards of conduct, too, are intended to promote the orderly and efficient operation of the City, as well as to protect the rights of all of employees. The list below is for illustration purposes only; there are other types of conduct that may jeopardize the personal safety, security, or welfare of the City or other employees that may be prohibited. This list in no way modifies the employment relationship between the City and its employees. The City simply wants its employees to know that certain behaviors are prohibited and will not be tolerated.

Prohibited conduct includes:

1. Violating the City's Zero Tolerance Policies on Drug and Alcohol or Unlawful Harassment.
2. Theft, deliberate or careless damage, abuse, misuse, or destruction of City property or the property of any employee or constituent, including damage due to gross negligence.
3. Removal of any property or records from City premises without permission.
4. Unauthorized use of City property, equipment, or facilities.
5. Unauthorized use of telephones for personal use during working hours or use or possession of another employee's personal equipment or possessions without the employee's consent.
6. Insubordination, refusal to obey, or willful failure to carry out verbal or written instructions of supervisory personnel.
7. Provoking a fight or fighting, participating in horseplay or engaging in other disorderly conduct during working hours or at any time on City property.
8. Possession of explosives, firearms or any other dangerous weapons at any time on our premises, except where expressly permitted.
9. Engaging in criminal conduct during or outside the course of work hours that would reflect adversely on the reputation of the City.
10. Falsifying records, revealing confidential information to unauthorized persons, or any other unauthorized use of confidential information.
11. Inappropriate dress or appearance.
12. Sleeping on the job.
13. Excessive absenteeism or tardiness, including return from breaks and lunch period and misuse or abuse of leave time.
14. Discourtesy to the public.
15. Release of information that is exempt from the Freedom of Information Act or private information under state and federal privacy laws.
16. Violation of any policy or procedure of the City.
17. Any other misconduct or adverse job performance.

SECTION D. PROBLEM SOLVING POLICY

An employee concerned that a condition of employment or a decision affecting him or herself, or someone else, is unjust or inequitable is encouraged to make use of the following steps.

1. *Step 1.* Approach Department Head within five (5) calendar days following the action or incident giving rise to the concern.
2. *Step 2.* If the issue remains unresolved, present the problem in writing to the City Manager, who will respond to you within ten (10) calendar days. The City Manager will review and consider the matter and issue a final decision. The City Manager's decision will be the official ruling of the City.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. Such confidence is important to the operation of an efficient and harmonious work environment. Because of this, the City will consider participating in mediation or other forms of facilitation to resolve employment issues with employees not resolved at the second step of this problem solving process.

SECTION E. PROFESSIONAL DEVELOPMENT / TRAINING

The City encourages any regular full-time, part-time, or paid on-call fire fighters to participate in professional development and/or training opportunities. Employees must notify the City Manager of a desire to attend a training opportunity at least two (2) weeks in advance of that opportunity. The City Manager shall then review the program in question to evaluate whether it is related to strengthening an employee's job skills or is otherwise likely to improve the employee's effectiveness at performing his or her duties. Examples of such opportunities include, but are not limited to, seminars, conferences, workshops, forums and continuing education classes.

If, after such a review, the City determines that the professional development or training opportunity in question will be beneficial for the employee, the City Manager may, in their sole discretion, grant an employee permission to seek reimbursement for the costs of that opportunity. Reimbursement is a privilege, not a right, and an employee's right to reimbursement shall be limited by the confines of the City's annual budget and discretion.

Reimbursable expenses include registration costs, required training materials, and other reasonably related expenses, but shall not include transportation or lodging costs. Reimbursable expenses shall not exceed \$250.00 if there is no prior authorization from the City Manager. If an employee receives a scholarship and or donation to attend a training opportunity, that employee is required to notify the City of the availability of such funds, and the employee's reimbursement shall be reduced accordingly. Failure to report such funds shall be grounds for discipline up to and including termination without the application of progressive discipline.

The City shall count training opportunities as hours worked, and pay employees their regular wage unless time spent in training would result in an employee working in excess of forty hours per week. If a training opportunity would result in an employee working in excess of 40 hours per week, written authorization is required prior to any reimbursement being issued, or wages paid. Failure to request such an authorization when reasonably foreseeable shall be grounds for discipline up to and including termination.

It is the expectation of the City that employees who are granted the opportunity to participate in training opportunities that exceed \$800.00 in costs will remain in regular employment with the City for a minimum of two (2) years following completion. If an employee's employment ends for any reason prior to the expiration of this period, the employee must reimburse the City for all funds spent.

ARTICLE VII – FRINGE BENEFITS

SECTION A. HEALTH, VISION AND DENTAL INSURANCE

1. HEALTH CARE COMMITTEE

The City operates a health care committee with its administration team and union leadership to evaluate health, vision and dental insurance options.

2. HEALTH INSURANCE AND PRESCRIPTION COVERAGE

The City will provide health insurance and prescription coverage to full-time employees, for which each employee is responsible for paying the premium contribution in an amount determined by the City Council through a biweekly payroll deduction. The City reserves the right to modify the terms of the policy, coverage or provider.

Benefits provided through this section may only be extended to dependents that are not available through employment and future circumstances. In all circumstances, the employee must contribute 20% of the premium cost to maintain coverage for themselves and any dependents, unless otherwise indicated by City Council.

3. FLEXIBLE SPENDING ACCOUNT

The City offers full time employees the opportunity to participate in a flexible spending account ("FSA") to cover certain expenses. To participate in the plan, an employee must have completed 6 months of employment with the City, and have completed the necessary application forms. Employees' entry dates shall be the first day of the month coinciding with or following the date that the employee met the eligibility requirements. Contributions to the FSA will be used to pay for the benefits selected by each employee, and is not subject to Federal income or Social Security taxes. In other words, employees participating in the City's FSA plan can use tax-free dollars to pay for certain benefits and expenses that would otherwise be paid using after-tax dollars. Any money contributed to the FSA benefits that remains at the end of the plan (calendar) year shall be

forfeited. The City reserves the right to review its policy on employee contributions to the FSA plan each calendar year.

The City of Flushing reserves the right to determine the employer contribution each budget year and the right to establish or modify the terms of the program, coverage and provider within the limitations set by the IRS.

4. VISION COVERAGE

The City will provide vision coverage to full time employees, for which each employee is not responsible to pay any of the monthly premium. The City reserves the right to modify the terms of the policy, coverage or provider.

Benefits provided through this section may only be extended to dependents that are not available through employment and future circumstances.

5. DENTAL COVERAGE

The City will provide dental coverage to full time employees, for which each employee is not responsible to pay any of the monthly premium. The City reserves the right to modify the terms of the policy, coverage or provider.

Benefits provided through this section may only be extended to dependents that are not available through employment and future circumstances.

6. COBRA

Eligible employees may have the right to continue group health coverage for themselves and their dependents when they terminate employment at the City. Such coverage is subject to the provisions of the COBRA laws and will be at the employee's expense. Employees who terminate their employment with the City or who experience another qualifying event under the provisions of the COBRA law will be advised of their rights by the City.

7. TERMINAL ILLNESS

Employees and eligible dependents with a minimum of ten years of service, that are unable to continue their employment due to terminal illness as determined by a physician will receive health insurance and prescription coverage, as well as optical and dental coverage as outlined in the Administrative Code. Benefits provided through this section shall only be extended to dependents and or a spouse. The benefit will continue until health insurance and prescription coverage, as well as optical and dental coverage is available to the spouse through employment, illness is cured or five years has passed. Coverage will be contingent on the City receiving premium contributions each month as outlined in the Administrative Code.

8. COVERAGE LIMITATIONS: SPOUSAL AVAILABILITY

Employees who are eligible to be covered under their spouse's employer's health insurance program and are covered under their spouse's insurance as required by City Policy, shall receive an opt-out payment to be distributed bi-weekly, monthly or annually in the City's discretion. Employees hired before July 1, 2016 will receive an opt-out payment equal to \$3,000 per year. Employees hired on or after July 1, 2016 shall receive an opt-out payment equal to \$2,400 per year. However, no opt-out payment will be paid to any employee whose spouse is also employed by the City.

Employees covered by an insurance policy provided through their spouse's employer may choose to be covered by the City's insurance coverage at a later date, if that spousal insurance coverage is lost. Eligible employees that lose health insurance benefits due to circumstances that are beyond the control of the city may receive health care benefits in accordance with the provisions contained in this City's Health Care Plan.

SECTION C. WORKERS' COMPENSATION INSURANCE

The City provides workers' disability compensation insurance at no cost to its employees. In the event of a work-related injury or condition, workers' disability compensation insurance may provide wage loss benefits. All injuries, even minor ones, must be immediately reported to the department head. The City may require a medical release prior to allowing an employee to return to work. The City may also require that an employee submit to a necessary medical evaluation by a doctor selected by the City or its insurance carrier while an individual is on workers' disability compensation leave. Employees must utilize available sick, vacation or personal time, in addition to compensation through the workers' compensation insurance, to ensure continuation of full wages. If employees do not have available paid leave while on workers' compensation leave, the City is not obligated to pay the employee full wages.

Employees remain responsible for all pre-tax contributions for insurance and union dues while on workers' compensation leave..

SECTION D. BENEFIT LEAVE TIME

1. SICK LEAVE

Full-time employees hired prior to July 1, 2016 accumulate sick leave at the rate of one (1) day per month with one-half (1/2) accumulated total, up to 720 hours, payable upon retirement at the regular rate of pay. Such payment at the time of retirement shall be made into the employee's MERS Healthcare Savings Account. Sick leave is accumulated at hire on a pro-rated basis. Sick leave should not be considered a privilege and is to be used only in cases of necessity and actual sickness or disability of the employee and or their dependents.

An employee who uses sick leave will be charged for each hour used; increments less than an hour will be rounded to the nearest hour.

Employees must report the need for sick leave to their supervisor or department head as soon as possible. The City has the right and authority to request a doctor's certification or other medical clearance to return to work at any time, even for one day's absence.

The abuse of sick leave will subject the employee to discipline. If City determines that any employee is habitually abusing sick leave benefits, the department head and/or City Manager will counsel the employee on the problem. If the problem persists, disciplinary action will be taken.

Sick days may be used during periods of extended illness or injury until the Self-Insured Short-Term Disability program takes effect, but the provisions of this subparagraph do not apply to cases compensable under the Worker's Compensation Act or to injuries incurred in gainful employment elsewhere.

An employee may use vacation days or a combination of both sick and vacation during extended periods of illness or injury where no—or not enough—sick leave is available until the Self-Insured Short-Term Disability program takes effect. If no sick or vacation days are available, the City will place the employee on unpaid leave until the Self-Insured Short-Term Disability program takes effect.

An employee, while on paid sick leave or on the Self-Insured Short-Term Disability program, will be deemed to be on continued employment for the purpose of sick leave accumulation.

Employees who have accumulated 15 or more sick days may elect on December 1st of each calendar year to either (1) Bank accumulated sick days from that year for future use, up to the 720 hour cap or (2) Receive payout for any or all accumulated sick days for that calendar year.

Employees hired prior to July 1, 2016, who have accumulated sick leave in excess of the 720 hour cap may still use the excess accumulated sick leave, but may not accrue more sick leave after December 31, 2016 until the total accumulated sick leave falls below 720 hours. Sick leave accumulated on or after December 31, 2016 will at no time cause the employee's total sick leave to exceed the 720 hour cap.

2. VACATION

Vacation time is available to employees hired prior to July 1, 2016 and may be utilized in accordance with the following:

- a. Vacations will be granted at such times during the year as are suitable, considering both the wishes of the employees and efficient operation of the department concerned. All vacation requests must be submitted to and approved by the Department Head. Employees must notify their Department Head at least sixty (60) days, if possible, in advance of the vacation period desired. If the period is suitable and the schedule permits, the Department Head will grant the request and place a notation thereof on the schedule.

- b. If an employee becomes ill and is under the care of a duly-licensed physician prior to vacation, the vacation may be rescheduled upon supplying proof of the illness to the Department Head.
- c. One-half the earned vacation leave may be carried over from one year to the next except that at no time may an employee have more than two (2) times his/her annual accrual standing to his/her credit. Employees hired prior to July 1, 2016, who have accumulated vacation leave in excess of two times his or her annual accrual may still use the excess vacation leave, but may not accrue additional vacation time after December 31, 2016 until the total accumulated vacation leave falls below the two year cap. Vacation time accumulated on or after December 31, 2016 will at no time cause the employee's total vacation time to exceed the two year cap.
- d. Full-time employees may accrue vacation at the following schedule:

Years of Service	Amount of Vacation Time
1 year – 5 years	10 days
6 years - 10 years	15 days
11 years – 19 years	20 days
20 years or more	25 days*

* One week may be paid to the employee lieu of the employee taking that time off.

- e. Full-time employees will earn credit toward vacation with pay on the basis of one-twelfth of annual vacation, for each month they are on the payroll of the City. Part-time and seasonal employees are not eligible for vacation.
- f. Employees may use earned vacation, not accrued, after their anniversary date.
- g. Employees eligible for vacation pay will be paid for the accumulated vacation credits at their current regular hourly rate.
- h. Employees who retire, resign or are laid off for an indefinite period, will be paid for any accumulated but unused vacation upon proper notice. Employees who retire, resign or are laid off for an indefinite period who have accrued more than the maximum amount of vacation time permitted under this Code will be paid at a rate of 50% for any time over the maximum. Terminated employees are not entitled to payout of accumulated but unused vacation time.
- i. At the time of retirement, resignation or lay off, vacation payouts shall be made into the employee's MERS Healthcare Savings Plan Account.
- j. Unless prior notice and approval are given, vacation must be taken in one (1) week increments.

3. PERSONAL DAYS

Each full-time employee hired prior to July 1, 2016 may receive up to three (3) paid personal days, with pay, to be scheduled with approval of Department Head. Personal days should not be considered or used in conjunction with vacation leave, cannot be accrued year to year and will not be paid out at year-end if unused.

4. PAID TIME OFF (PTO)

Paid Time Off (“PTO”) is an all-purpose time-off policy for eligible employees to use for vacation, illness or injury, and personal business. It combines traditional vacation, sick leave and personal days into one flexible, paid time-off policy. Full time employees hired on or after July 1, 2016 accumulate 12 hours of PTO per month worked. PTO may be accumulated up to a maximum of 520 hours. PTO is paid at the employee’s regular rate at the time of the absence; it does not include any overtime pay or other special forms of compensation such as bonuses, shift differentials, etc. Requests to use PTO must be made in advance at least one week before the first desired day off. The City will endeavor to be flexible and approve as many time off requests as possible, a time off request may be denied, in which case the employee is expected to report to work. In certain situations, due to ever-changing scheduling and business needs, an approved time off request may be revoked as late as one day before the requested time off.

On proper notice, employees retiring or resigning from employment will be compensated for accumulated PTO up to a maximum of 360 hours at the employee’s regular rate of pay. Such payment will be made into the employee’s MERS Healthcare Savings Plan.

SECTION E. SELF-INSURED SHORT-TERM DISABILITY

The City will provide a Self-Insured Short-Term Disability program for its full-time employees. This benefit is not available for employees whose injury occurs while in the employment of another and or for re-injuries. This program will provide 50% of base pay for the employee involved for a maximum of 26 weeks in a calendar year and will begin after the affected employee has first expended 15 accumulated paid leave days (i.e. sick leave or vacation days). The employee has the ability to use accumulated leave time to supplement their base pay to 100% within the 26 week period. Employees remain responsible for payment of any pre-tax contributions, which may be paid using available paid leave.

SECTION F. SOCIAL SECURITY

The City matches the employees' contribution to the Social Security Fund, which provides retirement and death benefits.

SECTION G. FUNERAL LEAVE

A full time and/or part time employee may be allowed up to three (3) working days, not to be deducted from paid sick leave, for the express purpose of, and contingent upon, making arrangements and attending the funeral, where death occurs in the employee's immediate family (parents, stepparents, grandparents, brother, sister, step-children, grandchildren, and spousal parents).

Where the circumstances warrant, such as distance from the City of Flushing, the City may grant up to an additional two (2) days of absence to be charged to earned vacation.

Employees may be granted one (1) day off with pay, not to be deducted from sick leave, for the purpose of attending the funeral of other close relatives. The employer reserves the right to request proof of relation and proof of attendance at the funeral for said day.

Employees will be granted five (5) working days of leave for the death of a spouse or child.

SECTION H. MILITARY-RELATED MATTERS

The City values its employees who also serve in the military. It is the City's policy to comply with the Uniformed Services Employment and Reemployment Act of 1994 (USERRA), as revised, and applicable state laws that protect job rights and benefits for veterans and members of the reserves. The laws cover all persons serving in the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service commissioned corps, and the reserve components of these services, and the National Guard.

USERRA provides protection to employees who are absent from work for active duty, active duty for training, initial active duty for training, funeral honors duty, inactive duty training, full-time National Guard duty under federal direction, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any of those duties. In addition, also protected are those in service in the commissioned corps of the Public Health Service, those attending a military service academy, and those participating in a ROTC active or inactive duty training program. Covered service also includes an employee's service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in the authorized NDMS training program. Finally, in times of war or national emergency, the President has the authority to designate any category of persons called into the country's service at such times as a service member covered by USERRA's rights and protections.

This policy may not address all issues concerning employee rights during military-related leave. If issues arise that are not addressed in this policy, the City will abide by USERRA and other applicable laws. Employees with questions or who require further information, are expected to consult with the City Manager.

1. **NOTICE REQUIRED.** An employee taking leave provided in USERRA (or appropriate commanding officer of the employee) must provide as much advance written or oral notice as possible of the need for leave, unless impossible because of military necessity or otherwise impracticable or unreasonable. Consistent with the Department of Defense recommendations, the City requests at least thirty (30) days' notice.
2. **DOCUMENTATION.** An employee taking leave provided in USERRA is required to provide documentation confirming his or her military service for leave that is longer than thirty (30) days. The City requests that employees provide documentation for all leave taken under USERRA.

3. *CONFIRMATION OF SERVICE.* An employee taking leave provided in USERRA must provide the name and contact information of his or her commanding officer. The City reserves the right provided in USERRA to contact the commanding officer of an employee to confirm the service related to any leave.
4. *EMPLOYMENT AND PAY.* Upon presentation by a regular full-time employee of compensation records identifying the date of and payment made for the training program, the City will pay the difference between the compensation received for the training and the compensation that would have been received had the regular full-time employee worked as scheduled for up to ten (10) working days annually. If the required annual training exceeds the ten (10) days specified above, the additional days may be granted as a leave of absence without pay (or charged against the employee's accumulated vacation leave, if requested by the employee).

Employees who are in some branch of the Armed Forces, Reserves, or the National Guard will be paid the difference between the reserve and their regular pay with the units when they are on full-time active duty in the Reserve or National Guard, up to a maximum of two weeks per year, provided proof of service and pay is submitted. The two weeks per year maximum may be extended if the Governor of the State of Michigan declares an emergency.

5. *REEMPLOYMENT.* Under USERRA, barring impossibility or total unreasonableness of doing so, an employee is entitled to reemployment upon separation from military leave, if the employee:
 - a. Was honorably discharged or terminated from service;
 - b. Was employed in a position for which there was an expectation of continued employment;
 - c. Has not been absent for duty in the military for longer than a cumulative period of five years, unless involuntarily retained in the military;
 - d. Reported to work or notified his or her supervisor of an intention to return to work, at the proper time, as indicated within this policy.

Period of Service	Required Employee Action	When Action Must Be Taken
1 – 30 days	Report to work	(1) On the next regularly scheduled work shift on the first full calendar day after service ended, plus the time for safe transportation back to his/her residence and eight hours of rest – OR – (2) As soon as possible after the eight hour rest period, if, through no fault of the employee, it would be impossible or unreasonable to report within the time described in (1)
31 – 180 days	Notify his or her supervisor in writing of the employee's intent to return to work	Within 14 calendar days (Unless impossible or unreasonable through no fault of the employee, then the next first full calendar day that submitting the request becomes possible)
181+ days	Submit a written request for reemployment	Within 90 days after completing service

SECTION I. HOLIDAY PAY

1. The City observes the following Holidays:

New Year's Eve
New Year's Day
Independence Day
Thanksgiving Day
Day After Thanksgiving
Good Friday
Veteran's Day

Memorial Day
Labor Day
Christmas Eve
Christmas Day
Employee Birthday
President's Day

2. To be eligible, the full time employee must be on the seniority list as of the date of the holiday and must work the full scheduled day before and after such a holiday unless excused. If one of these holidays falls during a period when you are on an approved vacation or sick leave, the legal holiday will be treated as such and will not be deducted from your benefit time.
3. If a holiday falls on a Saturday, the time off with pay will be the preceding Friday. If a holiday falls on a Sunday, the time off with pay will be the following Monday.

4. Eligible full-time employees who perform no work on a holiday, will be paid their regular hourly rate of pay for one (1) eight hour day.
5. Eligible part time employees will be granted their birthday off with pay.

SECTION J. JURY DUTY

The City will reimburse employees who serve jury duty for the difference between his or her jury fees and his or her regular wage. Employees compelled to serve must notify their department head immediately.

SECTION K. UNPAID LEAVE OF ABSENCE

Employees who desire a leave of absence must submit a written request to the department head and City Manager for such leave, stating the reason for the leave, and anticipated length of the absence, including identification of the approximate beginning and ending dates in the request. The City Manager will determine whether and to what extent such leave of absence will be granted.

The City may, in its sole discretion, continue to pay up to 80% of the premiums for employee participation in insurance or benefit plans. If the City does not pay the insurance premiums, the employee on leave may maintain the coverage only if he or she reimburses the City for the premiums prior to each insurance coverage period.

While on approved leave of absence, employees will not accrue sick or vacation time, nor receive holiday pay. An employee who does not return from leave at the specified time is considered to have resigned.

SECTION L. LIFE INSURANCE

The City will provide life insurance to full-time employees as described below. Employees hired before July 1, 2015 will receive one-half of the insurance benefit at the time of retirement. Policies provided to employees hired after July 1, 2015, will terminate at retirement.

CLASSIFICATION	AMOUNT OF PERSONAL LIFE INSURANCE*	AD&D INSURANCE PRINCIPAL SUM
Class 1: All Full-Time Department Heads	\$50,000	\$50,000
Class 2: All Other Non-Union Full-Time Employees	\$50,000	\$50,000
Class 3: Retirees	50% of the Original Life Insurance Amount	\$0

* For Classes 1-2 Personal Life and AD & D Insurance will be reduced by 35% for an Insured Person who attains age 70 and will reduce an additional 15% of the original amount at age 75. Benefits will terminate when such Insured Person retires, unless eligible for continued benefits as shown in Class 3.

SECTION M. LONGEVITY

Full-time employees hired prior to July 1, 2016, will receive longevity pay on their anniversary date of employment at the rate of one day for each year of continuous employment with the City. Such benefit is limited to 15 years of continuous service and a value of \$4,000.

Full-time employees hired after July 1, 2016 will receive longevity pay on their anniversary date of employment, at the rate of \$150 for each year of continuous employment beyond 10 years up to a maximum of \$2,400. Longevity pay for such employees is not available until 10 years of continuous employment are complete. In addition, the longevity pay shall be placed into the employee's MERS Healthcare Savings Account.

SECTION N. LEAVE ASSOCIATED WITH THE BIRTH, ADOPTION OR PLACEMENT OF A CHILD IN AN EMPLOYEE'S HOME

Employees with at least one (1) year's seniority shall be entitled to twelve (12) weeks of leave within the first twelve (12) months of his or her child's birth, adoption or placement. The leave must be consecutive days and hours and may only be intermittent if agreed by the City.

Employees will be required to use earned sick time, compensatory time and vacation time during the leave, excluding 40 hours of earned vacation time. The city will provide paid time off when the employee's earned time off has been exhausted within the 12 week period. Employees on PTO will be required to use all earned PTO and compensatory time, excluding 40 hours of PTO.

There shall be no loss of seniority during authorized leave for birth, adoption or placement of a child in an employee's home, but seniority shall not accumulate.

ARTICLE VIII – RETIREMENT BENEFITS

The City reserves the right to modify the terms of any compensation, policy, coverage or provider of any benefit listed below.

SECTION A. COMPENSATION

1. EMPLOYEES HIRED PRIOR TO MAY 1, 2008

Salaried, regular full-time employees (those who attained six months of continuous service) hired prior to May 1, 2008 are eligible to participate in a Defined Benefit plan through the Michigan Municipal Employees Retirement System. The City and participating employees will contribute to the plan in an amount to be determined by the City Council. Subject to law and the provisions of the plan, employees who have at least ten (10) years of credited service under the plan will be "vested" at ten (10) years and eligible for retirement benefits at age 55.

The basic benefit program of the retirement plan shall be Benefit Program B-4, FAC-3, with the F-55 with 25 years of service rider and the E2 option. Effective June 30, 1996, and covering retirements commencing on or after that date, the F-50 with 25 years of service rider shall be added to the retirement plan.

2. EMPLOYEES HIRED ON OR AFTER MAY 1, 2008

Salaried, regular full-time employees (those who attained six months of continuous service) hired on or after May 1, 2008 are eligible to participate in the City's Defined Contribution plan through the Michigan Municipal Employees Retirement System. The total contribution of 12% is allocated as follows: eight percent (8%) of the contributions to the plan from the City and four percent (4%) of the contributions from employees through payroll deduction. The City reserves the right to modify contribution amounts.

Employees eligible include full-time employees when they attain six months of continuous service. Subject to law and the provisions of the plan, employees who have at least six (6) years of credited service under the plan will be "vested" with the employer's contribution.

3. DEFERRED COMPENSATION - 457 PLAN

The City may participate in a deferred compensation 457 Plan to which full time and part time employees may elect to contribute. The City will make no contribution to this program on behalf of the employee.

SECTION B. RETIREE HEALTH

1. City retirees, their spouses at the time of retirement, and eligible dependents may continue, upon written request, to be covered by the health insurance offered to active employees until the retiree reaches the age of Medicare eligibility. All relevant eligibility and other restrictions of the insurance carrier or applicable law apply. The City will pay the premium for the retiree, spouse at the time of retirement and eligible dependents if the employee completes at least 10 years of service to the City. Such coverage is not transferable to a new spouse and or dependents after retirement.
2. Upon reaching the age of Medicare eligibility, Medicare will be used to provide primary coverage. The City will provide supplemental insurance policy to employees over the age of 65 or reimburse retirees for their purchase of an equivalent insurance supplemental policy at a cost not to exceed the cost of the City's policy. The retiree must provide proof of purchase and coverage in order to be reimbursed. Such coverage is not transferable to news spouses and or dependents after retirement.
3. Full time employees hired prior to July 1, 2015, have a one-time irrevocable option between (a) receiving retiree healthcare coverage, if available at the time of retirement, or (b) participating in the MERS Health Care Savings Program. The City will contribute \$275 for each month worked in the Health Care Savings Program on behalf of the employee. The City contribution will be immediately

vested. Employees electing to participate in the MERS Health Care Savings Program are no longer eligible for retiree health insurance coverage, if any is available or offered at the time of retirement. An employee electing to participate in the program must execute a waiver of any subsequently available employer-paid retiree health insurance coverage from the City. Upon written request, the employee may purchase insurance coverage at the time of retirement.

4. Employees hired after July 1, 2015, are not eligible for City-paid retiree health care benefits and will be enrolled in the MERS Health Care Savings Program. The City will contribute \$150 for each month worked. The City's contribution will be on a graded vesting schedule over 5 years. Upon written request, the employee may purchase insurance coverage at the time of retirement.
5. The City does not provide retiree health insurance to retirees (who are otherwise eligible for retiree healthcare benefits from the City) whose spouse has insurance. Retirees may, in the City's discretion, be paid a stipend to reimburse the retiree for the actual costs of premiums and deductibles paid to maintain the employee's spousal insurance plan.

Retired employees covered by an insurance policy provided through their spouse's employer may choose to be covered by the City's insurance coverage at a later date, if that spousal insurance coverage is lost. Eligible retired employees that lose health insurance benefits due to circumstances that are beyond the control of the City may receive health care benefits in accordance with the provisions contained in this City's Retiree Health Care Plan.

ARTICLE IX- RESIGNATION OF EMPLOYMENT

Resignation of employment must be provided, in writing, at least two weeks before the anticipated resignation and or retirement date. Any employee failing to give such proper notice forfeits all leave benefits earned and accrued under this agreement. The City reserves the right to accept the resignation immediately and pay the employee for the remainder of the notice period.

ARTICLE X - MISCELLANEOUS

SECTION A. 182 DAY LIMITATIONS PERIOD

As a condition of employment, employees agree not to commence any action, claim, or suit relating to your employment or termination of employment against the City more than 182 calendar days after the date the employee knew or should have known that a claim existed or later than the applicable limitations period established by law, whichever is less. Written acknowledgement of these policies is also your written agreement to this limitation.

SECTION B. NEPOTISM

In accordance with Section 8.7 of the City Charter, unless approved by City Council, the following relatives of any elective or appointive officer are disqualified from holding any

appointive office or employment during the term for which said elective or appointive officer was elected or appointed: child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister. This will not, in any way disqualify such relatives who are bona fide appointive officers or employees for the City at the time of the election or appointment of said official.

SECTION C. FRATERNIZATION

Fraternization and consenting romantic and sexual relationships between employees, while not expressly forbidden, are generally considered unwise. Employees should be aware of the risks and possible costs of such relationships. The City may react to fraternization in any way it deems appropriate, given the circumstances of the employees' relationship on and off duty, supervisory relationship, morale, conflicts of interest, and other similar considerations.

SECTION D. OUTSIDE EMPLOYMENT

City employees are not prohibited from engaging in outside employment or other business activity. However, such outside employment or activity must be fully discussed and disclosed to the City Manager. The activities or employment must not conflict with performance of the employee's duties to and for the City, impact the employee's attendance or punctuality or otherwise negatively impact the City.

SECTION E. UNIFORMS

The City may provide uniforms for certain employees at the City's expense. It is the employee's responsibility to maintain uniforms in good condition.

SECTION F. POLITICAL ACTIVITIES

Employees and officials may not use their City position for any political purpose or engage in political activities during working hours. Banned political activities during working hours include wearing political buttons, soliciting political contributions, displaying political posters on City vehicles or property, or distributing political materials.

SECTION G. SEVERABILITY

If one or more provisions of this Administrative Code are superseded by or become in conflict with state or federal law, or are determined by a court of competent jurisdiction to be unlawful or void, the balance of the Code will remain in effect.