

# **Oceana County**

## **Board of Commissioners**



## **Policy Handbook**

The County reserves the right to interpret, modify, or supplement the provisions of this handbook at any time.

**Most Recent Updates: 2022**



# TABLE of CONTENTS

DEFINITIONS.....	9
1.0 WELCOME .....	12
1.1 Welcome .....	12
1.2 At-Will Employment .....	13
1.2.1 Disclaimer .....	13
1.3 Acknowledgment of Receipt and Review of the Policy Handbook.....	14
2.0 INTRODUCTORY LANGUAGE AND POLICIES.....	15
2.1 About the County .....	15
2.2 Statement Re: Code of Ethics .....	15
2.3 Mission Statement .....	16
2.4 Organization .....	17
2.5 County Facilities .....	17
2.6 Revisions to Handbook .....	18
3.0 HIRING AND ORIENTATION POLICIES .....	19
3.1 Employment Authorization Verification .....	19
3.2 Completion of Employment Paperwork.....	19
3.3 EEO Statement and Non-harassment Policy.....	19
3.4 Non-harassment Policy .....	21
3.5 Employment Requirements (Citizenship, Physical Exam, etc.) .....	24
3.6 Disability Accommodation (Americans with Disabilities Act) .....	24
3.7 Religious Accommodation .....	25
3.8 Hiring Policy/Posting of Openings .....	26
3.9 Conflict of Interest Policy .....	30
3.10 Disclosure Policy .....	33
3.11 Nepotism Policy (including Employment of Relatives and Friends) .....	37
3.12 Job Descriptions.....	38
3.13 New Employees and Probationary Periods .....	39
3.14 Training Program .....	39

3.15	<i>Employee and Contractor ID Badge</i> .....	40
4.0	<b>WAGE AND HOUR POLICIES</b> .....	41
4.1	<i>Introduction</i> .....	41
4.2	<i>Pay Period</i> .....	41
4.3	<i>Paycheck Deductions</i> .....	41
4.4	<i>Direct Deposit</i> .....	42
4.5	<i>Payroll Advances and Loans</i> .....	42
4.6	<i>Recording Time</i> .....	42
4.7	<i>Travel Time Pay</i> .....	42
4.8	<i>FLSA Overtime, Comp Time &amp; Flex Time Authorization for Non-Exempt Employees</i> .....	43
4.9	<i>Pay Raises</i> .....	44
4.10	<i>Attendance Policy and Notifying Your Department Head</i> .....	45
4.11	<i>Job Abandonment – Failure to Show Up For Work</i> .....	45
4.12	<i>Travel Rules and Allowable Expenses</i> .....	45
4.13	<i>Rest and Meal Periods</i> .....	48
5.0	<b>PERFORMANCE, DISCIPLINE, LAYOFF, AND TERMINATION</b> .....	50
5.1	<i>Performance Evaluations and Improvement</i> .....	50
5.2	<i>Transfer</i> .....	50
5.3	<i>Workforce Reductions (Layoffs), Re-Hiring</i> .....	50
5.4	<i>Resignations</i> .....	52
5.5	<i>Termination</i> .....	52
5.6	<i>Standards of Conduct</i> .....	52
5.7	<i>Criminal Activity/Arrests</i> .....	53
5.8	<i>Safe, Healthy, and Productive Work Environment Policy</i> .....	54
5.9	<i>Disciplinary Process</i> .....	60
5.10	<i>Disciplinary Causes of Action</i> .....	64
5.11	<i>Problem-Solving and Grievance Procedure</i> .....	65
5.12	<i>Outside Employment</i> .....	66
5.13	<i>Exit Interview</i> .....	67
5.14	<i>Post-Employment Reference Policy</i> .....	67
6.0	<b>ECONOMIC BENEFITS</b> .....	68
6.1	<i>Board of Commissioners Compensation &amp; Fringe Benefits Policy</i> .....	68

6.2	<i>Social Security</i> .....	68
6.3	<i>Fringe Benefit Eligibility</i> .....	69
6.4	<i>Regular Full-Time Employees</i> .....	69
6.5	<i>Regular Part-Time Employees</i> .....	69
6.6	<i>Part-Time Employees Temporarily Assigned to Fulltime</i> .....	69
6.7	<i>Temporary and Casual Employees</i> .....	70
6.8	<i>Exempt Employees</i> .....	70
6.9	<i>Reclassification within the Wage Scale</i> .....	70
6.10	<i>Health Insurance</i> .....	71
6.11	<i>Health Insurance Waiver</i> .....	72
6.12	<i>Retiree Health Insurance</i> .....	72
6.13	<i>Life Insurance</i> .....	74
6.14	<i>Dental Insurance</i> .....	74
6.15	<i>Vision Care Insurance</i> .....	74
6.16	<i>Premium Payments</i> .....	74
6.17	<i>Insurance Coverage Changes</i> .....	74
6.18	<i>Effective Date of Coverage</i> .....	75
6.19	<i>Pension</i> .....	75
6.20	<i>457 Deferred Compensation Plans</i> .....	77
6.21	<i>Continuing Education Policy and Tuition Assistance</i> .....	77
6.22	<i>Holiday Pay</i> .....	78
6.23	<i>Vacation Policy</i> .....	79
6.24	<i>Vacation Policy – Part Time Employees</i> .....	81
6.25	<i>Sick Pay</i> .....	82
6.26	<i>Sick Pay – Part Time Employees</i> .....	84
6.27	<i>Longevity Pay</i> .....	84
6.28	<i>Leave Without Pay (LWOP)</i> .....	85
6.29	<i>Leaves of Absence (General, non-FMLA)</i> .....	85
6.30	<i>Family and Medical Leave of Absence Policy</i> .....	87
6.31	<i>Military Leave (USERRA)</i> .....	94
6.32	<i>Jury Duty</i> .....	95
6.33	<i>Crime Victim Leave</i> .....	95

6.34	<i>Bereavement (Funeral) Leave</i> .....	96
6.35	<i>Injury and Illness Leave (Workers' Compensation and Health Insurance)</i> .....	97
6.36	<i>Unemployment Compensation Insurance</i> .....	99
6.37	<i>COBRA</i> .....	99
6.38	<i>Severance Pay</i> .....	99
6.99	<i>Emergency Policies (Temporary Effective Dates)</i> .....	99
7.0	<b>GENERAL POLICIES</b> .....	100
7.1	<i>Freedom of Information Act (FOIA)</i> .....	101
7.2	<i>Fraud Risk Management Policy</i> .....	102
7.3	<i>Identify Theft Policy</i> .....	104
7.4	<i>Social Security Number Policy</i> .....	118
7.5	<i>Credit Card Policy</i> .....	121
7.5.1	<i>Michigan Dept. of Treasury 1996-2</i> .....	124
7.6	<i>Fixed Asset Management Policy</i> .....	125
7.7	<i>Excess Expenditure Policy</i> .....	126
7.8	<i>Policy on Gifts</i> .....	127
7.9	<i>Purchasing and Bid Policy</i> .....	131
7.10	<i>Volunteer Policy</i> .....	135
7.11	<i>Disposal of Surplus Property Policy</i> .....	140
7.12	<i>Driving Record</i> .....	141
7.13	<i>Use of County Vehicles</i> .....	142
7.14	<i>Authorization for Use of Personal Vehicle</i> .....	144
7.15	<i>Notice of GPS Monitoring Policy of County Vehicles</i> .....	144
7.16	<i>Personnel and Medical Records (HIPAA)</i> .....	144
7.17	<i>Employee Privacy and Right to Inspect</i> .....	149
7.18	<i>Employee Suggestions/Open Door Policy</i> .....	150
7.19	<i>County Bulletin Boards</i> .....	150
7.20	<i>Non-solicitation/Non-distribution Policy</i> .....	150
7.21	<i>Personal Appearance Guidelines (Dress Code)</i> .....	152
7.22	<i>Use of Communication Systems Policy</i> .....	153
7.23	<i>Telecommuting Policy</i> .....	156
7.24	<i>Voicemail, Email, and Internet Policy</i> .....	156

7.25	<i>Computer Security and Copying of Software</i> .....	157
7.26	<i>Technology Security Policy</i> .....	158
7.27	<i>Social Media Policy</i> .....	169
7.28	<i>Telephone Use</i> .....	173
7.29	<i>County-Issued Cell Phone/Mobile Device Policy</i> .....	173
7.30	<i>Personal Cell Phone/Mobile Device Use</i> .....	174
7.31	<i>Cell Phone Reimbursement Policy</i> .....	176
7.32	<i>Mail Use</i> .....	178
7.33	<i>Off-Duty Use of County Property or Premises</i> .....	178
7.34	<i>Weapons in Court Facilities</i> .....	179
7.35	<i>General Building Security</i> .....	181
7.36	<i>Third Party Disclosures</i> .....	182
7.37	<i>Personal Data Changes</i> .....	182
7.38	<i>Scheduling of Conference Rooms</i> .....	182
7.39	<i>Inclement Weather/Emergency/Service Interruptions Policy</i> .....	183
7.40	<i>Service Animal Policy</i> .....	184
7.41	<i>Use of County Seal Policy</i> .....	192
7.42	<i>Copyright and Intellectual Property Rights Policy</i> .....	194
8.0	<b>SAFETY AND LOSS PREVENTION</b> .....	196
8.1	<i>General Safety Policy</i> .....	196
8.2	<i>No Smoking Policy</i> .....	197
8.3	<i>Policy Against Violence</i> .....	199
8.4	<i>Use of County-Owned Supplies and Equipment Policy</i> .....	201
8.99	<i>Infectious Diseases Preparedness/Response Policy</i> .....	202
9.0	<b>CONFIDENTIALITY AND NONDISCLOSURE OF INFORMATION</b> .....	209
9.1	<i>Confidentiality and Nondisclosure</i> .....	209
10.0	<b>CITIZEN RELATIONS</b> .....	210
10.1	<i>Citizen, Client, and Visitor Relations</i> .....	210
11.0	<b>CLOSING STATEMENT</b> .....	211
11.1	<i>Closing Statement</i> .....	211
12.0	<b>APPENDICES</b> .....	212
12.1	<i>New Employee Documents Checklist</i> .....	212

12.2	<i>Cell Phone Reimbursement Policy</i> .....	212
12.3	<i>Cell Phone FAQ</i> .....	212
12.4	<i>Cell Phone Usage While Driving</i> .....	212
12.5	<i>Family Medical Leave Act of 1993</i> .....	212
12.6	<i>Reasonable Accommodation Request Form</i> .....	212
12.7	<i>Religious Accommodation Request Form</i> .....	212
12.8	<i>Harassment Complaint Form</i> .....	212
12.9	<i>Employment Reference Release Form</i> .....	212
12.10	<i>Extended-FMLA Leave of Absence Request Form</i> .....	212
12.11	<i>General, Non-FMLA Leave of Absence Request Form</i> .....	212



## DEFINITIONS

1. Hire Date - An employee's hire date is the date the employee actually begins working.
2. Anniversary Date - The anniversary date is most often the same as the hire date. However, there may be situations that occur in which the anniversary date could be different.
3. Employee - Includes employees who identify as male, female, or non-binary.
4. They, Their, Them - We respect each employee's right to individually identify gender as male, female, or non-binary, and the employer will strive to make our policy handbook as inclusive as possible to our entire workforce by using these plural pronouns instead of pronouns associated with gender choices.
5. Permanent Employee - An employee who is hired for the purpose of working a consistent (regular) weekly schedule each year.
6. Probationary Period - An employee must be in good standing with his/her Department Head during a six (6) month probationary period in order to continue employment.
7. Temporary Employee - An employee who occupies a temporary or seasonal position and who takes such position with notice of limited duration of his/her employment.
8. Fulltime Position - Regular employment requiring 30 hours or more per week on a regular schedule.
9. Part-time Position - Regular employment requiring less than 30 hours per week on a regular schedule.
10. Temporary Position - A seasonal or emergency employment position created by the County and which is given with notice of limited duration of employment to the individual taking such position.
11. Variable Position - irregular weekly work schedule.
12. Layoffs - Layoffs from regular employment due to lack of work or funds.
13. Termination - A complete separation from County employment resulting from discharge, resignation, retirement or death.

14. Fringe Benefits - Include FICA, County retirement, workers' compensation, health insurance, dental insurance, life insurance, vacation allowance, sick leave allowance, holiday pay, bereavement leave and personal leave.
15. State and Federal Laws - Nothing in the policy handbook shall conflict with or supersede State and Federal laws or County Board Resolutions.
16. Non-Exempt Employee – According to the Fair Labor Standards Act (FLSA), a non-exempt employee is an employee that the County is obligated to compensate, using overtime pay and/or compensatory time, for hours worked in excess of 40 hours per work week. Overtime pay, or compensatory time, calculated at one and a half times the excess hours worked, shall only be applicable when an employee works more than 40 hours in any given week. Otherwise, it's straight time for an employee, for example, who regularly works 35 hours per week, until the hours worked exceeds 40 hours. Refer to **Section 4.8** for additional, and important, information regarding how the FLSA defines "...an employee works..." Additionally, a series of tests, established within the FLSA are used to determine non-exempt status.
17. Exempt Employee – According to the Fair Labor Standards Act (FLSA), an exempt employee is an employee that the County is not obligated to compensate for hours that exceed their regularly scheduled working hours. A series of tests, established within the FLSA are used to determine exempt status.
18. Relative - For the purpose of this manual, a person's relatives are limited to his spouse, children, parent, grandparent, grandchildren, brother, sister, half-brother, half-sister, foster parent, foster children, parents-in-law, stepchildren or the spouses of any of them.
19. Gender Reference – any reference in this policy handbook to the male gender shall apply with the same force and effect to the female gender and vice-versa.
20. Salary – Very few employees are salary employees, namely elected officials. Regardless of the number of actual hours worked, elected officials receive the same pay each pay period. Salary employees do not earn vacation, sick, personal, comp, or overtime pay. A non-elected employee could be a salary employee if the Board of Commissioners deems it appropriate to convert an employee from hourly to salary. In this case, accrued vacation and sick may still be awarded and must be used during absences from work.
21. Hourly – If you are not an elected official, then generally speaking you are an

hourly employee. If you don't work on any given day, and if you do not have accrued time to use during an absence (vacation, sick, personal, comp, FMLA, workers comp), then you don't receive pay for the hours/days absent. It would be recorded as leave without pay. Leave without pay must be approved by your Department Head and there are limitations to this provision as well.

## 1.0 WELCOME

### 1.1 Welcome

**Welcome!** You have just joined a dedicated team of public employees, including all of our elected and appointed officials. We hope that your employment with Oceana County will be rewarding and challenging. We take pride in our employees as well as the excellent public services we provide. We consider ourselves leaders in stewardship for all of our public resources.

Please take the time now to read this policy handbook carefully. Sign the acknowledgment to show that you have read, understood, and agree to the contents of this handbook, which sets out the basic rules and guidelines concerning your employment. Return the signed form to the County Administrator's Office.

Please understand that no policy handbook can address every situation in the work place. If you ever have questions about your employment, you are encouraged to speak with your Department Head and/or staff in the County Administrator's Office. If you have any difficulty reading or understanding any of the provisions of this policy handbook, please contact the County Administrator's staff for clarification. Likewise, if you have any suggestions related to County policies or procedures, please let us know.

This handbook supersedes any previously issued handbooks or policy statements dealing with the subjects discussed herein. The County reserves the right to interpret, modify, or supplement the provisions of this handbook at any time.

We wish you success in your employment with Oceana County.

Warmest regards,

*Robert Walker*

Robert Walker, Chairperson  
Oceana County Board of Commissioners

*Ron Christians*

Ron Christians, Chairperson  
Oceana County Personnel Committee

*Robert J. Sobie*

Robert J. Sobie, Ph.D.  
Oceana County Administrator

## ***1.2 At-Will Employment***

### **Introduction**

The policies and benefits contained herein apply to persons employed by Oceana County. Employees working in the offices of the County Treasurer, County Clerk, Register of Deeds, Prosecuting Attorney, Drain Commissioner, Sheriff, and the Courts are covered by the economic benefits (i.e., rate of pay, insurance) which are determined by the Oceana County Board of Commissioners (Board). These same employees may also be covered by the non-economic policies (i.e., disciplinary procedures) of this handbook if the appropriate elected official or Chief Judge has agreed in writing, in whole or in part, to these policies.

### **At-Will**

Your employment with Oceana County is on an "**at-will**" basis. This means your employment may be terminated at any time, with or without notice and with or without cause. Likewise, we respect your right to leave the county at any time, with or without notice and with or without cause.

Nothing in the policy handbook or any other County document should be understood as creating guaranteed or continued employment, a right to termination only "for cause," or of any other guarantee of continued benefits or employment. Only by majority vote of the Oceana County Board of Commissioners does any authority exist to make promises or negotiate with regard to guaranteed or continued employment, and any such promises are only effective if placed in writing and signed by the Chairperson of the Board Commissioners or his/her designee.

#### ***1.2.1 Disclaimer***

### **Disclaimer**

Where this policy handbook conflicts with a collective bargaining agreement currently in effect, the collective bargaining agreement shall be followed. All rights and powers vested in the County as an employer shall not in any way whatsoever be abridged by this handbook. Also, the fact that policy rules may have been applied differently in the past, including those established by Board resolution, has no effect on their current or future enforcement. In other words, an employee cannot rely on custom, prior practices, or resolutions superseded by this policy handbook.

### ***1.3 Acknowledgment of Receipt and Review of the Policy Handbook***

By signing below, I acknowledge that I have received a copy of the policy handbook and understand that it is my responsibility to read the policy handbook in its entirety. I agree to comply with the rules, policies, and procedures set forth herein, as well as any revisions made to the policy handbook in the future. I also understand that if I violate the rules, policies, and procedures set forth herein that I may be subject to discipline, up to and including termination of my employment.

I understand that the Policy Handbook contains information about the employment policies and practices of the County. I understand that the policies outlined in this policy handbook are management guidelines only that will require changes from time to time. I understand that the County retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees, the County, and the citizens of Oceana County. I understand that this Policy Handbook supersedes and replaces any and all prior Policy handbooks and any inconsistent verbal or written policy statements.

I understand that except for the policy of at-will employment, which can only be changed by the Board of Commissioners, the County reserves the right to revise, delete, and add to the provisions of this Policy Handbook at any time without further notice. I understand that no oral statements or representations can change the provisions of this Policy Handbook. I understand that this Policy Handbook is not intended to create contractual obligations with respect to any matters it covers and that the Policy Handbook does not create a contract guaranteeing that I will be employed for any specific time period. I understand nothing in this Policy Handbook is created to infringe on any available legal rights.

I understand that this Policy Handbook refers to current benefit plans maintained by the County and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

If I have questions about the content or interpretation of the Policy Handbook, I will ask my Department Head or a staff member in the County Administrator's Office.

---

Employee Signature

---

Date

**Return a signed copy to the County Administrator's Office**

## 2.0 INTRODUCTORY LANGUAGE AND POLICIES

### 2.1 *About the County*

The origin of Oceana County's name has been often debated, but the most reliable records indicate that Oceana was named after a novel written by James Harrington. The novel was named [The Commonwealth of] Oceana. James Harrington was a most prolific writer on government in the early days. The book was first published in [1656] with another printing before the American Revolution and the last printing before the American Civil War, in 1855. He wrote the book on the building of a perfect government. It was a popular and somewhat controversial book and the word Oceana became a coined phrase.

~ Rex R. Royal, "Oceana County History," p. 6.

The scenic agricultural community of Oceana County is located on the shore of Lake Michigan about an hour north of Grand Rapids. Devoid of the urban sprawl, Oceana County is the permanent home of approximately [26,500] Michiganders, while attracting thousands of tourists to the area each summer to experience the recreation and relaxation of the unspoiled Lake Michigan shoreline.

~ Oceana County Economic Development Corporation

The County boasts 27 miles of Lake Michigan shoreline. Our parks will put you on Lake Michigan beaches, and dunes, inland lakes and rivers, and a 22-mile paved trail for excellent biking, walking, jogging and wetlands for bird watching. This trail known as the William Field Memorial Hart-Montague Trail was Michigan's first linear state park. Other area outdoor activities include boating, fishing, camping, kayaking, and snowmobiling.

Oceana County is governed by a five (5) member Board of Commissioners, elected by district, to serve for two (2) year terms. Other elected officials include Judges, Sheriff, Prosecuting Attorney, County Clerk, County Treasurer, Register of Deeds, Drain Commissioner, and County Surveyor. As of 2017, the County employs a talented staff of approximately 120 full-time, part-time, and temporary employees.

### 2.2 *Statement Re: Code of Ethics*

Oceana County will conduct its business honestly and ethically wherever operations are maintained. We strive to improve the quality of our public services and operations and will maintain a reputation for honesty, fairness, respect, responsibility, integrity, trust, and sound business judgment. Our elected and

appointed officials and their employees, including appointees to various boards and commissions, are expected to adhere to high standards of professional and personal integrity as a representation of our commitment to public service.

We expect that all employees will not knowingly misrepresent the County and will not speak on behalf of the County unless specifically authorized, particularly important in this age of social media. The confidentiality of certain records classified as non-public or containing personally identifiable information that is not subject to public access is to be treated in accordance with federal and state law, and county policies.

Violation of ethics can result in discipline, up to and including termination of employment, including removal from an appointed board or commission. The degree of discipline imposed may be influenced by the existence of voluntary disclosure of any ethical violation and whether or not the violator cooperated in any subsequent investigation.

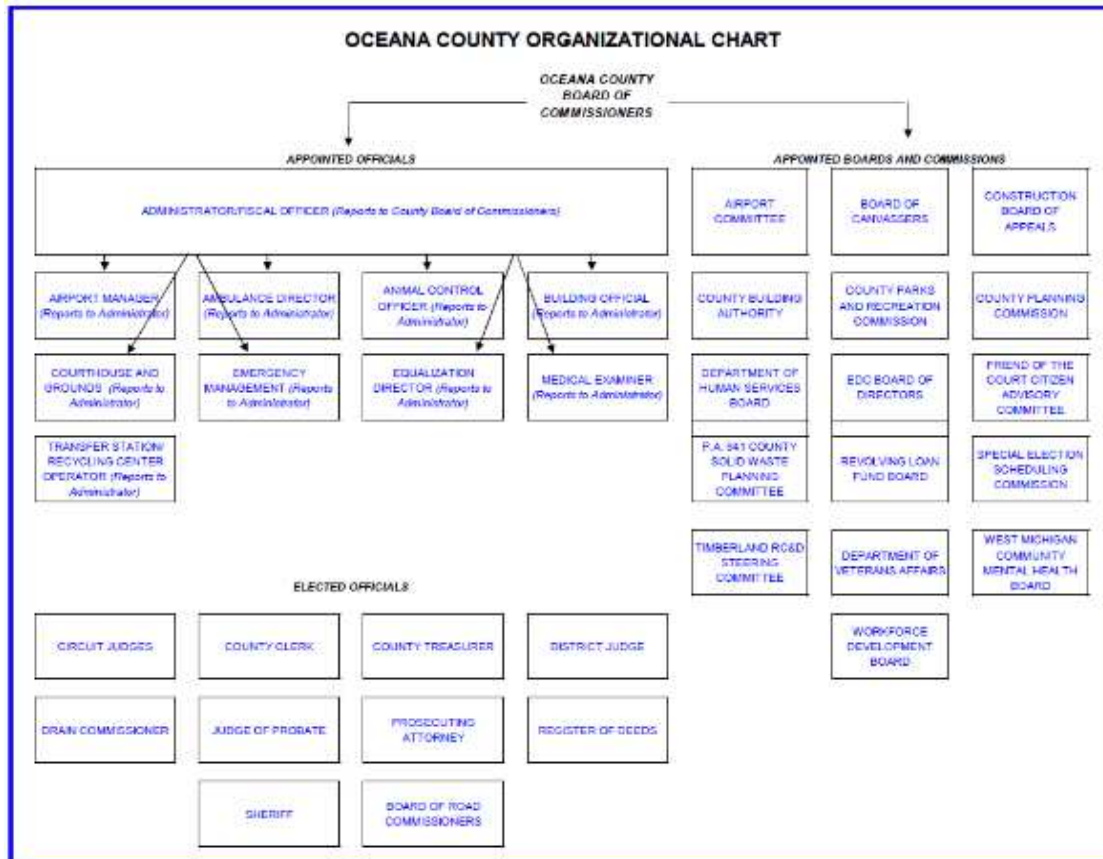
### ***2.3 Mission Statement***

The mission of Oceana County government is to provide efficient, effective, responsive government with the highest quality services in a fiscally responsible manner to promote health, safety, and general welfare of all Oceana County citizens, guests and visitors.



## 2.4 Organization

Oceana County is organized as described below. Updates to the diagram will be made as needed.



## 2.5 County Facilities

Oceana County provides public services from several locations. The primary location is in downtown Hart, MI where the Courthouse/County Building and Sheriff's Department/Jail are located. A secondary building houses three county departments – Emergency Management, Buildings Department, and Department of Veterans Affairs. Probation and Parole, a state agency, also operates from the secondary building.

The County's EMS agency operates from two 24 hour service locations, one in Hart, MI and the other in Shelby, MI and a 12 hour location in Pentwater, MI. Additionally, we have an Animal Control facility and airport nearly adjacent to each other on Baseline Rd, Shelby, MI.

Finally, the County operates a Transfer Station/Recycling Center on East M-20 in Ferry Township.

## ***2.6 Revisions to Handbook***

This policy handbook is our attempt to keep you informed of the terms and conditions of your employment, including County policies and procedures. The handbook is not a contract. The County reserves the right to revise, add, or delete from this handbook as it determines to be in its best interest. When changes are made to the policies and guidelines contained herein, we will endeavor to communicate them in a timely fashion, typically in a written supplement to the handbook or in a posting using County email, bulletin boards, or other suitable methods.

### 3.0 HIRING AND ORIENTATION POLICIES

#### 3.1 *Employment Authorization Verification*

All new hires and current employees are required by federal law to verify their identity and eligibility to work in the United States. You will be required to complete federal **Form I-9** on the first day of employment. If this form and verification of employment eligibility is not completed during the **first three days of employment, we are required by law to terminate your employment.** If you are currently employed and have not complied with this requirement or if your status has changed, please inform your Department Head.

#### 3.2 *Completion of Employment Paperwork*

All newly hired employees are required to complete and submit all required employment paperwork **before** they begin employment. This ensures that proper and timely withholding of taxes, retirement, health savings account (if applicable), and other deductions occur as mandated by law and/or County policies.

Department Heads who do not assist their newly hired employees to comply with this requirement shall not be allowed to establish a starting date for the employee nor have the employee begin work.

Refer to the Appendix for a list of employment documents to be reviewed and/or completed.

#### 3.3 *EEO Statement and Non-harassment Policy*

##### **Equal Opportunity Statement**

Oceana County is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment which is free of harassment, discrimination, or retaliation because of age, race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed service member status, or any other status protected by federal, state, or local laws. The County is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other

compensation, termination, and all other terms, conditions, and privileges of employment.

The County will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the County's Equal Employment Opportunity Policy in a confidential manner. The County will take appropriate corrective action, if and where warranted. The County prohibits retaliation against any employee who provides information about, complains, or assists in the investigation of any complaint of discrimination or violation of Equal Employment Opportunity laws.

We are all responsible for upholding the values embedded in Equal Employment Opportunity laws and any claimed violations should be brought to the attention of your Department Head and/or the County Administrator.

As it relates to the interpretation of the meaning of "sex" under the Elliott-Larson Civil Rights Act (Act 453 of 1976), on May 21, 2018, the Michigan Civil Rights Commission resolved that "discrimination because of sex," as used in the Act, includes discrimination because of gender identity and because of sexual orientation.

Beneficiaries of services provided to them by the county that have origins with federal funding may file a complaint with the Michigan State Administering Agency, P.O. Box 30634, Lansing, MI 48909-0634. Additional contact information is available at [www.ojp.gov/funding/state-administering-agencies/Michigan-saa](http://www.ojp.gov/funding/state-administering-agencies/Michigan-saa)

The County Administrator shall coordinate compliance with the prohibitions against disability discrimination and all other forms of discrimination.

### **3.4 Non-harassment Policy**

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## **NON-HARASSMENT POLICY**

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Adopted: 12/14/2017

### **Policy Against Workplace Harassment**

Oceana County has a strict policy against all types of workplace harassment, including sexual harassment and other forms based upon an individual's age, race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed service member status, or any other status protected by federal, state, or local laws. All forms of harassment of, or by, employees, vendors, visitors, and various other parties are strictly prohibited and will not be tolerated.

#### **A. Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

While it is not possible to identify each and every act that constitutes or may constitute sexual harassment, the following are some examples of sexual harassment: (a) unwelcome requests for sexual favors; (b) lewd or derogatory comments or jokes; (c) comments regarding sexual behavior or the body of another employee; (d) sexual innuendo and other vocal activity such as catcalls or whistles; (e) obscene letters, notes, emails, invitations, photographs, cartoons, articles, or other written or pictorial materials of a sexual nature; (f) repeated requests for dates after being informed that interest is unwelcome; (g) retaliating against an employee for refusing a sexual advance or reporting an incident of possible sexual harassment to County or any government agency; (h) offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors; and (i) any unwanted physical touching or assaults, or blocking or impeding movements.

## **B. Other Harassment**

Other workplace harassment is often verbal or physical conduct that insults or shows hostility or aversion towards an individual because of the individual's age, race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed service member status, or any other status protected by federal, state, or local laws.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment: (a) the use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to the above protected categories; (b) written or graphic material that insults, stereotypes or shows aversion or hostility towards an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on the County's premises, or circulated in the workplace; and (c) a display of symbols, slogans, or items that relate to the above protected categories.

## **Reporting Discrimination and Harassment**

Any employee who feels that they have witnessed, or been subject to, any form of discrimination or harassment is required to immediately notify their Department Head and/or County Administrator. If the employee's Department Head is the alleged harassing party, the County Administrator shall receive notice of harassment directly from the employee. If the County Administrator is the alleged harassing party, the Chairperson of the Board of Commissioners shall receive notice of harassment directly from the employee. A complaint form is available in the appendix of the handbook to aid the employee in documenting any instances of discrimination or harassment.

Oceana County prohibits retaliation against any employee who provides information about, complains, or assists in the investigation of any complaint of harassment or discrimination.

We will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. Discipline for violation of this policy may include, but is not limited to reprimand, suspension, demotion, transfer, and discharge. If the County determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the County may

monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, the County will follow up as necessary to ensure no retaliation occurs for making a complaint or cooperating with an investigation.

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### **3.5 *Employment Requirements (Citizenship, Physical Exam, etc.)***

To become employed by the County, you must meet the following employment requirements:

1. Citizenship - Each candidate for employment in any position shall be required to be a citizen of the United States or to immediately take steps toward becoming a naturalized citizen.
2. Physical Examination - A physical examination and back x-ray may be required for certain job classifications prior to employment. All non-elected employees driving County-owned vehicles may be subjected to drug screening. Drug screening may also be done randomly. The costs of all examinations/tests will be borne by the County.
3. Probation Period - A new employee hired into a department shall be on probation for the first six (6) months of employment. The probationary period is a continuation of the selection of the employee; thus, appointment of the employee shall not be considered complete until this period is successfully completed. A probationary employee may be discharged without cause and without notice.

No later than 30 days prior to the end of an employee's probationary period, the Department head shall review the performance of the probationary employee and make a determination of whether the employee shall be retained or discharged.

4. Hours of Work - A normal work week is generally defined as Monday through Friday, 30 – 40 hours; and a normal work day is either 7 hours or 8 hours depending on the office.
5. Prohibition of Employment of Relatives (Nepotism) - The head of any department of the County or supervisor covered by this policy shall be prohibited from hiring any relative (see an earlier definition) in any capacity.

### **3.6 *Disability Accommodation (Americans with Disabilities Act)***

Oceana County complies with federal and state disability regulations, including the Americans with Disabilities Act (ADA). Qualified applicants or employees who inform the County of a physical or mental disability requiring accommodation in order for them to perform the essential functions of their jobs should inform their



Department Head and County Administrator of this so that we can together discuss what accommodations are available and appropriate.

Procedure for reasonable accommodation requests:

- Employee advises Department Head and County Administrator of the need for accommodation. Employee completes a Request for Accommodation form and gives it to his or her Department Head.
- The accommodation request will be discussed with the employee and the employee's manager(s).
- The employee may be required to provide documentation supporting a disability, including medical certification.
- If a reasonable appropriate accommodation is readily available, the request will be approved and the accommodation implemented.
- If an accommodation is not readily ascertainable, the matter will be pursued further with assistance from appropriate external resources.

The County will consider the request but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that the County will consider are cost, the effect that an accommodation will have on current established policies, and the burden on operations -- including other employees -- when determining a reasonable accommodation.

### ***3.7 Religious Accommodation***

Oceana County is dedicated to treating the religious diversity of all our employees equally and with respect. Employees may request an accommodation when their religious beliefs cause a deviation from any established County dress code, schedule, basic job duties, or other aspects of employment. The County will consider the request but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that the County will consider are cost, the effect that an accommodation will have on current established policies and the burden on operations, including other employees, when determining a reasonable accommodation. At no time will the County question the validity of a person's belief.

Religious Accommodation Request forms are available from the County Administrator's Office.

### ***3.8 Hiring Policy/Posting of Openings***

Oceana County desires to promote qualified employees from within, where it believes that is possible, and consistent with the need to assure that all positions are staffed by highly competent individuals. The following hiring policy offers additional information regarding the overall process to be followed when job openings occur.

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## HIRING POLICY

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Adopted 12/14/2017

Policy:

It is the policy of the County to be an equal opportunity employer and to hire individuals solely on the basis of their qualifications and ability to do the job to be filled. Unless otherwise provided in writing, employment with the County is considered to be at-will, so that either party may terminate the relationship at any time for any lawful reason.

Rules:

1. Department Heads that need to fill a job vacancy must request authorization from the County Administrator to do so.
2. Job openings above entry level may be filled by promoting from within if qualified applicants are available who meet the requirements for the job. In addition, consideration will be given to any known individuals who are on layoff status before recruiting applicants from outside.
3. If candidates from within the County are to be considered for job openings, the Department Head will post the openings for 10 business days allowing internal candidates to apply if they choose to do so. This requirement may be waived upon approval of the County Administrator.
4. If candidates from outside the organization are to be considered for job openings, the Department Head is to coordinate with the County Administrator's Office placement of a "Help Wanted" advertisement in the local newspaper, professional publications, online job posting web sites, and the County's web site.
5. During recruitment, hiring, and the orientation process, no statement should be made by any County employee promising permanent or guaranteed employment. All employees should be aware that employment with the County is at-will and representations should not be made to the contrary.
6. When external candidates are considered for job openings, the following procedures should be followed:

- a. Any candidate for employment must fill out and sign an employment application form in order to be considered for hiring. Said forms are available in the County Administrator's Office.
- b. Applicants determined to be qualified for consideration for available job openings will be interviewed by the Department Head and given any tests required for the job.
- c. The Department Head has the responsibility to determine whether an applicant is technically qualified for the position and meets the job-related criteria necessary to perform the job as described in the position's job description (i.e., essential functions). The decision to hire the applicant is to be made by the Department Head. The Department Head shall provide the County Administrator with suitable information regarding the qualifications of the person to be hired in order to determine an applicable wage and placement in the County's wage scale.
- d. Following a decision to hire the applicant, the Department Head will make a written offer of employment. The Department Head will verify with the County Administrator the starting wage to be offered in accordance with current budgetary practices and wage scale adopted by the Board of Commissioners. Only with the approval of the County Administrator will a hiring decision be made to offer a wage greater than the starting wage for the position. The Department Head will, where appropriate, conduct appropriate credit, personal reference, and criminal conviction checks. The County Administrator's staff can assist as needed.
- e. If the applicant accepts the offer, they will be referred to the County Administrator's Office to schedule a physical examination and back x-ray if required based on their job classification (i.e., maintenance worker, deputy sheriff, corrections officer, et al). In accordance with the ADA, no disability-related inquiries or medical examination may be performed prior to a valid conditional offer of employment. Also, the County shall comply with the Genetic Information Non-Discrimination Act of 2008 (GINA) which prohibits employers from requesting and using genetic information about applicants, such as family history, in making employment decisions.

- f. If a background check, physical examination or any other subsequent investigation discloses any misrepresentation on the application form, resume, cover letter, or other documents submitted for consideration of employment, or information indicating that the individual is not suited for employment with the County, the applicant will be refused employment or, if already employed, shall be terminated.
  - g. The County Administrator's Office is responsible for the orientation of new employees and the processing of their employment forms; the Department Head is responsible for any necessary job training.
7. Former employees who left the organization in good standing (i.e., not terminated by the employer) may be considered for reemployment. A former employee who is reemployed will be considered a new employee from the date of reemployment unless the break in service is less than thirty days, in which case the employee will retain accumulated seniority. Length of service for the purpose of benefits is governed by the terms of each benefit plan.

From time to time, it may be necessary to hire temporary employees. Hiring temporary employees will only be considered if presented to the County Administrator for review and in accordance with current budgetary practices, including the allocation of job positions identified on the annual position allocation list. However, said temporary employees may not transfer to permanent part-time or permanent fulltime positions unless the Hiring Policy is followed.

This policy shall not conflict with nor supersede the terms of any collective bargaining agreements in effect.

### ***3.9 Conflict of Interest Policy***

Oceana County is concerned with conflicts of interest that create actual or potential job related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. Any actual or potential conflict of interest between an employee of the County and a business or contractor to the County, must be disclosed in accordance with the policy described below. If an actual or potential conflict of interest is determined to exist, the County Administrator will take such steps as deemed necessary to reduce or eliminate this conflict.

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## CONFLICT OF INTEREST POLICY

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Adopted 12/14/2017

The Oceana County Board of Commissioners or other governing persons, officers, employees or agents (hereinafter referred to as “Party” or “Parties”) are to avoid any actual or potential conflict of interest to ensure and strengthen public trust in county government. All Parties are obligated to always act in the best interest of the County and the furtherance of the County’s mission. At all times, Parties are prohibited from using their job title, the County’s name or property, for private profit or other personal benefit.

Parties should neither directly or indirectly solicit any contract nor accept gratuities, favors, or anything of monetary value from current or potential contractors/vendors, persons receiving benefits from the County, or persons who may benefit from the actions of any Party in accordance with MCLA 15.322 (PA 317 of 1968).

For matters brought before a governing body, no Party shall vote on the selection, award, or administration of a purchase or contract with a vendor where a conflict of interest is determined to exist, except as allowable by law (see MCLA 15.323).

When an actual or potential conflict of interest is relevant to a matter requiring action by the Oceana County Board of Commissioners or other governing body, the Party(ies) must disclose the existence of the actual or potential conflict of interest and be given the opportunity to disclose all material facts to the governing body. After disclosure of all material facts, and after any discussion with the Party(ies), the remaining members of the governing body shall decide (by consensus or voice vote) if an actual conflict of interest exists; and if so have it duly noted in the public record.

When a conflict of interest exists, if the remaining members of the governing body approve the action item brought before it by a two-thirds vote, without the vote of the member(s) making the disclosure, the action meets a statutory standard, namely MCLA 15.323 (PA 317 of 1968).

As allowable by law (see MCLA 15.323), a Party with a conflict of interest may vote on a matter brought before the governing body. For instance, if two-thirds of the members of the governing body are not eligible to vote on the matter or to constitute a quorum, a member may be counted for purposes of a quorum and may vote on

the matter if the member will directly benefit from the decision in an amount less than \$250; and less than 5% of the public cost of a contract; and the member files a sworn affidavit to that effect with the County Clerk. The affidavit shall be made a part of the public record.

If a governing body has reasonable cause to believe a Party has failed to disclose actual or potential conflicts of interest, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose. If, after hearing the person's response and after making further investigation as warranted by the circumstances, the governing body determines a failure to disclose exists, it shall take appropriate disciplinary and/or corrective action.

The minutes of the governing body addressing the matter shall contain:

1. The names of the persons who disclosed or otherwise were found to have an actual or potential conflict of interest, the nature of the conflict of interest, any action taken to determine whether a conflict of interest was present, and the governing body's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to an actual or potential conflict of interest, a general description of the discussion, including any alternatives to address the actual or potential conflict of interest, and a record of any votes taken in connection with the proceedings.

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### ***3.10 Disclosure Policy***

The County is committed to the highest standards of openness, honesty, and accountability. In consideration of that commitment, the County expects employees and others with serious concerns about any aspect of the County's business operations to come forward and voice those concerns. The policy described below is intended to encourage and enable employees to raise concerns without fear of retaliation.

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## **DISCLOSURE POLICY**

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Adopted 08/12/2010

The County of Oceana is committed to the highest standards of openness, honesty, and accountability. In consideration of that commitment, the County of Oceana expects employees and others with serious concerns about any aspect of Oceana County's ongoing operations to come forward and voice those concerns. This Disclosure Policy is intended to encourage and enable employees to raise serious concerns within Oceana County, without fear of retaliation.

Employees are often the first to realize that there may be something seriously wrong within the County buildings. However, they may refrain from expressing their concerns because they feel speaking up would be disloyal to their colleagues. They may also fear harassment or victimization.

### **1. Scope**

This policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken.
- Reassure employees that they will be protected from retaliation or victimization for providing information in good faith.
- Inform employees how to take the matter further, if they are dissatisfied with the response.

This Disclosure Policy is intended to cover concerns of any employee or any individual closely involved in the operating of the County. These concerns may be about something that:

- Is unlawful
- Violates Oceana County's stated policies
- Falls below established standards of practice
- Represents improper conduct

### **2. Safeguards**

The County of Oceana recognizes that the decision to report a concern can be a difficult one to make, possibly because of the fear of retaliation from those responsible for the misconduct.

The County of Oceana will not tolerate harassment or victimization and will take action to protect those who raise a concern in good faith.

Every effort will be made to protect an individual's identity if they report a concern and do not want their name disclosed. The investigation process, however, may reveal the source of the information, and/or a statement by the individual may be required as part of the evidence.

Individuals are encouraged to put their names to allegations. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the County. In exercising this discretion, factors to be considered include:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegations from attributable sources

If an allegation is made in good faith, but is not corroborated by the investigation, no action will be taken against the originator of the allegation. If individuals make malicious allegations, disciplinary action may be considered against that individual.

### **3. Raising a Concern**

For less serious issues, employees should normally raise concerns with the County Administrator. In general, however, the Disclosure Policy should be applied for potentially more serious and sensitive issues. The first step is to approach the County Administrator. If the subject of the allegation happens to be the County Administrator, then the Chairperson of the Board of Commissioners should be contacted. In all cases, an initial review will determine whether or not a full investigation is required.

Concerns should be reported in writing using the Fraud, Theft and Corruption Disclosure Form (attached). The form can be obtained, confidentially, from the County Administrator. The background and history of the issue, together with pertinent dates, should be included on the form. Include as much detail as possible, including the reason why the individual suspects fraud, theft, or corruption. The earlier the concern is reported, the easier it is to investigate and take action. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for concern.

#### **4. How the Complaint Will Be Handled**

The action taken by the County of Oceana will depend on the nature of the concern. The matters raised may be investigated internally and/or reported to the police.

The amount of contact between the investigator and the originator of the complaint will depend on the nature of the issues raised, the potential difficulties involved, and the clarity of the information provided. The County of Oceana will take steps to minimize any difficulties that the originator of the complaint may experience as a result of their concern.

Allegations will be addressed depending on the nature of the allegations as follows:

- An internal investigation by the County Administrator, the Board of Commissioners, or an external auditor.
- Referral of criminal matters to the police.

The complainant will receive, within ten (10) working days of a concern being received, written communications:

- Acknowledging that the concern has been received
- Indicating how the matter will be handled
- Giving an estimate of how long it will take to provide a final response
- Telling them the status of the initial investigation
- Telling them if any further investigation will take place, and if not, why.

The investigation will be planned with consideration to the following:

- Resources required to investigate the allegation
- Legal status of the allegation (e.g. theft or breach of procedure)
- Internal disciplinary procedures
- Level of evidence required
- Protection of data and documents required
- Minimization of the effect on employees and others
- Recovery of lost funds and minimizing the potential for further loss
- Review of any improvements required to prevent re-occurrence

The County of Oceana appreciates that individuals who report the alleged fraud, theft, or corruption need to be assured that the matter has been properly addressed. Thus, where appropriate, and subject to legal constraints, they will receive information about the outcome of any investigation.

If the allegation of fraud, theft, or corruption directly impacts another organization, the highest ranking officer at the organization will be informed.

## Fraud, Theft, and Corruption Disclosure Form

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Dates of Occurrence: \_\_\_\_\_

### Background and History of issue:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

*Attach additional pages if necessary.*

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### 3.11 Nepotism Policy (including Employment of Relatives and Friends)

The County will not employ individuals in circumstances where actual or potential conflicts may arise which could compromise supervision, safety, confidentiality,

security, and morale at the County. It is each current employee's obligation to inform the County Administrator of any such potential conflict to determine how best to respond to the particular situation.

The information that follows should further clarify this policy:

Immediate Family: No individual shall be hired into a department if, at the time of their application for employment, the applicant has a member of their immediate family working in the same department in which they seek employment. Immediate family shall mean spouse, child, brother, sister, parents, parents of spouse, aunt, uncle, step-parent, grandparents, or grandchildren.

Commissioner Requirement: No commissioner shall be employed in any department of the County. No spouse of a commissioner shall be employed in any department of the County, unless that spouse's employment date is prior to the date of the election of the commissioner. If any member of a commissioner's immediate family is employed by the County, such commissioner shall acknowledge same upon the record of the first January meeting each year.

Preferential Consideration: No individual shall receive any preferential consideration for employment because of their relationship, by blood or marriage, to any elected or appointed County/Court official. All individuals shall be considered for employment strictly on the basis of their qualifications.

### ***3.12 Job Descriptions***

The County Administrator's Office is responsible for maintaining a job description for each position authorized by the Board of Commissioners and/or Constitutional officers. As a new employee, if you do not have a copy of a current job description you should request one from your Department Head or the County Administrator's Office.

Job descriptions prepared by the County serve as an outline for assigned job duties. Due to the needs of the County, you may be required to perform legally allowable job duties not within your written job description. Furthermore, the County may have to revise, add to, or delete from your job duties according to County needs. On occasion, the County may need to revise job descriptions with or without advance notice to employees.

If you have any questions regarding your job description, or the scope of your duties, please speak with your Department Head and/or County Administrator.

### ***3.13 New Employees and Probationary Periods***

The first six (6) months of your employment is considered a probationary period. During this period you will become familiar with the County, your Department Head's expectations, and your overall job responsibilities. During this time we will have the opportunity to monitor the quality and value of your performance and make any necessary adjustments in your job description or responsibilities.

Your probationary period may be shortened or lengthened as deemed appropriate by your Department Head and in consultation with the County Administrator. Completion of this probationary period does not imply guaranteed or continued employment. Nothing that occurs during or after this period should be construed to change the nature of the "at-will" employment relationship.

### ***3.14 Training Program***

In most cases, and for most departments, employee training is done on an individual basis by their Department Head. Even if an employee has had previous experience in their specified functions, it may be necessary for them to learn our specific procedures, as well as the responsibilities of the specific position. If you ever feel you require additional training, please consult your Department Head.

- Each Department Head shall be responsible for the provision of orientation, on-the-job training and for the continuing development of each employee under his/her direction as allowed by the annual County budget.
- Guided by current budget and budget constraints, the County Administrator shall cooperate with and assist Department Heads in carrying out their responsibilities in meeting any special training or orientation requirements.
- Time for training to improve the quality of work of the employee serving in their present position may be considered County business and may be conducted during or after the employee's regular working hours. If conducted after hours, the employee must receive prior authorization from their Department Head.
- Training to prepare the employee for promotion shall be on an employee's own time unless it is in the interest of the County to use work time. Department Heads should discuss this matter with the County Administrator before assuming work time can be used.
- Training for new processes, such as when the duties of an employee's position are to be materially changed by the use of new machines or requiring different skills and knowledge, any permanent or probationary employee affected by the change shall be given reasonable time and opportunity to

learn to perform the new duties and to qualify for any new class of positions for such work. Employees who do not qualify for such change may be assigned to other duties appropriate to his/her class or be laid off in accordance with this policy.

### ***3.15 Employee and Contractor ID Badge***

All non-union, non-uniformed employees and contractors must wear an ID badge visible to the public during normal business hours. The badges aid the public with identifying an employee or contractor in county buildings and in the field. Contact the County Administrator's Office to schedule receiving an ID badge or for a replacement.



## 4.0 WAGE AND HOUR POLICIES

### 4.1 *Introduction*

The County strives to offer competitive wages and fringe benefits when compared to other counties with similar budgetary characteristics, within our geographic region, and within the constraints that accompany the use of public funds. Employee pay rates and/or pay ranges were most recently evaluated in a 2017 salary study conducted by the County Administrator's Office. If you have any questions about your compensation, fringe benefits, paid time off, direct deposit and many other areas, please contact the County Administrator's Office.

### 4.2 *Pay Period*

The standard pay period is biweekly for all employees and direct deposit is mandated as well. A check stub will be emailed to you each pay period. Direct deposits will appear in your bank account(s) on Fridays unless the pay period falls on a holiday, at which time you will be paid on the preceding workday.

- During the week of Thanksgiving, direct deposit will occur to ensure timely payment to employees.
- Whenever a holiday falls on Friday and payday occurs on that Friday, direct deposit will also occur in a timely manner.

### 4.3 *Paycheck Deductions*

The County is required by federal, state, and local laws to withhold certain deductions from your paycheck. This includes income and unemployment taxes, and FICA contributions (Social Security and Medicare) as well as any other deductions required under law or by court order, for instance a wage garnishment. The amount of your tax deductions will depend on your earnings and the number of exemptions you list on your federal **Form W-4** and applicable state withholding form. Upon receipt of your written consent, deductions may also be taken for contributions for insurance premiums, retirement plans, spending accounts, or other services. Your deductions will be reflected in your wage statement (i.e., check stub).

Contact the County Administrator's Office for any questions about your paycheck.

#### ***4.4 Direct Deposit***

As noted earlier, all employees must enroll in direct deposit. A written explanation of your gross-to-net payroll calculation, including deductions, will be given to you on paydays described in the preceding sections in lieu of an actual check.

#### ***4.5 Payroll Advances and Loans***

The County never allows payroll advances or loans.

#### ***4.6 Recording Time***

Federal and state laws require us to keep accurate records of hours worked for every non-exempt employee. Therefore, you are required to record actual hours worked, the use of paid time off, and leave without pay on your department's timesheet. Employees are required to notify the County of any pay discrepancies, unrecorded or incorrectly recorded work hours, etc.

Do not complete the timesheet for any other employee or request that they do so for you. You and your Department Head must sign the timesheet. If you are absent from work and unable to complete or sign the timesheet, your Department Head may complete it and sign on your behalf.

Falsification of time records or recording time for another employee may result in discipline, up to and including termination of employment.

#### ***4.7 Travel Time Pay***

Some positions within the County require travel. The County pays employees for travel time in accordance with federal and state law. For purposes of this policy, the regular fulltime workday for employees follows one of these schedules:

- 8:00 a.m. - 5:00 p.m. Monday - Friday (40 hours per week)
- 9:00 a.m. - 5:00 p.m. Monday - Friday (35 hours per week)
- 8:00 a.m. – 4:00 p.m. Monday – Friday (35 hours per week)
- Variable hourly and daily schedules under specific circumstances approved by one or more committees/boards (30 hours per week)

## Home to Work Travel

An employee who travels from home before the regular workday and returns to his or her home at the end of the workday is engaged in ordinary home to work travel, which is NOT work time and shall not be paid for this form of travel time and mileage.

## Travel That Is All In a Day's Work

Time spent by a non-exempt employee in travel required by their Department Head, as part of their principal activity during the workday or outside of it, is work time and must be counted as hours worked.

- Example: the County Administrator requires his/her employee to attend a conference addressing the topic of employment law. The employee will leave for the conference on a Saturday. Saturday's travel time is counted as hours worked.

However, if a Department Head allows an employee to travel outside of the employee's regular work day, then work time is not to be counted as hours worked.

- Example: an employee in the County Administrator's Office asks to attend a seminar on the topic of grant writing and the County Administrator allows it. The employee's job description does not require the employee to write grant applications but the County Administrator wants his/her employee to grow professionally. The employee will leave for the conference on Saturday. Saturday's travel time is not counted as hours worked.

## Calculating and Reporting Travel Time

Employees are responsible for working with their Department Head to accurately track, calculate, and report travel time. Travel time should be calculated by rounding up to the nearest quarter hour.

### ***4.8 FLSA Overtime, Comp Time & Flex Time Authorization for Non-Exempt Employees***

If you are a non-exempt employee, you may qualify for overtime pay or compensatory (comp) time under the Fair Labor Standards Act (FLSA). All overtime and comp time must be approved in advance, preferably in writing (i.e., email), by your Department Head. Please request authorization prior to performing any work.

Failure to do so may result in disciplinary action, up to and including termination of employment.

Funding must already be budgeted (original or amended) for overtime pay when authorized by the Department Head. When overtime pay is authorized by a Department Head, such authorization must be included with the employee's timesheet because of the budgetary implications of this added payroll expense.

Your Department Head will attempt to give as much notice as possible in any instance in which you are required to work additional hours above your normal work schedule. However, advance notice may not always be possible as emergencies do happen. Failure to work additional hours when required or working unauthorized hours may result in discipline, up to and including termination of your employment.

- Comp time or overtime pay (if budgeted), calculated as straight time, will be awarded for hours worked above the employee's regularly weekly hours, up to 40 hours worked. **For all hours worked above 40 hours**, the employee is entitled to comp time or overtime pay (if budgeted) at one and a half hours for each hour worked in excess of 40.
- **Holidays, vacation days, sick leave days, and personal leave days, do not count as time worked for computing comp time or overtime pay. In other words, an employee's hours worked must be actual hours worked.**

Employees shall work with their Department Head to arrange for comp time to be taken. Use of comp time is at the discretion of the Department Head. However, no employee shall accrue more than 35 hours of comp time without prior approval of the Department Head and County Administrator.

### **Flexible Time**

Not unlike other counties, Oceana County consistently works with limited public resources. At the discretion of each department head and upon agreement from their employee, a department head may "flex" an employee's work schedule to avoid compensatory time or overtime pay as long as the action occurs within the same pay week.

### **4.9 Pay Raises**

Depending on the County's financial health and other factors, the Oceana County Board of Commissioners may take efforts to give pay raises when it deems it to be appropriate, such as a cost of living increase in wages. No assumptions should be

made by any employee that pay increases will be offered that are not explicitly described in the County's wage scale and adopted each fiscal year.

#### ***4.10 Attendance Policy and Notifying Your Department Head***

If you know ahead of time that you will be absent from, or late to, work you must provide reasonable advance notice to your Department Head, **within one hour** of your schedule start time. Employees may be required, at the discretion of their Department Head, to provide documentation of any medical or other excuse for being absent or late.

The County reserves the right to apply unused vacation, sick time, or other paid time off to unauthorized absences. Absences resulting from approved leave, vacation, or legal requirements are exceptions to the policy.

#### ***4.11 Job Abandonment – Failure to Show Up For Work***

If an employee fails to show up for work or call in with an acceptable reason for the absence for a period of three (3) consecutive days, they will be considered to have abandoned his or her job and voluntarily resigned from the County. An employee may also be disciplined for excessive absences if said absences are not consecutive.

#### ***4.12 Travel Rules and Allowable Expenses***

The purpose of this policy is to define employee travel rules and the authority for incurring and approving travel expenses. As it relates to conferences, seminars, workshops, etc., and generally speaking, it is a privilege to be allowed by your Department Head to attend, not a right. Therefore, the Department Head or County Administrator may deny any and all travel requests for any reason.

Travel expenses are the reasonable and necessary expenses incurred by employees when traveling on approved County business trips. County travel is limited to activities for which other means of communication and collaboration is inadequate.

Employees shall report all approved expenses on a travel reimbursement voucher and must include a description of the expense, its business purpose, date, place, **original detailed receipts**, and any other information required by the County and/or the employee's Department Head.

## **Advances**

The County does not provide cash travel advances. Where a County credit card is not available, employees are expected to use personal forms of payment and submit their approved expenses on a travel reimbursement voucher to their Department Head with **original detailed receipts attached**. Detailed vouchers and receipts shall then be submitted in a timely manner (within 60 days from the end of the event that resulted in travel) to the County Clerk's Office for payment. Failure to submit in a timely manner means the County Clerk is under no obligation to reimburse the employee.

## **Travel Expenses**

The County pays a maximum daily per diem for lodging of \$225 and \$50 for meals. In order for employees to receive meal reimbursements, the employee must provide a detailed program/event agenda that clearly shows that meals are not provided during the event. In other words, if any meals are included in the event program at no additional cost above the cost of registering for the event, such as the annual MERS conference, the employee shall not receive meal reimbursements for meals included in the program/event.

Examples of typical travel expenses include the following:

- Airline tickets.
- Meals and lodging (see Hotels below).
- Car rental, bus, taxi, parking.
- Telephone and fax pertaining to County business.
- Laundry and dry cleaning (trips exceeding seven (7) calendar days only).
- Business supplies and services.
- Associated gratuities.
- Other expenses necessary to achieve the business purposes.

## **Family Members**

The County will not pay the travel expenses of spouses or other family members, friends, etc. for any reason.

## **Air Travel**

Employees are to use economy class airfares when traveling on County business. In addition, private, noncommercial aircraft or chartered aircraft are not allowable travel expenses and shall not be paid by the County.

Airfares may be charged to a County credit card or to a personal credit card. When a personal credit card is used, the expense receipt, shall be included on a travel reimbursement voucher and submitted to the County Clerk's Office for payment.

## **Hotels**

The availability of hotel choices may be limited for certain conferences, training sessions, or similar events. Under this circumstance, and upon prior approval of the County Administrator, the County may reimburse the employee for the actual cost of the hotel (rate, taxes where applicable, etc.). Otherwise, the following rules shall apply:

- A maximum daily lodging per diem and meals per diem apply while on County business.
- All actual expenses must be properly documented (i.e., **original detailed receipts**, registration information, etc.) prior to reimbursement. A print out of an online reservation form for a hotel is NOT an original detailed receipt. A meals receipt that only shows the total charged to a credit card, as an example, is not an original detailed receipt.

**NOTE:** Neither in-room movies nor refreshment bars are approved County expenses.

## **Insurance**

The County does not pay for personal travel insurance for employees.

## **Rental Cars**

Employees are to use rental firms offering the best overall discounted rates. Reasonable transportation vehicles shall be used, most common is an economy class.

## **Personal Vehicles and Insurance**

All employees using their own vehicle for business purposes must maintain insurance coverage as required by law. Travel expenses shall be submitted on a voucher to the County Clerk's Office for payment, with **original detailed receipts**.

### **Vehicle Insurance**

Employees who must use their personal vehicles for County business are required to have current auto insurance in compliance with Michigan No-Fault Insurance

laws. Coverage is required with minimum limits of liability of \$300,000 per occurrence Combined Single Limit for Bodily Injury and Property Damage.

The County maintains liability insurance protection for actions while acting within the scope of your official duties on behalf of the County and the County's liability coverage will be in excess over your primary coverage. Vehicle Physical Damage (Collision and Comprehensive) coverage is not provided by the County or the County's Insurance Carrier for any personally owned vehicles and deductibles are not reimbursed by the County. These may be reasons why you would use a County vehicle when available.

**A current copy of your Certificate of Michigan No-Fault insurance page which shows the time period covered, along with a copy of the Declaration page of the policy that shows the liability limits shall be kept on file with the County Clerk.**

As noted earlier, travel between the employee's home and primary County office is not considered to be business travel.

Employees should use delivery services for County documents, as an example, in order to avoid hazard of liability and the time away from work.

Employees shall be reimbursed for vehicle use at the standard IRS mileage rate in effect for the fiscal year. In accordance with Michigan Department of Treasury rules, employees shall not be reimbursed mileage when traveling to or from the residence to any county building, meeting room or location.

### **Travel Reservations**

Airline travel, rental cars, and hotels may be booked online or using a suitable agency in order to be reimbursed. **Original detailed receipts** are always required.

### **Deviation**

Any deviation from these requirements must be approved in advance by the County Administrator to be applicable.

### ***4.13 Rest and Meal Periods***

The County strives to provide a safe and healthy work environment and complies with all federal and state regulations regarding rest and meal periods. Neither federal nor state law mandates that rest periods (morning and/or afternoon break)



are to be provided to employees. Current county policy does not provide for rest periods. The county does provide a 30 minute – 1 hour unpaid lunch period.

In the event county policy changes, and allows for rest periods, you should then check with your Department Head regarding procedures and schedules.

## **5.0 PERFORMANCE, DISCIPLINE, LAYOFF, AND TERMINATION**

### ***5.1 Performance Evaluations and Improvement***

Your Department Head may make efforts to periodically review your work performance. The performance evaluation and improvement process will take place on an annual basis, or as business needs dictate. You may specifically request that your Department Head assist you in developing a performance improvement plan at any time.

The performance evaluation improvement process is a means for increasing the quality and value of your work performance. Your initiative, effort, attitude, job knowledge, and other factors will be addressed. You must understand that a positive job performance review may help to ensure your continued employment but does not entitle you to merit-based pay, bonuses, or other forms of supplemental compensation. As noted earlier, your pay and/or pay range are set as part of a comprehensive wage classification system.

### ***5.2 Transfer***

The County may transfer your employment from one position to another with or without prior notice, as required by production or service needs, or upon request by a Department Head and approved by the County Administrator. Transfers in excess of 90 days may be considered final and your paycheck may be increased or decreased consistent with the pay scale for your new position.

### ***5.3 Workforce Reductions (Layoffs), Re-Hiring***

If necessary, based upon the needs of the County, the Board of Commissioners may receive recommendations from the County Administrator to implement a reduction in work force. We acknowledge that reductions can be a trying experience for Department Heads and employees alike, and the County will make its best effort to make sound business decisions while acknowledging the needs of its workforce.

#### **Order of Layoff**

Layoff of employees shall be by job classification and the following order shall be followed:

1. Temporary and variable employees
2. Part-time employees
3. Probationary employees

#### 4. Fulltime employees

Any fulltime employee who was laid off and is re-employed in a permanent fulltime position in the same classification shall be paid the current salary for said classification.

If any fulltime employee who was laid off is subsequently re-employed, one of the following provisions will apply:

- If said employee is re-employed on a part-time basis in the same classification, that employee shall be paid the hourly rate of pay equivalent to the level for which they were paid at the date of layoff.
- If said employee is re-employed on a part-time basis in a different classification, that employee shall be paid the hourly rate of pay equivalent to the starting level for the classification.

#### Recall Procedure

When the work force is increased after a layoff, employees will be recalled in inverse order of layoff within their job classification.

#### Notice

Every effort will be made to provide written notice to an employee of any proposed layoff at least two (2) calendar weeks before the effective date thereof. But this notice requirement may not be possible.

#### Re-Hiring

Any fulltime employee who was discharged, retired or voluntarily quit and is re-employed in the same classification on a permanent basis within one (1) year of the date of termination shall receive a wage equivalent to which they were paid effective on the date of termination.

The following provisions shall apply to any employee who was discharged, retired or voluntarily quit and is re-employed:

- If said employee is re-employed in a permanent fulltime position in a different classification, they shall receive a salary equivalent to the starting level of said classification.
- If said employee is re-employed on a temporary fulltime basis, they shall be paid the hourly rate of pay equivalent to the starting level for that classification.

- If said employee is re-employed on a part-time basis, they shall be paid the hourly rate of pay equivalent to that for experienced part-time help.

#### ***5.4 Resignations***

An employee resigning from County employment should notify his/her Department Head in writing of the effective date. Failure to give at least a two (2) week notice may be cause for denying subsequent employment with the County.

#### ***5.5 Termination***

With the exceptions described in **Sections 6.22** and **6.24**, when an employee is terminated for any reason, payment shall be made to him/her for wages earned through the effective date of termination, plus any earned but unused accrued leave time. Payment shall be made no more than 30 days following the date of termination. 100% of unused vacation leave shall be paid and 50% of unused sick leave.

#### ***5.6 Standards of Conduct***

The County wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity, and value for all of our employees, citizens, and other stakeholders. Every employee has a shared responsibility towards improving the quality of our overall work environment. By deciding to work at the County, you agree to follow the County's policies, rules, or any form of directive that governs your employment and job duties.

While it is impossible to list every item that could be considered misconduct in the workplace, what is outlined here is a list of common-sense infractions that could result in discipline, up to and including immediate termination of employment. This policy is not intended to limit the County's right to discipline or discharge employees for any reason permitted by law. In fact, while we value our employees, the County retains the right to terminate an employee on an "at-will" basis.

Examples of inappropriate conduct include (also refer to the **Disciplinary Causes of Action** section of this handbook):

- Violation of the policies and procedures set forth in this handbook.
- Inaccurate reporting of the hours worked by you or any other employee.
- Providing knowingly inaccurate, incomplete or misleading information when speaking on behalf of the County or in the preparation of any

employment related documents including, but not limited to, job applications, personnel files, employment review documents, intra-County communication or expense records.

- Taking or destroying County property.
- Possession of potentially hazardous or dangerous property such as firearms, weapons, chemicals, etc. unless items are explicitly required as part of your job duties (i.e. Sheriff Deputy).
- Fighting with, or harassment (as defined in our **EEO** policies above) of a Department Head, fellow employees, vendors, or citizens.
- Disclosure or copying of records, digital or paper, that are proprietary and confidential or otherwise non-public.
- Smoking in non-designated areas.
- Working unauthorized overtime.
- Solicitation of fellow employees on the County premises during working time (refer to **Non-solicitation/Non-distribution Policy**).
- Use of obscene or harassing (as defined by our **EEO** policies above) language in the workplace.
- Creating or sustaining a hostile work environment.
- Outside employment that interferes with your ability to perform your job at this County.
- Lending keys or access keycards to County buildings or other property to unauthorized persons.
- Operates a County-owned vehicle, lawn tractor, or similar machinery and equipment while their operator's license is suspended or revoked.
- This list is not all inclusive.

Nothing in this policy is intended to limit employee rights under the National Labor Relations Act.

### ***5.7 Criminal Activity/Arrests***

Involvement in criminal activity, whether on or off County property, during employment may result in disciplinary action including suspension or termination of employment. The level of disciplinary action depends upon a review of all factors involved in the incident (i.e., nature of the act). Any County-applied disciplinary action is not dependent upon the disposition of any case in court. The County will not maintain a record of information regarding a misdemeanor arrest, detention, or disposition where a conviction did not result.

Employees are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled as a result of an arrest may lead to disciplinary action,

up to and including termination of employment, for violation of an attendance policy or job abandonment.

Any disciplinary action taken will be based on information reasonably available. This information may come from witnesses, police, or any other source as long as management has reason to view the source as credible.

#### ***5.8 Safe, Healthy, and Productive Work Environment Policy***

Oceana County is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, it is the intent of the County to maintain a drug and alcohol-free work environment for its employees. Being under the influence of alcohol or illegal drugs (as classified under federal, state, or local laws), including marijuana, while on the job may pose a serious health and safety risk to others and shall not be allowed in any County workplace.

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## SAFE, HEALTHY, AND PRODUCTIVE WORK ENVIRONMENT POLICY

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Adopted 07/25/2019

Oceana County is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, it is the intent of the County to maintain a drug and alcohol-free work environment for its employees. Being under the influence of alcohol or illegal drugs (as classified under federal, state, or local laws), including marijuana, while on the job may pose a serious health and safety risk to others and shall not be allowed in any County workplace.

### Prohibited Conduct

The County expressly prohibits employees from engaging in the following activities when they are at work conducting County business or even when they are on County premises and not working:

- The use of, or under the influence of, alcohol, illegal drugs, or other impairing substances.
- The possession, sale, purchase, transfer, or transit of any illegal or unauthorized drug, including prescription medication that is not prescribed directly to the employee, or drug-related paraphernalia.
- The illegal use of prescription drugs that are not directly prescribed to the employee.

While the use of marijuana has been legalized under some state laws for medicinal and/or recreational uses, it remains an illegal drug under federal law and its use, as it impacts County work environments, is prohibited.

Under federal law, you may not use, consume or be under the influence of marijuana while performing work for the County, even if you have a valid prescription for medical marijuana under Michigan law.

Nothing in this policy is meant to prohibit your appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, if it does not impair your job performance or safety or the safety of others. If you take over-the-counter medication or other medication that can legally

be prescribed under both federal and state law to treat a disability, you must inform your Department Head if you believe the medication may impair your job performance, safety, or the safety of others or if you believe you need a reasonable accommodation before reporting to work while under the influence of that medication. Your Department Head shall treat disclosure of this information in accordance with HIPAA and/or the ADA.

## Events

From time to time, employees may attend conferences, seminars, or other training events where alcohol may be served. This policy does not prohibit the employee's use or consumption of alcohol at these events. However, if you choose to consume alcohol at such events, you must do so responsibly and in accordance with Michigan law and maintain your employment obligation to conduct yourself properly and professionally at all times, as an employee of the County.

## Treatment and/or Rehabilitation

The County may assist you in seeking treatment or rehabilitation for drug or alcohol dependency. In such cases, the County may consider your continued employment as long as concerns regarding safety, health, production, communication, or other work-related matters are adequately addressed in a well-defined treatment and/or rehabilitation plan developed by medical professionals and approved by the County. The County may also require you to obtain a medical clearance and agree to random testing and a "one-strike" rule as a condition of continued employment. Following "one-strike," an employee may be immediately terminated for any subsequent violations.

## Testing

The County will conduct drug and/or alcohol testing under any of the following circumstances:

- **RANDOM TESTING:** Employees may be selected at random for drug and/or alcohol testing at any interval determined by the County.
- **FOR-CAUSE TESTING:** The County may require an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under



the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about one's person or in one's vicinity, unusual conduct that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

- **POST-ACCIDENT TESTING:** Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be required to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if one refuses a request to submit to testing under this policy, they may be subject to appropriate disciplinary action, up to and possibly including discharge from employment. In such a case, one will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

## Violations

A violation of this policy may result in disciplinary action, up to and including termination of employment.

## Drug-Free Workplace Policy

Because Oceana County receives federal funds directly, or by a pass through method from the State of Michigan, the County must comply with the requirements of the Drug-Free Workplace Act of 1988, which is a part of Public Law 100-690, Anti-Drug Abuse Act of 1988. The federal Drug-Free Workplace Act of 1988 (section 5152) covers grants and contracts for the procurement of any service with a value of \$25,000 or more.

## Drug-Free Workplace Act

To comply with the act, federal agency contractors and federal grant recipients (like Oceana County) must provide a drug-free workplace. These federal contractors and grant recipients will:

- Publish a statement prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of illegal or non-prescribed drugs/controlled substances in the workplace and specify the actions that will be taken against employees for violations.
- Distribute a copy of the policy statement to each employee engaged in the performance of a federal grant or contract.
- Notify each employee that compliance with the policy is a condition of employment on such grant or contract and that the employee must abide by the terms of the policy statement. The policy statement includes the requirement that the employee notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- Notify the granting or contracting agency within 10 days after learning of a criminal drug statute conviction.
- Impose a sanction as required under this act on any employee who is so convicted.
- Establish a program of drug-free awareness, informing employees about the organization's policy of maintaining a drug-free workplace, the penalties that may be imposed upon employees for drug-abuse violations, the dangers of drug abuse in the workplace, and any available drug counseling, rehabilitation, and assistance programs.
- Make a good faith effort to continue to maintain a drug-free workplace through implementation of these requirements.

## Americans with Disabilities Act

In addition to complying with the federal Drug-Free Workplace Act of 1988, the County must comply with the requirements of the Americans with Disabilities Act of 1990 (ADA). Individuals who currently use drugs illegally are not individuals with disabilities protected under the ADA when an employer takes action because of their continued use of drugs. This includes people who use prescription drugs illegally as well as those who use illegal drugs. However, people who have been

rehabilitated and do not currently use drugs illegally, or who are in the process of completing a rehabilitation program, may be protected by the ADA.

#### Drug-Free Workplace Policy

The County, in compliance with the federal Drug-Free Workplace Act of 1988, has adopted the above described policy and employees must adhere to it as a condition of employment.

This policy, in its entirety, supersedes the Drug and Alcohol Policy adopted by the Board of Commissioners on 12/14/2017.

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## **5.9 *Disciplinary Process***

Violation of County policies or procedures may result in disciplinary action including demotion, transfer, suspension without pay (forced leave), termination of employment, or other suitable actions. The County encourages a system of progressive discipline depending on the type of prohibited conduct. However, the County is not required to engage in progressive discipline and may discipline or terminate an employee where they violate the rules of conduct, or where the quality or value of the employee's work fails to meet expectations at any time. Again, any attempt at progressive discipline does not imply that your employment is anything other than on an "at will" basis.

If a Department Head deems it appropriate, they will provide the employee first with a verbal warning, then with one or more written warnings, and if the conduct is not sufficiently altered, eventual demotion, transfer, suspension without pay (forced leave), or termination of employment. Your Department Head will make every effort possible to allow you to respond to any disciplinary action taken including the use of the County's grievance procedure.

Understand that while the County is concerned with consistent enforcement of our policies, the County reserves the right to combine or skip progressive disciplinary steps depending on the facts of each situation and the nature of the offense, as clearly stated in writing to the employee. The level of disciplinary intervention may, therefore, vary.

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## DISCIPLINARY POLICY

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Adopted 12/14/2017

Under normal circumstances, the County endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will.

1. The normal application of progressive discipline should be:
  - a. If an employee is not meeting the County's and/or Department Head's standards of behavior or performance, the Department Head should take the following action:
    - i. Meet with the employee to discuss the matter
    - ii. Inform the employee of the nature of the problem and the action necessary to correct it; and
    - iii. Prepare a memorandum for the Department Head's own records indicating that the meeting has taken place.
  - b. If there is a second occurrence, the Department Head should hold another meeting with the employee and take the following action:
    - i. Issue a written reprimand to the employee
    - ii. Warn the employee that a third incident will result in more severe disciplinary action; and
    - iii. Prepare and forward to the County Administrator a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be placed in the employee's personnel file.
  - c. If there are additional occurrences, the Department Head should take the following action, depending on the severity of the conduct:
    - i. Issue a written reprimand or warning

- ii. Suspend the employee without pay for up to five working days
- iii. Suspend the employee indefinitely (without pay) and recommend termination

After taking action under “c”, the Department Head is to prepare another written report describing the occurrences, indicating the timing between the occurrences and summarizing the action taken or recommended and its justification. Said written report is to be submitted to the County Administrator.

- 2. The progressive disciplinary procedure described in Section 1 also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- 3. In cases involving serious misconduct or any time the Department Head determines it is necessary, such as a major breach of policy or violation of law, the progressive disciplinary procedure may be disregarded. Typically, the Department Head should suspend the employee immediately (without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.
- 4. The County Administrator should review and approve all recommendations for termination before any final action is taken by the Department Head.
- 5. At an administrative-investigative interview conducted for the purpose of determining the facts involved in any suspected violation of the County’s or Department Heads rules and regulations, the following procedures normally should apply:
  - a. Before the interview, the employee who is suspected of violating County or Department Head rules and regulations should be told in general terms, and in writing, what the interview is about.
  - b. A Department Head supervising employees who are represented by a union shall follow the requirements described in the applicable collective bargaining agreement.
- 6. Employees who believe that they have been disciplined too severely or who question the reason for discipline should consult the Grievance Procedure described in this policy handbook.

7. If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy. However, the County may still consider all past disciplinary action in evaluating the employee.
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### ***5.10 Disciplinary Causes of Action***

Appropriate disciplinary action may be taken by a Department Head for any of the following causes. This is not an all-inclusive list.

- Incompetence, inefficiency or negligence in the performance of duty.
- Insubordination.
- Inappropriate, immoral, or unethical conduct.
- Abuse of leave privileges and a record of unauthorized absences.
- Acceptance of any valuable favor given to influence the employee in the performance of his/her duties.
- Falsification of any application or of any County record.
- Violation of any of the Department Head's written rules.
- Absence without notification or excuse.
- Excessive absenteeism.
- Tardiness.
- Violation of a safety rule or safety practice.
- Misrepresentation on an employment application.
- Violations of policies described in this handbook.
- Refusal to perform work assigned.
- Interfering with the work of other employees.
- Theft or financial irregularities (i.e., embezzlement).
- Fighting.
- Possessing a firearm on County property or during working hours unless specifically authorized in conformance with a Court and/or County security policy for the County Courthouse and/or other buildings. The County reserves the right to conduct firearm searches in areas within the employee's control, while the employee is on County property or during working hours.
- Possession of fireworks or explosives on County property or during working hours.
- Abusive language to any Department Head, supervisor, employee or member of the public.
- Gambling on County property or during working hours.
- Unlawful discrimination or harassment.
- Inappropriate use of County technologies (i.e., email, Internet, hardware, software, etc.)
- Viewing or using inappropriate Web sites.
- Engaging in the use of a cell/mobile device while operating a motor vehicle while on County business that is in motion. For more information, refer to the cell phone usage section of this policy handbook.



**Note:** All desks, lockers, filing cabinets, computers and other electronic devices and other storage areas provided by the County remain the property of the County, even though the County may permit an employee to lock said devices and storage areas. These items are provided by the County for business purposes and for the convenience of the employees. Employees shall have no expectation of privacy in the contents of said devices and storage areas, all of which are subject to periodic inspection by the County. Where practicable, such inspections will be conducted in the presence of a witness.

Warnings, suspensions or terminations, are in accordance with the disciplinary procedure or at the discretion of the Department Head as the violation may dictate.

All disciplinary action shall be in writing and a copy of such action shall be given to the employee and County Administrator. If a Department Head wishes to terminate an employee the Department Head should review the intended action with the County Administrator before action is taken.

#### ***5.11 Problem-Solving and Grievance Procedure***

We strive to provide a comfortable, productive, legal, and ethical work environment. To this end, the County wants you to bring any problems, concerns, or grievances you have about the work place to the attention of your Department Head and, if necessary, to the County Administrator.

If a specific grievance arises over the application of the rules and policies described in this policy handbook, an employee shall have the benefit of the following grievance procedure:

**Step 1.** An employee having a grievance shall present it in writing to their Department Head within five (5) working days from the date the grievance first arose or should have been known by the employee. Any grievance not timely filed shall be considered null and void. Such grievance shall include time, date, and alleged violation(s) of this policy that is the basis of the grievance, the remedy desired, and the signature of the grievant.

The Department Head's written answer shall be given to the employee within three (3) working days thereafter or upon the return of the Department Head following scheduled or unscheduled time off. A Department Head does not have the authority to change, alter, or modify any of the provisions contained in this policy handbook. The decision of the Department Head shall not act

as precedent or otherwise bind the County to alter the policy handbook to achieve compliance.

**Step 2.** If the grievance is not satisfactorily adjusted in Step 1, the grievance, shall, within three (3) working days of the Step 1 answer, be submitted in writing to the County Administrator. The County Administrator, Department Head, and the affected employee may meet within five (5) working days or other mutually agreeable time based on individual work schedules but no later than ten (10) working days.

The County Administrator shall give a written answer within five (5) working days following the meeting, if held, or upon receipt of the grievance. If the grievance is not satisfactorily adjusted it shall be submitted by the employee within three (3) working days to Step 3.

**Step 3.** The Personnel and Licensing and Inspection Services Committee (Personnel Committee) shall discuss the grievance at the next regularly scheduled committee meeting, provided the appeal is received by the County Administrator at least five (5) working days prior to the next meeting. The employee shall have the right to appear at this meeting to discuss their grievance and present evidence and witnesses. The Personnel Committee shall give a written answer within five (5) working days thereafter. The Personnel Committee's decision shall be final and binding on all parties.

Any complaint not appealed from a decision in one of the steps above to the next step within the prescribed time limit shall be considered dropped and not subject to further appeal unless the time limit is extended by mutual written agreement.

Failure of the County to respond to a grievance, at Step 1 or Step 2, within the time limits specific shall be considered a denial of the grievance and the grievance may proceed to Step 3, provided the grievance is advanced timely by the employee from the last day that the County's answer was due.

### ***5.12 Outside Employment***

Outside employment which creates a conflict of interest or which affects the quality or value of your work performance or availability at the County is prohibited. The County recognizes that employees may seek additional employment during off

hours, but expects, in these cases, that any outside employment will not affect job performance, work hours, or scheduling, or otherwise adversely affect the employee's ability to effectively perform his or her duties. Any conflicts should be reported to your Department Head. Failure to adhere to this policy may result in discipline up to and including termination.

#### ***5.13 Exit Interview***

You may be asked to participate in a voluntary exit interview when you leave employment with the County, conducted by the County Administrator's Office. The purpose of the exit interview is to provide management with greater insight into employee relations and to avoid unnecessary employee claims. Your cooperation in the exit interview process is appreciated.

#### ***5.14 Post-Employment Reference Policy***

County policy is to confirm dates of employment, final job title, and compensation only. Please forward any requests for employment verification to the County Administrator's Office.

If the former employee is requested to provide a prospective employer with additional information by way of reference, the employee must sign a form that holds the County and the prospective employer harmless from any claims related to any information provided in response to that reference. Please contact the County Administrator's Office for the Employment Reference Release Form.

## **6.0 ECONOMIC BENEFITS**

### ***6.1 Board of Commissioners Compensation & Fringe Benefits Policy***

Effective January 1, 2023, the following compensation and fringe benefits shall be provided to each member of the Board of Commissioners:

- Board Chair Annual Salary - \$16,000
- Board Member Annual Salary - \$14,000
- Eligible for County-paid Vision, Dental, and Life Insurance
- Per Diem of \$30 per eligible meeting up to a maximum of 10 per diems per month.
- The current policy regarding Michigan Association of Counties (MAC) and National Association of Counties (NACo) Conferences is in addition to the above 10 per diem, per month cap.
- Mileage will continue to be reimbursed at IRS rates.

County Commissioners will no longer be eligible for the County's health insurance coverage nor for the payment-in-lieu of health insurance.

*Adopted April 14, 2016*

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#### ***6.1.1 Timeliness of Per Diem and Other Expense Submittals***

Effective October 29, 2015, no claims for per diem, mileage expenses or other allowable expenses while on County business shall be reimbursed by the County Clerk unless said claims are submitted within 60 days following the last day of the calendar month in which the expense was incurred. Exceptions may be allowable if the County Clerk and County Administrator agree that a rare or otherwise unusual circumstance prevented timely submission.

### ***6.2 Social Security***

The County participates in the Federal Social Security Plan by matching fifty percent (50%) of the total amount of FICA taxes obligated for the Federal Government up to an annual wage limit set by the Federal Government. Employees shall furnish all data necessary for the completion of records and the County shall furnish the employee all records for such reports as income tax and retirement.

### **6.3 *Fringe Benefit Eligibility***

Only permanent fulltime employees shall be eligible to receive fringe benefits except as otherwise provided by law.

- Any fulltime employee, whose fringe benefits were terminated when they were laid off for lack of work or lack of funds, or employed on a part-time or temporary fulltime basis in any classification, shall not be eligible for fringe benefits unless otherwise provided by law.
- Any fulltime employee, whose fringe benefits were terminated when they were discharged, retired or voluntarily quit their employment, or re-employed on a part-time or temporary fulltime basis in any classification shall not be eligible for fringe benefits unless otherwise provided by law.
- Any fulltime employee, whose employment ceased for any reason with the County and is re-employed on a permanent fulltime basis, shall be immediately eligible for all applicable fringe benefits of the County subject to policy waiting period.

### **6.4 *Regular Full-Time Employees***

A regular full-time employee is an employee who has completed his or her probationary period and is regularly scheduled to work in excess of 30 hours per week. Unless stated otherwise, all the benefits provided to employees are for regular full-time employees only. This includes vacation, holiday pay, health insurance, and other benefits coverage.

### **6.5 *Regular Part-Time Employees***

Any employee who works less than 30 hours per week is considered a regular part-time employee. Regular part-time employees are eligible for County benefits in accordance with current policies unless specified otherwise in this handbook or in the benefit plan summaries.

### **6.6 *Part-Time Employees Temporarily Assigned to Fulltime***

Any new employee who is employed on a part-time basis and is subsequently placed on temporary fulltime or permanent fulltime employment shall be paid a wage equivalent to the starting level for the fulltime classification if different than the part-time classification.

## ***6.7 Temporary and Casual Employees***

Temporary employees are hired for a specific period or specific work project and generally do not have a duration of employment associated with them. The County reserves the right to extend the duration of temporary employment where necessary. Temporary employees are not eligible for employee benefits unless specified otherwise in this handbook or in the benefit plan summaries.

## ***6.8 Exempt Employees***

In accordance with the Fair Labor Standards Act (FLSA), if you are classified as an exempt employee at the time of your hiring, or after you begin employment, you are not eligible for overtime pay or comp time as otherwise required by federal, state, or local laws. If you have a question regarding whether you are an exempt or nonexempt employee, contact the County Administrator's Office for clarification.

## ***6.9 Reclassification within the Wage Scale***

In order to conform to the budgetary process of the County, reclassification requests should be submitted to the County Administrator's Office during the annual budget development cycle (exceptions may be allowable). Any approved requests will be made effective on January 1 of the new fiscal year.

A reclassification request can be submitted by either an employee or a Department Head. A reclassification request submitted by an employee that has not been reviewed by their Department Head will be returned to the Department Head for their review.

Reclassification requests should be submitted only for employees whose job duties have **changed substantially** since their job description was last updated. They should not be used as a means of increasing the wage of an employee who is performing well, has worked for the county for many years, or is at the last step of their wage scale. Once a reclassification request has been submitted, another request shall not be submitted for the same position for two fiscal years.

Any regular reclassification request is not subject to appeal or to the County's grievance procedure described elsewhere in this policy handbook.

Special Reclassification: A reclassification request may be considered at other times during the fiscal year, if in the discretion of the County Administrator, a significant single or series of changes have occurred to the employee's essential job responsibilities (i.e., many more employees added to be supervised).

Temporary Reclassification: Any temporary reclassification of any employee must first be approved by the County Administrator. A temporary reclassification of an employee to the level of Department Head must first be approved by the County Administrator.

#### **6.10 Health Insurance**

The County provides its regular full-time employees and certain dependents with health insurance. Employees have the option of dependent coverage. When adding dependents, the employee must provide a copy of their marriage license, if applicable, and birth certificates of each dependent including their spouse. Explanation of medical plan benefits for eligible employees and their dependents is available from the County Administrator's Office. These benefits, including the carrier providing them, may be canceled or changed at the discretion of the County at any time, unless otherwise required by law or collective bargaining agreement.

Health benefits during Family and Medical Leave Act (FMLA) leaves are maintained by the County on the same terms as if the employee continued to work. Please contact the County Administrator's Office for additional information. However, the County's obligation to maintain health benefits stops when:

- An employee informs the County of an intent not to return to work at the end of the leave period; or
- An employee fails to return to work when the FMLA entitlement is exhausted.

Please understand that plan eligibility does not necessarily mean coverage for all medical treatments or procedures. In addition, under changed circumstances you may be responsible for contributing to the cost of increased premiums. Employee contributions will be determined by the Board of Commissioners in accordance with the provisions of Public Act 152 of 2011, the Public Funded Health Insurance Contribution Act. Employee contributions will be payroll deducted.

If you become ineligible for benefits due to a change in work hours or through a life event, or you leave employment with us, you may have the right to continue your medical benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The County Administrator's Office will provide you with information about your COBRA rights.

### **6.11 Health Insurance Waiver**

The County offers employees an annual \$2,500 taxable incentive payment in-lieu of health insurance. The payment is made to employees on a quarterly basis and means that neither the employee nor his or her eligible dependents are enrolled in the County's health insurance program. Each year during the normal open enrollment process, employees have the option of enrolling in the County's health insurance program or taking the taxable incentive payment. The employee's decision remains in effect for the entire year.

If the employee has taken the taxable incentive payment in-lieu of health insurance and a qualifying event occurs during the year (i.e., loss of insurance from an outside source), the employee shall be allowed to enroll in the County's health insurance program effective the date of loss. The taxable incentive payment is then cancelled and any payment due the employee is prorated.

If an employee leaves employment mid-year, the taxable incentive payment is prorated. If an employee is new to the County mid-year, the taxable incentive payment is prorated as well.

Effective November 9, 2010, employees are prohibited from receiving the taxable incentive payment in-lieu of health insurance if they are enrolled in the County's health insurance program as a spouse or dependent of another County employee.

### **6.12 Retiree Health Insurance**

Eligibility and plan provision:

Subject to the terms and conditions of the carrier, the County Board will contribute the following portion of the pre-Medicare eligible premium for health insurance coverage for eligible non-union retirees, effective March 1, 2008.

- 20 years of service or more
  - 55-58 at age of retirement, county contribution per month will be \$150.00
  - 59-61 at age of retirement, county contribution per month will be \$250.00
  - 62 – to date of eligibility for Medicare/Medicaid, county contribution per month will be \$350.00



- If a retiree has comparable coverage through another employer or spouse's employer, the County's obligation to provide coverage shall cease until the retiree's coverage through such other employment or spouse's employment is no longer available.

Pursuant to the ratification of the Agreement by and between Oceana County and the **Police Officers Association of Michigan (POAM)** on December 13, 2007, and subject to the terms and conditions of the carrier, all eligible full time employees of the POAM retiring on or after January 1, 2007 are eligible for a contribution from the County for payment toward the premium in the amount of \$25.00 per month for every year of service (i.e., 21 years x \$25.00 - \$525/month) or the amount of the monthly premium, whichever is less. To be eligible, an employee must have 20 years of service and employer contribution shall cease on the date of eligibility for Medicare/Medicaid benefits.

- If a retiree has comparable coverage through another employer or spouse's employer, the County's obligation to provide coverage shall cease until the retiree's coverage through such other employment or spouse's employment is no longer available.

Pursuant to the ratification of the Agreement by and between Oceana County and the **Fraternal Order of Police (FOP)** on January 1, 2018, and subject to the terms and conditions of the carrier, all eligible full time employees of the FOP retiring on or after January 1, 2018 are eligible for a contribution from the County for payment toward the premium in the amount of \$25.00 per month for every year of service (i.e., 21 years x \$25.00 - \$525/month) or the amount of the monthly premium, whichever is less. To be eligible, an employee must have 20 years of service and employer contribution shall cease on the date of eligibility for Medicare/Medicaid benefits.

- If a retiree has comparable coverage through another employer or spouse's employer, the County's obligation to provide coverage shall cease until the retiree's coverage through such other employment or spouse's employment is no longer available.

### ***6.13 Life Insurance***

All regular full-time employees are provided with \$25,000 life insurance with premiums fully paid by the County. You will be required to notify the County Administrator's Office of your intended beneficiary. A different amount may be applicable where collective bargaining agreements exist.

### ***6.14 Dental Insurance***

All regular full-time employees and certain dependents are eligible for the County dental plan.

### ***6.15 Vision Care Insurance***

All regular full-time employees and certain dependents are eligible for the County vision care plan.

### ***6.16 Premium Payments***

The total monthly premiums for participating employees will be paid in the following manner:

- The County will pay the costs of health/dental/vision insurances in accordance with current policy and budget constraints and as may be required by law. Employees may be required to contribute to the cost of insurance as determined by the Board of Commissioners.
- The County will pay the full cost of life insurance for employees only.

### ***6.17 Insurance Coverage Changes***

If an employee wishes to make any changes to their insurance coverage such as an addition of a dependent, deletion of a dependent, etc., the County must be notified as soon as possible following the occurrence of the employee knowing that a change needs to be made. Appropriate documentation must be provided such as a marriage license, birth or death certificate, or finalized divorce decree.

Timely receipt of changes must be made to the County Administrator's Office to avoid delays. Changes may also be made during the annual open enrollment period.

### 6.18 *Effective Date of Coverage*

Eligible employees and certain dependents have coverage as follows:

- Coverage will begin 30 days after the employee's date of employment.
- Benefits will terminate the first day of the month following the month in which employment was terminated.
  - *Example: employee terminates on November 6, coverage ends on midnight of November 30.*

Exception: new employees covered by an existing contract with the same health insurance carrier, such as BCN, may transfer into the County's group without regard to the schedule above at the first billing date following the date of hire.

### 6.19 *Pension*

The employees of the County shall participate in the Michigan Municipal Employees Retirement System, Plan B-4 (effective January 1, 2004). Different plans may apply to different employees.

#### Defined Benefit

All regular full-time and regular part time employees hired prior to April 1, 2011 who work at least ten (10), five (5) hour working days per month (general non-union) or ten (10), eight (8) hour working days per month (Sheriff non-union), shall be enrolled in a defined benefit pension plan administered by Michigan Employees Retirement System (MERS). Employees contribute 5% of their wages. The percentage may change from time to time at the discretion of the Board of Commissioners.

If an employee is on unpaid leave of absence then they shall not earn service credit with MERS for their time away from work. The following tables are from MERS and help to explain retirement eligibility. The highlighted tables are applicable to Oceana County's non-union employees.

**NO EARLY RETIREMENT BENEFITS**

Age	Years of Service	Reduction Factor
60	Up to 14 yrs.	No reduction
55-60	15-24 yrs.	½% for each month under age 60
50-55	25+ yrs.	½% for each month under age 60

**F55/30 BENEFIT**

Age	Years of Service	Reduction Factor
60	Up to 14 yrs.	No reduction
55-60	15-29 yrs.	½% for each month under age 60
55-60	30+ yrs.	No reduction
50-55	25-29 yrs.	½% for each month under age 60
50-55	30+ yrs.	½% for each month under age 60

**F55/25 BENEFIT**

Age	Years of Service	Reduction Factor
60	Up to 14 yrs.	No reduction
55-60	15-24 yrs.	½% for each month under age 60
55-60	25+ yrs.	No reduction
50-55	25+ yrs.	½% for each month under age 55

**F55/20 BENEFIT**

Age	Years of Service	Reduction Factor
60	Up to 14 yrs.	No reduction
55-60	15-19 yrs.	½% for each month under age 60
55-60	25+ yrs.	No reduction
50-55	25+ yrs.	½% for each month under age 55

**F55/15 BENEFIT**

Age	Years of Service	Reduction Factor
60	Up to 14 yrs.	No reduction
55-60	15+ yrs.	No reduction
50-55	25+ yrs.	1/2% for each month under age 55

### Defined Contribution

All regular full-time and regular part time employees hired on or after April 1, 2011 who work at least fifty (50) hours per month shall be enrolled in a defined contribution pension plan administered by MERS. The employee and the County both make contributions to the plan. Employees must contribute at least 3% of their wages to the plan but may contribute up to 15%. For employees contributing between 3% and 6% of their wages, the County will match the employee contribution.

An employee classified as permanent part time working a consistent schedule each year is required to be enrolled in a defined contribution pension plan even if the hours worked are less than ten (10), five (5) hour days per month stated above.

If an employee is on unpaid leave of absence then no employee or County contributions are reported to MERS and the employee does not earn service credit.

Contact the County Administrator's Office for additional information regarding either the defined benefit or defined benefit plans.

### General Non-Eligibility

Employees who are hired for temporary, seasonal, variable, or causal work are not eligible for the County pension plan.

### ***6.20 457 Deferred Compensation Plans***

All regular full-time and part-time employees are eligible to participate in one or more of the deferred compensation plans allowed by the County. The County does not provide any matching funds. Payroll deduction is used to make periodic contributions to the plan(s) chosen by the employee.

Even though funds deposited into a 457 plan belong solely to the employee making the contribution, IRS rules require that the County be the "owner of record" of deposited funds in order to ensure the tax deferred status of the those funds. This is why an employee must get a signature from the County Administrator to move or withdraw their funds.

### ***6.21 Continuing Education Policy and Tuition Assistance***

The Board of Commissioners believe in the continuing education of our employees but this belief must be balanced with the County's need to establish an annual

balanced budget that promotes long term fiscal health. In other words, funding must be available to cover costs. Therefore, unless mandated by your job duties, the County retains the right to determine if continuing education will be funded.

The County may reimburse an employee for tuition costs and other charges that are approved by the County Administrator (or designee). Reimbursement is subject to the availability of funds, satisfactory completion of the course(s), and that the course(s) meet IRS allowable guidelines regarding taxable & non-taxable reimbursements. The course(s) must be related to the employee's present position and be at the associate or undergraduate levels only. If certain specialized skills and knowledge are required that can only be attained at a graduate level, one or more course may be approved by the County Administrator.

Advance payment of tuition and/or costs may be available for courses required by the employee's Department Head in order for the employee to perform their essential job duties defined in their job description. The Department Head shall be required to identify alignment between the courses requested for reimbursement and specific essential job duties. If the employee drops a course(s) that was paid in advance by the county, and a full refund to the county is not available from the education institution, the employee shall be responsible for expeditiously reimbursing the county for the lost refund amount through payroll deduction.

A description of the course(s), including the subject matter, length, and cost must be submitted to the employee's Department Head (for required courses) and County Administrator (for any/all courses) using the Education Reimbursement Request Form available in the County Administrator's Office. If approved by the County Administrator, the employee will be reimbursed upon successfully passing the course(s) and presenting original receipts. The employee must also provide proof of a passing score, such as a transcript; for this policy a passing score is defined as a minimum letter grade of "C" or "Credit" for credit/no credit courses.

## **6.22 *Holiday Pay***

The County offers the following paid holidays each year:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day

- Veterans Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve Day
- Christmas Day
- New Year's Eve Day

County offices will not be open on any of the above listed days. When Independence Day/Veterans' Day falls on Saturday, the preceding Friday shall be a holiday. When Independence Day/Veterans' Day falls on Sunday, the following Monday shall be a holiday.

If the holiday falls on a Saturday, it shall be observed on the preceding Friday. If the holiday falls on Sunday, it shall be observed on the following Monday. If Christmas or New Year's fall on Saturday, Christmas Eve and New Year's Eve will be observed on the preceding Thursday. If Christmas Eve or New Year's Eve fall on a Saturday or a Sunday, the preceding Friday will be observed as a holiday. Otherwise, all holidays will be on the observation date.

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To receive holiday pay, you must work the day before and the day after a holiday or use accrued time (vacation, personal, comp, sick).

Holiday pay for full-time employees is computed at their straight time rate of pay. In no case may an employee receive more than a normal day's wage for any holiday unless they worked that day.

### **6.23 *Vacation Policy***

All employees are required to provide their Department Head with advanced notice of a request for vacation time. The employee's Department Head shall determine if the request for vacation time usage is allowable for the time(s) requested. Department Heads are encouraged to be flexible with employee requests. You will not accrue vacation during periods when you are not working and taking time off from the County.

1. All permanent fulltime employees working a regularly scheduled work week of between 30 and 40 hours shall be eligible for vacation leave as follows:

<u>Amount of Service</u>	<u>Vacation Leave Credit</u>
0 thru 4 years	2 weeks (accrued bi-weekly; see schedule below)

5 thru 9 years	3 weeks (accrued bi-weekly; see schedule below)
10 or more years	4 weeks (accrued bi-weekly; see schedule below)

Example of the calculation based on 2 weeks of vacation time accrual:

<b>Hours worked per Pay Period</b>	<b>26 Pays in a Calendar Year</b>	<b>27 Pays in a Calendar Year</b>
80	3.0767/hrs	2.9630/hrs
70	2.6923/hrs	2.5926/hrs
60	2.3077/hrs	2.2222/hrs

## 2. Vacation Leave Credited

The employee shall receive credit for vacation leave computed from the date of employment according to the above schedule on their anniversary date. There are circumstances that could cause vacation leave credit to be prorated such as starting employment during mid-payroll week; or the recording of leave without pay on a timesheet, etc.

## 3. Vacation Leave Charges

Vacation leave may be used by an employee after six (6) months of employment. However, a Department Head may approve an employee's use of vacation time if less than six (6) months of employment but no less than three (3) months of employment. Vacation leave shall be used in an amount of not less than one half (.5) of an hour.

## 4. Holidays Occurring During Vacation Period

When a holiday occurs during an employee's assigned vacation and the employee is regularly entitled to the holiday, it will not be counted as part of the vacation time.

## 5. Vacation Carried Over

For regular fulltime employees, no vacation time shall be authorized or accumulated in excess of what is described in the table below without prior approval by the County Administrator:

<b>Hours worked per Pay Period</b>	<b>Maximum Vacation Time Accruals</b>
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80	240 hours
70	210 hours
60	180 hours

## 6. Separation of Employment

In accordance with the Michigan Wage and Fringe Benefit Act (MCL 408.47), employees are hereby notified that if you are terminated due to inappropriate or illegal behavior or misconduct, as determined by the Board of Commissioners as the employer, you shall forfeit your accumulated unused vacation leave. Employees may submit a written letter of appeal to the County Administrator. Any such appeal will be reviewed at the next regularly scheduled meeting of the Board of Commissioners. If the above statement is not applicable, all accrued but unused vacation leave due to an employee at the time of his/her termination (resignation, discharge, retirement or layoff) will be paid at their current rate of pay.

In case of death of any employee, all accrued but unused vacation leave due the employee shall be paid to the designated beneficiaries stated on the life insurance policy provided by the county, in addition to other compensation that is due.

### 6.24 *Vacation Policy – Part Time Employees*

Part time employees earn vacation time differently than regular full time employees as described below:

Hours Worked per Pay Period	Hours Earned per Pay Period	Hours Earned per Year	Maximum Vacation Leave Accrual
≤ 20 hours / pay	0 per pay	0 hours / year	0 hours max accrual
21 – 30 hours / pay	0.5193 per pay	13.5 hours / year	27 hours max accrual
31 – 40 hours / pay	0.6731 per pay	17.5 hours / year	35 hours max accrual
41 – 50 hours / pay	0.8270 per pay	21.5 hours / year	43 hours max accrual
51 - <60 hours/pay	0.9808 per pay	25.5 hours / year	51 hours max accrual
*per pay accrual will adjust based on pay periods in a calendar year			

Employees are required to complete daily time sheets for all hours actually worked. Contractual employees are not eligible for accrued sick and vacation leave.

## 6.25 Sick Pay

The County allows its regular full-time employees to earn sick days per calendar year. It's important that you give your Department Head as much advance notice as possible if you are going to take scheduled sick time off. There may be occasions, such as sudden illness, when you cannot notify your Department Head in advance. In those situations, you must inform your Department Head of your circumstances as soon as possible, preferably within one hour of your scheduled start time. You may also be requested to provide a certificate of illness to your Department Head as well as medical certification of your physical and mental fitness to perform the essential functions of your job, with or without accommodation under the Americans with Disabilities Act.

You may use sick leave benefits for the purpose of dental or doctor visits as well as to care for immediate family members who are sick. You may be required to use available sick leave during family and medical leave, disability leave, or other leave.

1. Sick Leave - Sick Leave with pay shall be granted as prescribed herein:

- Reasons for Granting
  - i. Physical incapacity not incurred in the line of duty.
  - ii. Personal illness or injury.
  - iii. Enforced quarantine of the employee in accordance with the community health regulations or serious illness or injury to one of his/her relatives which necessitates his/her absence from work.
  - iv. Bereavement Leave - (See BEREAVEMENT LEAVE)
- Sick leave may not be used except for the above stated purposes. Such leave of over three (3) days must be certified by a doctor's certificate and follow Family Medical Leave Act (FMLA) procedures.
- Eligibility for Sick Leave

Hours Worked per Pay Period	26 Pays in a Calendar Year	27 Pays in a Calendar Year
80	3.6923/hrs	3.5556/hrs
70	3.2308/hrs	3.1111/hrs
60	2.7692/hrs	2.6667/hrs

- i. Sick leave pay shall accrue up to a maximum of 90 days. Over time hours are not included in the calculation of sick time earned.

- ii. Sick leave shall be chargeable only when used on regularly scheduled work days or work periods.
  - iii. When a holiday occurs during an employee's sick leave and the employee is regularly entitled to the holiday, it will not be counted as part of the sick leave time.
  - iv. An employee who has used up his/her accrued sick leave, sick leave days taken subsequent to giving such notice are taken without pay.
- Sick Leave Credited
  - i. The employee shall receive credit for sick leave computed from the date of employment according to the above schedule. There are circumstances that could cause sick leave credit to be prorated such as starting employment during mid-payroll week; or the recording of leave without pay on a timesheet, etc.
- Sick Leave Charges
  - i. Sick leave shall be charged as used in amounts of not less than .5 hours (one half of one hour). Up to two sick leave days per year may be used as personal leave days. If they are not used as personal leave days, they revert back to sick leave.
- Separation from Employment
  - i. In accordance with the Michigan Wage and Fringe Benefit Act (MCL 408.47), employees are hereby notified that if you are terminated due to inappropriate or illegal behavior or misconduct, as determined by the Board of Commissioners as the employer, you shall forfeit your accumulated unused sick leave. Employees may submit a written letter of appeal, submitted to the County Administrator. Any such appeal will be reviewed at the next regularly scheduled meeting of the Board of Commissioners.

If the above statement is not applicable, 50% of accrued but unused sick leave due to an employee at the time of his/her termination (resignation, discharge, retirement or layoff) will be paid at their current rate of pay.

- ii. In case of death of any employee, any payment due the employee shall be paid to the designated beneficiaries stated on the life insurance policy provided by the county, in addition to other compensation that is due.

#### **6.26 Sick Pay – Part Time Employees**

Part time employees earn sick time differently than regular full time employees as described below:

<b>Hours Worked per Pay Period</b>	<b>Hours Earned per Pay Period</b>	<b>Hours Earned per Year</b>	<b>Maximum Sick Leave Accrual</b>
≤ 20 hours / pay	0 hours / pay	0 hours / year	0 hours
21 – 30 hours / pay	1.0 hours / pay	26 hours / year	315 hours
31 – 40 hours / pay	1.5 hours / pay	39 hours / year	315 hours
41 – 50 hours / pay	2.0 hours / pay	52 hours / year	315 hours
51 - <60 hours/pay	2.5 hours / pay	65 hours / year	315 hours
*per pay accrual will adjust based on pay periods in a calendar year			

Employees are required to complete daily time sheets for all hours actually worked. Contractual employees are not eligible for accrued sick and vacation leave.

#### **6.27 Longevity Pay**

Longevity payments will be issued annually to each eligible Department Head and employee of the County on the payroll date following the end of the payroll period in which their anniversary date of employment falls and each succeeding year thereafter. Said longevity payment will be included in one's regular direct deposit paycheck. Separate check deposits will not be issued. Effective January 1, 2022, the longevity pay rates are as follows:

<b>Length of Service</b>	<b>Payment</b>
3 years	\$500
5 years	\$1,000
10 years	\$1,500
15 years	\$2,000
20 years	\$2,500

Eligibility for longevity pay shall be based on periods of fulltime, paid employment. Any Department Head or employee who voluntarily resigns, retires or is discharged

loses all credit toward longevity pay upon re-employment with the County unless approved by the County Administrator.

Employees shall not be allowed to accrue credit toward longevity pay while on layoff or authorized leave of absence. Longevity pay shall be prorated.

This policy shall apply to all Department Heads and employees who are not subject to a collective bargaining agreement.

#### **6.28 *Leave Without Pay (LWOP)***

If an employee has less than one year of employment with the County, and the employee does not have any accrued time available but requests time off, at the discretion of their Department Head, up to 5 days of leave without pay may be allowed during any calendar year. Incremental use of no less than 1 hour is allowable. The Department Head will ensure that all leave without pay is recorded on the department's timesheet.

An employee may be disciplined for excessive unpaid absences up to and including termination of employment. If a holiday falls within the time in which leave without pay is used, the employee is **not** entitled to holiday pay.

An example: a new employee who does not have any accrued vacation time requests to attend a family event on a Friday. If the Department Head approves the request, the employee may be absent from work and receive no pay for the absence. This would count as one of the 5 allowable days.

#### **6.29 *Leaves of Absence (General, non-FMLA)***

Employees may be eligible for leaves of absence if they have completed at least one year of employment with the County or as specified by law. There are various types of leaves of absence (leave) and this section addresses the more routine types.

The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by the County Administrator in accordance with County policies and/or applicable federal and state law.

Employees requesting leave must submit their request in writing to their Department Head as soon as possible, preferably with at least a 30 day notice (a

Leave of Absence form is available). Military, medical, or other applicable certifications and documentation supporting the need for the leave is required.

The Department Head will forward the request to the County Administrator recommending approval or denial. The final decision concerning the request will be made by the County Administrator or, upon appeal, by the Board of Commissioners. All employees on approved leave are expected to report any change in status in their need for a leave or their intention to work to their Department Head and the County Administrator.

Employees shall be required to use their accrued and unused vacation, personal, compensatory time, and if applicable sick time, while on a leave of absence. Once the accrued time has been exhausted, the employee will be on unpaid leave.

While on unpaid leave of absence, employees will not accrue seniority, MERS service credit, vacation time, sick time, or be entitled to holiday pay.

Two types of leave are described below, one that is discretionary and the other as required by law:

- a. Personal Leave of Absence. Employees may be granted a leave of absence to attend to personal matters in cases in which the County determines that an extended period of time away from the job will be in the best interests of the employee and the County.
- b. Military Leave of Absence (see also the section titled Military Leave USERRA). A military leave of absence will be granted if an employee is ordered to serve in the uniformed services of the United States for a period of up to five years (not including certain involuntary extensions of service). Employees who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or similar positions will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases as required by applicable federal or state law.

Employees with at least one year of employment service with the County will be protected against a loss of income as a result of participation in an annual encampment of training duty in the U.S. Military Reserves or the National Guard. In these circumstances, the County will pay the difference between what an employee earns from the government for military service and what

the employee would have earned from normal straight-time pay on the job. This difference will be paid for a maximum of two weeks in a calendar year.

Other conditions related to a leave of absence are:

1. Employees returning from a leave of absence will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from a military leave must also comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he were not on leave at the time of reduction in force.
2. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.
3. Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service.
4. Absence without an approved leave is grounds for disciplinary action up to and including termination.

Finally, the County must comply with the provisions of the federal Family and Medical Leave Act ("FMLA"). The next section of this policy handbook outlines the FMLA's requirements, including the rights and obligations of employees, notification requirements and the County's obligations.

### ***6.30 Family and Medical Leave of Absence Policy***

#### **A. General**

We recognize that there are times when an employee may need to be absent from work due to qualifying events under the Family and Medical Leave Act (FMLA). Accordingly, we will provide eligible employees up to a combined total of 12 weeks of FMLA leave per leave year, the maximum allowable by law. Employees shall be required to use their accrued sick, vacation, personal, and compensatory time concurrently with FMLA leave. If all of the accrued time is used before the employee returns to work, the remaining FMLA leave shall be unpaid. Any time off under Worker's Compensation is included as part of the 12 weeks allowed under FMLA.

For example, an employee approved for FMLA leave will be able to receive up to 12 weeks of job-protected leave in a rolling 12-month period to manage the FMLA qualifying event. Under the rolling 12-month period, each time the employee takes FMLA leave, the remaining leave entitlement is the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

During the time an employee is off work due to the provisions of FMLA, they shall have no other employment nor engage in activities that contradict the employee's medical certification. Working while on FMLA leave may be considered fraud.

Employees should be aware that workers' compensation leave can count against their FMLA leave entitlement. FMLA leave and workers' compensation leave can run concurrently if the reason for the employee's absence is due to a qualifying serious illness or injury and the employer properly notifies the employee in writing that the leave will be counted as FMLA leave.

Here are two examples:

- Working for another employer doing the same or similar duties that the employee's medical certification form states the employee is unable to perform.
- Employees who cannot "stand, twist, bend" at all at work according to their medical certification, yet can perform quite well on the softball field, golf course, and so on.

Leave may be taken for the following reasons and any other leave authorized by the FMLA:

- **Parental Leave:** Female employees, when not disabled by pregnancy or childbirth, and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.
- **Personal Medical Leave:** Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth or other related medical conditions. The County requires certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.
- **Family Care Leave:** Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. The County requires certification of the family member's serious



health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.

- **Military Exigency (“an urgent need”) Leave:** When an employee's spouse, parent, son, or daughter (of any age) experiences a qualifying exigency resulting from military service (applies to active service members deployed to a foreign country, National Guard and Reservists); and
- **Military Care Leave:** To care for an employee's spouse, parent, son, daughter (of any age), or next of kin who requires care due to an injury or illness incurred while on active duty or was exacerbated while on active duty. **Note:** A leave of up to 26 weeks of leave per 12-month period may be taken to care for the injured/ill service member.

## B. Key Policy Definitions

- *Eligible employees* under this policy are those who have been employed by our County for at least 12 months (need not be consecutive months and under certain circumstances hours missed from work due to military call-up will also be counted) and have performed at least 1,250 hours of service in the 12-month period immediately preceding the date leave is to begin. Employees who work in small locations with fewer than 50 employees within 75 miles, are not eligible for leave. However, employees should contact the County Administrator's Office to discuss other types of leave that might be available for the reasons listed in this policy.
- *Leave year* for the purposes of this policy shall be a rolling 12-month period measured backward from the date an employee uses any FMLA leave.
- A *spouse* means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage arose.
- A *son or daughter* for the purposes of parental or family leave is defined as a biological, adopted, foster child, step-child, legal ward, or a child for whom the employee stood in loco parentis to, who is (1) under 18 years of age or, (2) 18 years of age or older and incapable of self-care because of physical or mental disability. A son or daughter for the purposes of military exigency or military care leave can be of any age.
- A *parent* means a biological, adoptive, step, or foster parent or any other individual who stood in loco parentis to the employee when the employee was a son or daughter.
- *Next of kin* for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters,

grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as his or her caregiver, that individual shall be the only next of kin. In appropriate circumstances, employees may be required to provide documentation of next of kin status.

- A ***serious health condition*** is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as the cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. If you have any questions about the types of conditions which may qualify, contact the County Administrator's Office.
- A ***health care provider*** is a medical doctor or doctor of osteopathy, physician's assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, and clinical social worker. Under limited circumstances, a chiropractor or other provider recognized by our group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
- **Qualifying exigencies** for military exigency leave include:
  - Short-notice call-ups/deployments of seven days or less (**Note:** Leave for this exigency is available for up to seven days beginning the date of call-up notice);
  - Attending official ceremonies, programs, or military events;
  - Special child care needs created by a military call-up including making alternative child care arrangements, handling urgent and non-routine child care situations, arranging for school transfers, or attending school or daycare meetings;
  - Making financial and legal arrangements;
  - Attending counseling sessions for the military service member, the employee, or the military service members' son or daughter who is under 18 years of age or 18 or older but is incapable of self-care because a mental or physical disability;
  - Rest and recuperation (**Note:** Fifteen days of leave is available for this exigency per event);
  - Post-deployment activities such as arrival ceremonies, re-integration briefings, and other official ceremonies sponsored by the military (**Note:** Leave for these events is available during a period of 90 days following the termination of active duty status). This type of leave may

- also be taken to address circumstances arising from the death of a covered military member while on active duty;
  - Parental care when the military family member is needed to care for a parent who is incapable of self-care (e.g. arranging for alternative care or transfer to a care facility); and
  - Other exigencies that arise that are agreed to by both the County and employee.
- A *serious injury/illness* incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.

### **C. Notice and Leave Request Process**

Foreseeable Need for Leave: If the need for leave is foreseeable because of an expected birth/adoption or planned medical treatment, employees must give at least 30 days' notice. If 30 days' notice is not practicable, notice must be given as soon as possible. Employees are expected to complete and return a leave request form prior to the beginning of leave. *Failure to provide appropriate notice and/or complete and return the necessary paperwork will result in the delay or denial of leave.*

Unforeseeable Need for Leave: If the need for leave is unforeseeable, notice must be provided as soon as practicable and possible under the facts of the particular case. Normal call-in procedures apply to all absences from work including those for which leave under this policy may be requested. Employees are expected to complete and return the necessary leave request form as soon as possible to obtain the leave. *Failure to provide appropriate notice and/or complete and return the necessary paperwork on a timely basis will result in the delay or denial of leave.*

Leave Request Process: To request leave under this policy, employees must obtain and complete a leave request form from the County Administrator's Office, have it signed by their immediate Department Head, and return the completed form to the County Administrator for review and/or approval. If the need for leave is unforeseeable and employees will be absent more than three days, employees should contact the County Administrator's Office by telephone and request that a leave form be mailed to their home. If the need for leave will be fewer than three days, employees must complete and return the leave request form upon returning to work.

Call-in Procedures: In all instances where an employee will be absent, the call-in procedures and standards established for giving notice of absence from work must be followed.

#### **D. Leave Increments**

Parental Leave: Leave for the birth or placement of a child must be taken in a single block and cannot be taken on an intermittent or reduced schedule basis. Parental Leave must be completed within 12 months of the birth or placement of the child; however, employees may use parental leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc.

Family Care, Personal Medical, Military Exigency, and Military Care Leave: Leave taken for these reasons may be taken in a block or blocks of time. In addition, if a health care provider deems it necessary or if the nature of a qualifying exigency requires, leave for these reasons can be taken on an intermittent or reduced-schedule basis.

#### **E. Paid Leave Utilization During FMLA Leave**

Employees taking parental, family care, military exigency and/or military care leave must utilize available vacation/PTO, personal days, and/or family illness days during this leave. Employees on personal medical leave must utilize available sick, personal, and vacation/PTO days during this leave. Employees receiving short- or long-term disability or workers' compensation benefits during a personal medical leave will not be required to utilize these benefits. However, employees may elect to utilize accrued benefits to supplement these benefits.

#### **F. Certification and Fitness for Duty Requirements**

Employees requesting family care, personal medical, or military care leave must provide certification from a health care provider to qualify for leave. Such certification must be provided within 15 days of the request for leave unless it is not practicable under the circumstances despite the employee's diligent efforts. Failure to timely provide certification may result in leave being delayed, denied, or revoked. In the County's discretion, employees may also be required to obtain a second and third certification from another health care provider at County expense (except for military care leave). Recertification of the continuance of a serious health condition or an injury/illness of a military service member will also be required at appropriate intervals.

Employees requesting a military exigency leave may also be required to provide appropriate active duty orders and subsequent information concerning particular qualifying exigencies involved.

Employees requesting personal medical leave will also be required to provide a fitness for duty certification from their health care provider prior to returning to work.

### **G. Scheduling Leave and Temporary Transfers**

Where possible, employees should attempt to schedule leave so as not to unduly disrupt operations. Employees requesting leave on an intermittent or reduced schedule basis that is foreseeable based on planned medical treatment may be temporarily transferred to another job with equivalent pay and benefits that better accommodates recurring periods of leave.

### **H. Health Insurance**

The County will maintain an employee's health insurance coverage during leave on the same basis as if they were still working. Employees must continue to make timely payments of their share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. In this event, the County will notify the employee 15 days before the date coverage will lapse that coverage will terminate unless payments are promptly made. Alternatively, at the County's option, the County may pay the employee's share of the premiums during the leave and recover the costs of this insurance upon the employee's return to work. Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period. Under most circumstances, if an employee does not return to work at the end of leave, the County may require the employee to reimburse the County for the health insurance premiums paid during the leave.

### **I. Return to Work**

Employees returning to work at the end of leave will be placed in their original job or an equivalent job with equivalent pay and benefits. Employees will not lose any benefits that accrued before leave was taken. Employees may not, however, be entitled to discretionary raises, promotions, bonus payments, or other benefits that become available during the period of leave.

## **J. Spouse Aggregation**

In the case where an employee and his or her spouse are both employed by the County, the total number of weeks to which both are entitled in the aggregate because of the birth or placement of a child or to care for a parent with a serious health condition will be limited to 12 weeks per leave year. Similarly, a husband and wife employed by the County will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed because of an employee's own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.

## **K. General Provisions**

**Failure to Return:** To reiterate an earlier statement, employees failing to return to work or failing to make a request for an extension of their leave prior to the expiration of the leave will be deemed to have voluntarily terminated their employment.

**Alternative Employment:** No employee, while on leave of absence, shall work or be gainfully employed either for himself, herself, or others unless express, written permission to perform such outside work has been granted by the County. Any employee on a leave of absence who is found to be working elsewhere without permission will be automatically terminated.

**False Reason for Leave:** Termination will occur if an employee gives a false reason for a leave.

### **6.31 *Military Leave (USERRA)***

The County complies with applicable federal and state law regarding military leave and re-employment rights. Unpaid military leave of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (with amendments) and all applicable state law. Documentation of the need for the leave is required to be submitted to the County Administrator's Office. An employee returning from military leave of absence will be reinstated to his or her previous or similar job in accordance with state and federal law. You must notify your Department Head of your intent to return to employment based on requirements of the law. For more

information regarding status, compensation, benefits and reinstatement upon return from military leave, please contact the County Administrator's Office.

### **6.32 Jury Duty**

If you are summoned for jury duty, please make scheduling arrangements with your Department Head as soon as you receive your summons or subpoena.

MCL 600.1348 clearly prohibits employers from discharging or disciplining employees because they miss work for jury duty, but the law does not require employers to pay employees compensation for the time missed from work to serve on jury duty. However, the County does pay its employees full compensation for time missed because of jury duty.

Thus, leave with pay shall be authorized in order that permanent, fulltime employees may serve required jury duty. Such time off shall be considered as time on duty. Any employee who serves on jury duty during normal working hours shall be paid his/her full wages. The County Clerk shall not pay the employee for mileage and jury fees when serving jury duty in Oceana County.

If an employee is required to serve on jury duty in Oceana County on a day that they are not scheduled to work, they will be entitled to mileage and jury fees as set forth in MCL 600.1348. (*This section amended June 11, 1987*).

Fulltime employees serving jury duty outside of Oceana County shall be paid their full wages. Mileage and jury fees are determined by the court issuing the summons. Jury fees shall be turned over to Oceana County in lieu of the employee receiving their full wages.

### **6.33 Crime Victim Leave**

The County will provide eligible employees time off from work to respond to a subpoena or request by the prosecuting attorney for the purposes of giving testimony.

#### **Eligibility**

To be eligible for time off under this policy an employee must be a victim of crime or a victim representative.

A *victim* is an employee who has suffered direct or threatened physical, financial, or emotional harm as a result of the commission of a crime.

A *victim representative* is an employee who is:

- A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.
- A parent, guardian, or custodian of a victim of assault if the victim is less than 18 years old.
- A person who has been designated to act in place of a victim of assault while the victim is physically or emotionally disabled.

### **Compensation**

Employees will be compensated in accordance with 6.31 Jury Duty.

### **Notice**

Upon receiving a subpoena, employees must provide their Department Head and the County Administrator's Office with reasonable advance notice of the need for leave. If advance notice is not practicable, the employee must provide appropriate documentation within a reasonable time after the absence.

### **Retaliation**

The County will not retaliate against any employee who seeks or obtains leave under this policy.

#### **6.34 Bereavement (Funeral) Leave**

The County recognizes the importance of taking leave on the occasion of a death of a relative. Employees are entitled to take up to three (3) days off with pay. If more than three (3) days are needed, additional time may be granted by the employee's Department Head provided that such additional time is deducted from the employee's accrued but unused vacation leave, sick leave, and/or compensatory time. If there is no vacation leave, sick leave, or compensatory time, the additional time will be taken without pay.

Employees requiring bereavement leave must notify their Department Head of their intention to do so as soon as possible. The County may request documentation to support absences for bereavement leave. Refer to an earlier section of the policy handbook regarding the definition of "a relative."

In case of death for persons other than a relative, as defined in this policy handbook, any time taken off must have prior approval of the employee's Department Head



and be taken from the employee's accrued by unused vacation leave and/or compensatory time. If there is no vacation leave or compensatory time, the additional time will be taken without pay.

### ***6.35 Injury and Illness Leave (Workers' Compensation and Health Insurance)***

Workers' compensation is a no-fault system designed to provide benefits to all employees for work related injuries. Workers' compensation insurance coverage is paid for by the County and governed by state law. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, rehabilitation services, as well as payment for lost wages due to work related injuries. If you are injured on the job, no matter how slightly, you are to report the incident immediately to your Department Head and County Administrator's Office. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim for benefits.

To receive workers' compensation benefits, notify your Department Head and County Administrator's Office immediately of your claim. If your injury is the result of an on-the-job accident, you must fill out an accident report. You will be required to submit a medical release to the County Administrator's Office before you can return to work.

Injury leave (off duty) shall be granted to permanent fulltime employees who become incapacitated as the result of injury or occupational disease incurred through no fault of their own. Injury leave (off duty) shall be considered sick leave.

When injuries occur in the line of duty, each employee or their Department Head shall report such injury immediately to the County Administrator and under no circumstances later than the end of the day on which the injury occurred.

Employees should be aware that workers' compensation leave can count against their FMLA leave entitlement. FMLA leave and workers' compensation leave can run concurrently if the reason for the employee's absence is due to a qualifying serious illness or injury and the employer properly notifies the employee in writing that the leave will be counted as FMLA leave.

#### **1. Compensation During Injury Leave of Seven Days or Less**

Compensation shall be paid at an employee's full pay directly by the County for any injury incurred on the job or occupational disease which incapacitates the employee for seven (7) days or less.

## 2. Compensation During Injury Leave (On Duty) of Eight Days or Longer

Compensation shall be paid at the rates provided and for the length of time stipulated in Act 317 of 1969 of the State of Michigan, as amended, as being the Workers' Disability Compensation Act, for any injury incurred on the job or occupational disease which incapacitates the employee for eight (8) days or longer or if death results from the injury or disease. Said compensation shall be computed from the date of injury.

## 3. Salary and Fringe Benefit Consideration During Work Related Injury/Illness

If an employee is injured while on duty, a claim will be filed with the County's worker's compensation carrier. Worker's compensation payments will be made directly to the employee by the carrier for an amount determined by the carrier. Worker's compensation payments are non-taxable to the employee. Up to a maximum of 26 weeks for non-serious injury may be allowed. If the employee has experienced a serious injury, up to a maximum of 52 weeks.

An employee may choose to apply their accrued and unused sick, vacation, personal, or comp time to make up any difference between the worker's compensation payment and the employee's normal earnings.

The following fringe benefits shall continue during workers' compensation leave: health/vision/dental/life. However, the accrual of seniority, sick leave, vacation leave, personal leave and holiday pay shall cease during workers' compensation leave.

## 4. Limited Duty (Worker's Compensation and Health Insurance)

At times, an employee who has suffered a work related accident, injury, or non-work illness is physically able and qualified to perform limited duties while recuperating from such accident, injury, or illness. Based upon the judgment of the Department Head and consultation with the County Administrator, an employee may be utilized for limited duty relative to need, availability, costs, and physical limitations. Limited duty may also include part time work. The employee may be assigned to any shift as determined by their Department Head.

Employees being considered for limited duty must present a physician's statement of physical ability to perform limited duties.

When an employee is approved for normal duty by a physician, the employee shall immediately notify the Department Head and present proper medical certification.

Said certification shall be presented to the County Administrator's Office before the employee resumes normal duty.

### ***6.36 Unemployment Compensation Insurance***

Unemployment compensation insurance is paid for by the County and provides temporary income for employees who have lost their job under certain circumstances. Your eligibility for unemployment compensation is determined by the Unemployment Insurance Agency and will, in part, be determined by the reasons for your separation from the County.

### ***6.37 COBRA***

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides the opportunity for eligible employees and their beneficiaries to continue health insurance coverage under the county health plan when a "qualifying event" could result in the loss of eligibility. Qualifying events include resignation, termination of employment, death of an employee, reduction in hours, a leave of absence, divorce or legal separation, entitlement to Medicare, or where a dependent child no longer meets eligibility requirements.

Please contact the County Administrator's Office to learn more about your COBRA rights.

### ***6.38 Severance Pay***

Generally, the County does not offer severance pay to employees whose employment has been terminated by the County. However, if any severance pay is offered it shall be at the sole discretion of the Board of Commissioners and requires the employee to sign a Release of Claims Agreement as a condition of payment.

### ***6.99 Emergency Policies (Temporary Effective Dates)***

This section of the policy handbook is a journal of policies adopted by the Board that are in effect for a limited period of time.

- Sick Leave Policy and Request Form (COVID-19) adopted by Board on 04/14/2020. Policy expires 12/31/2020.
- Family Medical Leave Expansion Eligibility Policy and Request Form (COVID-19) adopted by Board on 04/14/2020. Policy expires 12/31/2020.

## 7.0 GENERAL POLICIES

The County Administrator is required to establish and document certain operating policies and procedures to ensure compliance with the provisions of federal and state regulations and the provisions of grant agreements. Therefore, in addition to this policy handbook, a collection of policies known as **Uniform Guidance Policies** have been assembled into a separate handbook referenced routinely during the County's annual audit. The policies and procedures found in the **Uniform Guidance Policies** handbook are:

### Financial Management Systems:

- General Accounting and Financial Management
- Purchasing and Procurement
- Cash Receipts
- Payroll and Timekeeping
- Bank Reconciliations
- Journal Entries and Non-routine Transactions
- Capital Assets
- Long-term Debt
- Grant Administration
- Year-end Closing and Reporting
- Annual Audit

### Policies for Compliance with the OMB Compliance Supplement:

- General Information
- Activities Allowed/Disallowed
- Allowable Costs/Cost Principles
- Cash Management
- Eligibility
- Equipment and Real Property Management
- Matching, Level of Effort and Earmarking
- Period of Performance
- Procurement, Suspension and Debarment
- Program Income
- Reporting
- Sub-recipient Monitoring
- Special Tests and Provisions

### Other Policies and Procedures:

- Conflict of Interest
- Records Retention

### Appendix:

- Certification Regarding Suspension and Debarment
- Sole Source Vendor Justification Form
- Receipt Exception Form

Employees should check with their Department Head to determine if they need to review any or all of the **Uniform Guidance Policies**.

## ***7.1 Freedom of Information Act (FOIA)***

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### **FREEDOM OF INFORMATION ACT**

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The Michigan Freedom of Information Act (P.A. 442 of 1976) affords all persons, except those persons incarcerated in state or local correctional facilities, the right to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees.

Most County employees do not need to concern themselves with the actual procedures established in the County to comply with the statute. The procedures, although not complex, are highly detailed.

But it is worth noting that the County Administrator is designated by the Board of Commissioners as the County FOIA Coordinator. Courts and County departments may have a FOIA Coordinator designation as well. Where court/department-level FOIA coordinators exist, a shared responsibility exists with the County Administrator (as the County FOIA Coordinator) to process requests for information in compliance with the statute.

Please check with your Department Head to determine if you need to know more about the County's FOIA procedures. If so, please contact the County Administrator's Office.

## **7.2 *Fraud Risk Management Policy***

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### **FRAUD RISK MANAGEMENT POLICY**

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Adopted 08/12/2010

The County of Oceana is committed to making sure that the opportunity for fraud, theft and corruption is reduced to the lowest possible risk. Systems and procedures for the prevention and detection of fraud and theft have been designed and implemented to ensure a culture and environment that promotes honesty and ethical behavior.

As an important part of this commitment, this policy will serve to advise and guide the County of Oceana, Boards, Commissions, employees, and volunteers on the County's approach to these serious issues. All individuals connected with the County are expected to be fair and honest, and to provide the County any help, information and support necessary to deal with fraud, theft and corruption.

In order to combat fraud, theft and corruption, it is essential that there are clear, written policies and procedures and that these documents are reviewed regularly to address changes in the business and working environment.

The County Administration and the County Treasurer are responsible for assuring that suitable levels of internal checks and balances are included in work procedures, particularly financial procedures.

The Oceana County Board of Commissioners expects all employees, suppliers, contractors to be honest and fair in their dealings with the County, and employees and Council members are expected to lead by example in these matters. Dishonest and/or illegal activity will not be tolerated.

Employees play a vital role in dealing with fraud, theft and corruption. The County of Oceana encourages employees to report any suspected fraud, theft, and corruption.

All information will be dealt with fairly and confidentially, and the County of Oceana will make every effort to protect the identity of the person(s) providing the information.

The response to any report of fraud, theft or corruption will be effective and organized. The County of Oceana will deal firmly and quickly with anyone who is responsible for fraud, theft or corruption.

The Administration in consultation with the Board of Commissioners will decide on the type and course of the investigation. This will include referring matters to the police if criminal activity is suspected. The County of Oceana will prosecute, and/or carry out disciplinary action up to and including termination of employment.

The investigative process should not be misused, and therefore, any abuse, such as raising unfounded malicious allegations, will be addressed as a separate disciplinary matter.

The key to a successful Fraud Risk Management Policy is training and awareness. It is expected that employees read, understand and comply with the policies and procedures that apply to them. Disregard for these policies and procedures may lead to formal disciplinary action, up to and including termination of employment.

The County of Oceana will provide training for employees and trustees who are involved in and/or manage internal control systems (particularly all financial procedures) to assure that their responsibilities are regularly reviewed and reinforced.

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### **7.3 Identify Theft Policy**

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## **IDENTITY THEFT POLICY**

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Adopted 09/24/2009

### **1. BACKGROUND**

The risk to the County of Oceana, its employees, clients and patrons from data loss and identity theft is of significant concern to the Agency and can only be reduced through the combined efforts of every employee and contractor.

### **2. Purpose**

The practice adopts this sensitive information policy to help protect employees, clients, patrons, contractors and the Board from damages related to loss or misuse of sensitive information. This policy will:

- Define sensitive information
- Describe the physical security of data when it is printed on paper
- Describe the electronic security of data when stored and distributed

Putting the Identity Theft Prevention Program in place enables Oceana County to protect existing clients/patrons, reducing risk from identity fraud and minimize potential damage to the Agency from fraudulent new accounts. The program will:

- Identify Red Flags that signify potentially fraudulent activity within new or existing covered accounts
- Detect Red Flags when they occur in covered accounts
- Respond to Red Flags to determine if fraudulent activity has occurred and act if fraud has been attempted or committed
- Update program periodically, including reviewing accounts that are covered and Red Flags that are part of the program

### **3. Scope**

This policy and protection program apply to employees, contractors, consultants, temporaries, and other workers at the County, including all personnel affiliated with third parties.



## 4. Policy

### A. Sensitive Information policy

a. **Definition of Sensitive Information** - Sensitive information includes the following items whether stored in electronic or printed format:

i. Personal Information - Sensitive information consists of personal information including, but not limited to:

1. Credit Card Information, including any of the following:

- Credit Card Number (in part or whole)
- Credit Card Expiration Date
- Cardholder Name
- Cardholder Address

2. Tax Identification Numbers, including:

- Social Security Number
- Social Insurance Number
- Business Identification Number
- Employer Identification Numbers

3. Payroll information, including, among other information:

- Paychecks
- Pay stubs
- Pay rates

4. Cafeteria Plan Check Requests and associated paperwork

5. Medical Information for any Employees or Clients/Patrons, including but not limited to:

- Doctor names and claims
- Insurance claims
- Prescriptions
- Any related personal medical information

6. Other Personal Information belonging to Customers, Employees and Contractors, examples of which include:

- Date of Birth
- Address
- Phone Numbers

- Maiden Name
  - Names
  - Customer Number
- b. Corporate Information- Sensitive corporate information includes, but is not limited to:
- i. Agency, employee, customer, vendor, supplier confidential, proprietary information or trade secrets.
  - ii. Proprietary and/or confidential information, among other things, includes: business methods, customer utilization information, retention information, sales information, marketing and other Company strategy, computer codes, screens, forms, information about, or received from, Company's current, former and prospective customers, sales associates or suppliers or any other non-public information. Proprietary and/or confidential information also includes the name and identity of any customer or vendor and the specifics of any relationship between and among them and the company.
- c. Any document marked "Confidential," "Sensitive," "Proprietary," or any document similarly labeled.
- d. The Agency personnel are encouraged to use common sense judgment in securing the agency confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, they should contact their Department Head/manager.

**2. Hard Copy Distribution** - Every employee and contractor performing work for the Agency will comply with the following policies:

- A. Any sensitive information sent externally may be transmitted by fax only to approved recipients. Additionally, a statement such as this should be included on the fax coversheet:

*"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. Any use by others is strictly prohibited."*

- B. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
- C. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday.
- D. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
- E. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
- F. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device. Locked shred bins are labeled *"Confidential paper shredding and recycling"*. If you need any assistance in locating one of these bins, please contact a Department Head/manager.

**3. Electronic Distribution** - Every employee and contractor performing work for the Agency will comply with the following policies:

- A. Internally, sensitive information may be transmitted using approved Agency email. All sensitive information must be encrypted when stored in an electronic format.
- B. Any sensitive information sent external must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the email:

*"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. Any use by others is strictly prohibited."*

**B. IDENTITY THEFT PREVENTION PROGRAM**

- 1. **Covered Accounts** - Every new and existing account that meets the following criteria is covered by this program
  - a. Business, personal and household accounts for which there are a reasonably foreseeable risk of identity theft.

- b. Business, personal and household accounts for which there are a reasonably foreseeable risk to the safety and/or soundness of the Agency from identity theft, including financial, operational, compliance, reputation, or litigation risks.
2. **Red Flags** - The following 'Red Flags' are potential indicators of fraud and any time when a Red Flag, or a situation closely resembling a Red Flag, is apparent, it should be investigated for verification.
  - a. Alerts, Notifications or Warnings from a Consumer Reporting Agency
    1. A fraud or active duty alert is included with a consumer report.
    2. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
    3. A consumer reporting agency provides a notice of address discrepancy, as defined in § 334.82(b) of this part.
    4. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
      - A recent and significant increase in the volume of inquiries
      - An unusual number of recently established credit relationships
      - A material change in the use of credit, especially with respect to recently established credit relationships
      - An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor
  - b. Suspicious Documents
    1. Documents provided for identification appear to have been altered or forged.
    2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
    3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

4. Other information on the identification is not consistent with readily accessible information that is on file with the creditor, such as a signature of Patient or copy of insurance card.
- c. Suspicious Personal Identifying Information
1. Personal identifying information provided is inconsistent when compared against external information sources used by the financial institution or creditor. For example:
    - The address does not match any address in the consumer report
    - The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File
  2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
  3. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the financial institution or creditor. For example:
    - The address on an application is the same as the address provided on a fraudulent application
  4. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the financial institution or creditor. For example:
    - The address on an application is fictitious, a mail drop, or prison
    - The phone number is invalid, or is associated with a pager or answering service
  5. The SSN provided is the same as that submitted by other persons on an account or by other patients.
  6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons on accounts or other customers.
  7. Personal identifying information provided is not consistent with personal identifying information that is on file with the financial institution or creditor.

8. The person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- d. Unusual Use of, or Suspicious Activity Related to, the Covered Account
  1. Shortly following the notice of a change of address for a covered account, the institution or creditor receives a request for new, additional, or replacement cards or a cell phone, or for the addition of authorized users on the account.
  2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
    - The customer fails to make the first payment or makes an initial payment but no subsequent payments
  3. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
    - Nonpayment when there is no history of late or missed payments;  
A material increase in the use of available credit
    - A material change in purchasing or spending patterns
  4. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
  5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
  6. The financial institution or creditor is notified that the customer is not receiving paper account statements.
  7. The financial institution or creditor is notified of unauthorized charges or transactions in connection with a customer's covered account.
- e. Notice from Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons Regarding Possible Identity Theft in Connection with Covered Accounts Held by the Financial Institution or Creditor

1. The financial institution or creditor is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.
3. **Responding to Red Flags** - Once potentially fraudulent activity is detected, it is essential to act quickly as a rapid appropriate response can protect customers and the Agency from damages and loss. (For additional guidance, see Attachment A)
  - a. Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Take this information and present it to the designated authority for determination. (County Administrator)
  - b. The designated program representative will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.
  - c. If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:
    - Cancel the transaction
    - Notify and cooperate with appropriate law enforcement
    - Determine extent of liability to company
    - Notify actual patient that fraud has been attempted

#### **4. Periodic Updates to Plan**

- a. At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.
- b. Periodic reviews will include an assessment of which accounts are covered by the program.
- c. As part of the review, Red Flags may be revised, replaced or eliminated. New Red Flags may also be appropriate.

- d. Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the Agency and its customers.

## **5. Program Administration**

### **a. Involvement of Senior Management**

- 1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs and its importance warrants the highest level of attention.
- 2. The incorporation of the Identity Theft Prevention Program is the responsibility of the Board of Commissioners. Approval of the initial plan must be appropriately documented and maintained, with an annual review.
- 3. Operational responsibility of the program will be delegated to the County Administrator

### **b. Staff Training**

- 1. Staff training shall be conducted for all staff members and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or Personally Identifiable Information which may constitute a risk to the facility or its patients.
- 2. Staff members shall continue to receive training as required as changes to the program are made to ensure maximum effectiveness of the program.
- 3. Staff Training has been conducted by an outside vendor who has additional knowledge and certifications in Identity Theft Risk Management as it pertains to medical facilities and the medical industry in general.

### **c. Oversight of Service Provider arrangements**

- 1. It is the responsibility of the agency to ensure that the activities of all Service Providers are conducted in accordance with reasonable policies and procedures designed to detect prevent, and mitigate the risk of identity theft.
- 2. A Service Provider that maintains its own Identity Theft Prevention Program, consistent with the guidance of the Red Flag Rules and



validated by appropriate due diligence, may be considered to be meeting these requirements.

3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.
4. This program includes requiring all service providers, vendor and consulting physicians or hospitals provide proof of having a similar program.

## 5. Roles and Responsibilities

Management will have the responsibility to enforce this policy and ensure that it is followed by staff members and contractors. Additional responsibilities regarding the operation of the Identity Theft Prevention Program are as outlined above or as listed in additional written guidance.

## 6. Definitions

<b>Encryption</b>	The translation of data into a secret code. Encryption is the most effective way to achieve data security. To read an encrypted file, you must have access to a secret key or password that enables you to decrypt it. Unencrypted data is called plain text.
<b>Hard Copy</b>	A printout of data stored in a computer. It is considered <i>hard</i> because it exists physically on paper, whereas a <i>soft</i> copy exists only electronically.
<b>Service Provider</b>	Any person or entity that maintains, processes, or otherwise is permitted access to patient information or consumer/employee information through the provision of services directly to the facility.

## 7. Enforcement

Any staff members found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Relevant Identity Theft Red Flags Mitigation and Resolution Procedures

<b>IDENTITY THEFT RED FLAG</b>	<b>PREVENTION/MITIGATION PROCEDURE</b>	<b>RESOLUTION OF RED FLAG</b>
Documents provided for identification appear to have been altered or forged.	Stop the admissions/billing process and require applicant to provide additional satisfactory information to verify identity.	Additional documentation must be provided to resolve discrepancy and continue admissions/billing process.
Personal identifying information provided by the customer is not consistent with other personal identifying information. For example, there is a lack of correlation between the Social Security Number (SSN) range and date of birth.	Stop the admissions/billing process and require applicant to provide additional satisfactory information to verify identity.	Additional documentation must be provided to resolve discrepancy and continue admissions/billing process.
The SSN provided is the same as that submitted by other persons opening an account or other customers.	Stop the process and require applicant to provide additional satisfactory information to verify identity.	Additional documentation must be provided to resolve discrepancy and continue process.
Individual has an insurance number but never produces an insurance card or other physical documentation of insurance.	Stop the admissions/billing process and require applicant to provide additional satisfactory information to verify identity.	<p>Additional documentation must be provided to resolve discrepancy and continue admissions/billing process. Contact insurance company as necessary.</p> <p>If the results of the investigation do not indicate fraud, all contact and identifying</p>

		information is re-verified with patient.
<p>Complaint/inquiry from an individual based on receipt of:</p> <ul style="list-style-type: none"> <li>-a bill for another individual</li> <li>-a bill for a product or service that one denies receiving</li> <li>-a bill from a health care provider that the patient never patronized</li> <li>- a notice of insurance benefits (or Explanation of Benefits) for health services never received.</li> </ul>	Investigate complaint, interview individuals as appropriate	<p>Terminate treatment/credit until identity has been accurately resolved; refuse to continue attempting to collect on the account until identity has been resolved.</p> <p>Notify law enforcement as appropriate.</p> <p>If the results of the investigation do not indicate fraud, all contact and identifying information is re-verified with patient.</p>
Complaint/inquiry from an individual about information added to a credit report	Investigate complaint, interview individuals as appropriate	<p>Terminate treatment/credit until identity has been accurately resolved; refuse to continue attempting to collect on the account until identity has been resolved.</p> <p>Notify law enforcement as appropriate.</p> <p>If the results of the investigation do not indicate fraud, all contact and identifying information is re-verified.</p>
Complaint or question from an individual about the receipt of a collection	Investigate complaint, interview individuals as appropriate	Terminate treatment/credit until identity has been accurately resolved; refuse

notice from a bill collector.		<p>to continue attempting to collect on the account until identity has been resolved.</p> <p>Notify law enforcement as appropriate.</p> <p>If the results of the investigation do not indicate fraud, all contact and identifying information is re-verified.</p>
Mail sent to a client is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the individual's covered account.	Skip-tracing procedures are used to find current mailing address.	Individual is found and contact information is updated.
<p>Personal identifying information provided by the client is associated with known fraudulent activity as indicated by internal or third-party. For example:</p> <ul style="list-style-type: none"> <li>- The address on an application is the same as the address provided on a fraudulent application; or</li> <li>- The phone number on an application is the same as the number provided on a fraudulent application.</li> </ul>	Investigate complaint, interview individuals as appropriate.	<p>Terminate treatment/credit until identity has been accurately resolved; refuse to continue attempting to collect on the account until identity has been resolved.</p> <p>Notify law enforcement as appropriate.</p> <p>If the results of the investigation do not indicate fraud, all contact and identifying information is re-verified.</p>

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## 7.4 Social Security Number Policy

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### SOCIAL SECURITY NUMBER POLICY

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Adopted 12/22/2005

1. **Purpose.** Oceana County, Michigan (“Oceana County”) is required by the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, MCL 445.81 et seq., (the “Act”) to create a privacy policy concerning the Social Security numbers that it possesses or obtains. Pursuant to the Act, the privacy policy must at least:

- a. Ensure to the extent practicable the confidentiality of the Social Security numbers.
- b. Prohibit unlawful disclosure of the Social Security numbers.
- c. Limit who has access to information or documents that contain the Social Security numbers.
- d. Describe how to properly dispose of documents that contain the Social Security numbers.
- e. Establish penalties for violation of the privacy policy.

This policy sets forth Oceana County’s policies and procedures regarding how Social Security numbers are obtained, stored, transferred, used, disclosed and disposed.

2. **Policy.** It is the policy of Oceana County to protect the confidentiality of Social Security numbers obtained in the ordinary course of its business from employees, vendors, contractors, customers or others. No person shall knowingly obtain, store, transfer, use, disclose, or dispose of a Social Security number that Oceana County obtains or possesses except in accordance with the Act and this policy.

3. **Procedure.**

- a. Obtaining Social Security Numbers. Social Security numbers should be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this Privacy Policy. Legitimate reasons for collecting a Social Security number include, but are not limited to:
  - i. Applicants may be required to provide a Social Security number for purposes of a pre-employment background check.

- ii. Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.
  - iii. Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting or for purposes of enrollment in any Oceana County employee benefit plans.
  - iv. Social Security numbers may be obtained from creditors or vendors for tax reporting purposes.
- b. Public Display. All or more than four sequential digits of a Social Security number shall not be placed on identification cards, badges, timecards, employee rosters, bulletin boards, permits, licenses or any other materials or documents designed for public display. Documents, materials or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.
- c. Account Numbers. All or more than four sequential digits of a Social Security number shall not be used as a primary account number for an individual.
- d. Computer Transmission. All or more than four sequential digits of a Social Security number shall not be used or transmitted on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.
- e. Mailed Documents. Oceana County documents containing all or more than four sequential digits of a Social Security number shall only be sent in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document. Documents containing all or more than four sequential digits of a Social Security number, that are sent through the mail, shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.
- f. Freedom of Information Act. Where all or more than four sequential digits of a Social Security number are contained within a document subject to release under the Freedom of Information Act, The Social Security number shall be redacted or otherwise rendered unreadable before the document or copy of a document is disclosed.
- g. Storage. All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security numbers shall not be stored on

computers or other electronic devices that are not secured against unauthorized access.

- h. Access to Social Security Numbers. Only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers. The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in Oceana County's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.
- i. Disposal. Documents containing Social Security numbers will be retained in accordance with the requirements of state and federal laws. At such time as documents containing Social Security numbers may be disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding.
- j. Unauthorized Use or Disclosure of Social Security Numbers. Oceana County shall take reasonable measures to enforce this Privacy Policy and to correct and prevent the reoccurrence of any known violations. Any employee, who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this privacy policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil sanctions. Oceana County will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses Social Security numbers through Oceana County for unlawful purposes.



## **7.5 Credit Card Policy**

Every employee in the possession of a County-issued credit card or who may request to use a credit card for business purposes will adhere to the strictest guidelines of responsibility for the proper protection and use of that card including compliance with County cash management practices (refer to the **Uniform Guidance Policies**) and credit card policies.

All sales receipts generated by use of the credit card must be turned in as soon after a transaction occurs as is possible. County credit cards shall not be used for personal reasons. They are restricted for approved business expenses only.

Any unauthorized purchases made with a County issued credit card will be the employee's responsibility and the employee may be subject to disciplinary action up to and including termination of employment.

Lost or stolen cards must be reported immediately to your Department Head and the County Administrator's Office. Failure to follow this policy may result in disciplinary action up to and including termination of employment.

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## CREDIT CARD POLICY

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Adopted 08/12/2010

1. The County Administrator shall be responsible for the issuance, accounting, monitoring, retrieval, and compliance oversight of the Oceana County Credit Card Policy. The County Administrator is hereby authorized to execute credit card contracts or applications on behalf of the County.
2. Any credit card issued in the name of Oceana County or for which Oceana County will be responsible (hereinafter described as an "Oceana County Credit Card") may be used only by an officer or employee whose use of the card has been approved by the County Administrator in writing. The County Administrator shall keep a current log of all employees or officers so authorized. The credit card company shall be promptly advised within 5 business days of such authorizations and any deletions or additions.
3. The Oceana County credit card may be used only for the purchase of goods and services used in the official business of Oceana County. No Oceana County Credit Card may be used for cash advances and the Company issuing the card shall be so advised. No Oceana County Credit Card may be used for personal purchases.
4. Any officer or employee using an Oceana County Credit Card must submit receipts documenting each purchase on the first day that the employee returns to work. Documentation must detail the goods or services purchased, cost, date of purchase, name of vendor and the official purpose.
5. Each officer or employee issued an Oceana County Credit Card shall be responsible for its protection, custody and proper use, and upon recognition must immediately report to the County Administrator and credit card company that the card has been lost, stolen, or misplaced.
6. Each officer or employee must immediately surrender the card upon request by the County Administrator for any reason.
7. Except for contested or disapproved expenditures, the balance due, including interest shall be paid not more than sixty (60) days after the County receives the

statement. If a charge is to be contested with the credit card company, the County Administrator must make the protest within the time frame allotted by the credit card contract. If a charge is to be disapproved because of officer or employee noncompliance with this policy, the County Administrator shall collect the balance and any interest from the employee or officer and shall then make payment. Any officer or employee accepting an Oceana County credit card must sign the acknowledgment and authorization contained at the bottom of this policy.

8. Any officer or employee who violates this policy shall be subject to disciplinary measures including but not limited to termination and/or removal from office.
9. The County Administrator is authorized to establish and distribute other written policies or procedures to promote the objectives of this policy and compliance with Michigan Law.

#### **Acknowledgment and Authorization**

I, the undersigned Oceana County officer or employee, hereby acknowledge that I have carefully read the foregoing policy, and that I agree to subscribe to, honor and abide by its terms and conditions. I also hereby authorize Oceana County to deduct from my continuing wages, sums necessary to reimburse Oceana County for any purchases I make that are disapproved, including any interest charged on such purchases by the credit card company.

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Signature/Date

### 7.5.1 Michigan Dept. of Treasury 1996-2



January 19, 1996

TO: County, City, Village and Township Clerks and School Districts, Intermediate Schools and Community Colleges

FROM: Richard L. Baldermann, CPA  
Administrator, Local Audit and Finance Division

RE: Credit Card Transactions

**Public Act 266 of 1995** became effective January 8, 1996. The act authorizes the use of credit cards by local units of government for appropriate expenses. The act also sets specific criteria which must be followed. A local unit must have adopted by **resolution, a written policy** that provides all of the following:

- a) A named officer or employee is responsible for the issuance, accounting, monitoring, and retrieval and generally for overseeing compliance with the credit card policy.
- b) That the credit card may be used only by an officer or employee for the purchase of goods or services for the official business of the local unit.
- c) The officer or employee using the credit card must submit documentation detailing the goods or services purchased, cost, date of the purchase, and the official business.
- d) The officer or employee issued the card is responsible for its protection and custody and shall immediately notify the local unit if the card is lost or stolen.
- e) The officer or employee must immediately surrender the card upon termination.
- f) For a system of internal controls to monitor the use of the credit card.
- g) Approval of credit card invoices **before** payment.
- h) That the balance including interest due on an extension of credit under the credit card arrangement shall be paid for not more than 60 days of the initial statement date. The local unit shall comply with this provision of the credit card policy.
- i) The policy must provide for disciplinary measures consistent with law for unauthorized use.
- j) Any other matters the governing body considers advisable.

The total combined authorized credit limit of all credit cards issued by a local unit shall not exceed 5% of the total budget of the local unit for the current fiscal year. The local unit may include in its budget the authorization to pay the balance due on any credit cards including the annual fee and interest.

After appropriate hearings, the Department of Treasury may issue an order limiting or suspending the authority of a local unit to issue and use credit cards for failure to comply with this act or the local unit's credit card policy.

Credit card arrangements currently in use may continue to be valid, but may not be used for credit card transactions after the effective date of this act unless the credit card policy has been approved by the legislative body and the 5% limit is not exceeded.

If you need further assistance, please call (517) 373-3227 or write our office: Michigan Department of Treasury, Local Audit and Finance Division, P.O. Box 30728, Lansing, Michigan 48909-8228.

**Source:** [http://www.michigan.gov/treasury/0,4679,7-121-1751\\_2194-7699--,00.html](http://www.michigan.gov/treasury/0,4679,7-121-1751_2194-7699--,00.html)

## 7.6 Fixed Asset Management Policy

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### FIXED ASSET MANAGEMENT POLICY

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Adopted 08/12/2010

Fixed assets to be monitored:

- Land, buildings, improvements (parking lot, sidewalks, etc.), equipment, construction in progress, leased/purchased

Use these guidelines to help determine if an asset should be capitalized:

- New purchases costing greater than \$5,000.00
- All new computers (no cost threshold)
- All new printers (no cost threshold)
- All new data projectors and televisions (no cost threshold)
- Item must have an estimated useful life greater than one year

Once a decision has been made to capitalize an asset, the following steps should be taken to account for the asset:

- The asset information shall be given to the County Administrator's Office so the current fixed asset schedule can be updated
- Asset depreciation shall be calculated using the straight-line method
- The useful life of an asset shall be determined by using the recommendations provided in the Guide for GASB #34 (see below) or online for the most up-to-date.

#### Recommended Estimated Useful Life - GASB Statement No. 34

Asset Class	Examples	Years
Land		n/a
Site Improvements	Paving, flagpoles, retaining walls, sidewalks, fencing, outdoor lighting	20
Buildings		50
HVAC Systems	Heating, ventilation, and air conditioning	20
Roofing		20
Interior Construction		25
Carpet Replacement		7
Electrical/Plumbing		30
Sprinkler/Fire System	Fire suppression systems	25
Outdoor Equipment	Playground, radio towers, fuel tanks, pumps	20
Machinery & Tools	Shop & maintenance equipment, tools	10
Kitchen Equipment	Appliances	10
Custodial Equipment	Floor scrubbers, vacuums, other	10
Furniture/Accessories	Office furniture	20
Business Machines	Fax, duplicating & printing equipment	10
Copiers		5
Communication Equipment	Mobile, portable radios, non-computerized	10
Computer Hardware	PCs, printers, network hardware	5
Computer Software	Administrative, other long-term	10
Audio Visual Equipment	Projectors, cameras (still & digital)	10
Athletic Equipment	Gymnastics, football, weight machines, wrestling mats	10
Licensed Vehicles	Buses, other on-road vehicles	8
Grounds Equipment	Mowers, tractors, attachments	10

### ***7.7 Excess Expenditure Policy***

To assist the County in meeting its objective of providing necessary services during fiscal years in which projected revenues are anticipated to be less than known increases in expenditures, the Board of Commissioners may call upon all elected and appointed officials to refrain from incurring expenditures that could further jeopardize the financial position of the County.

Also noteworthy is that the Board of Commissioners adopts an annual budget resolution that mandates that Department Heads, and their subordinate employees, not exceed their budget appropriation for each line-item (account) in their respective budget(s). Doing so means a violation of the Uniform Budget and Accounting Act (P.A. 2 of 1968) has occurred and the County Administrator is then mandated to address the violation following generally accepted accounting principles, including periodic reports to the Board of Commissioners.

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#### **EXCESS EXPENDITURE POLICY**

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Adopted 10/27/2011

Under no circumstances shall any appointed Department Head or elected official exceed their budget appropriation without receiving prior approval of the Oceana County Board of Commissioners. Those appointed Department Heads and elected officials that fail to receive prior approval or an additional appropriation of funds from the Board when their budget appropriations are exhausted shall cease incurring or expending any further funds immediately and the County Clerk shall be ordered to refrain from issuing warrants for all expenditures in excess of budgets.

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## 7.8 Policy on Gifts

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### POLICY ON GIFTS

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Adopted 03/09/2017

#### **Purpose:**

The purpose of this policy is to provide a method for the county to receive gifts of property, cash, or equivalent from various sources and to ensure that the gifts are properly recorded and accounted for. This policy further defines the procedures by which gifts can be received.

This policy prohibits elected and appointed officials and their respective employees from accepting gifts from any individual or entity who is currently doing business, or seeks to do business, with the county without first complying with this policy. While the intent of a donor is almost always innocent in these situations, the acceptance of any gift could result in a real or perceived conflict of interest.

No gift will be considered or accepted if offered as a quid pro quo. Any laws or rules of ethics, including campaign finance, that apply to government officials and their employees unto which a gift is offered for consideration shall be adhered to. Furthermore, no gift shall be considered for acceptance that is in discord with, or attempts to circumvent, the rules and laws or ethics governing or applying to that department in which the gift is intended.

#### **Definitions:**

1. Gifts – generally two classifications: 1) cash, check, or equivalent; 2) real estate and other personal property with an expected useful life expectancy of at least one year. *[Variations of the word "Gift:" bequest, legacy, donation, endowment, inheritance]*
2. Letter of Testamentary - sometimes called a "Letter of Administration" or "Letter of Representation" is a document that simply states who the legal executor for a particular estate is and the ability to act as such.
3. Quid pro quo – something for something.

#### **Authority and Process:**

The following series of steps outline the procedure for receiving gifts:

1. Acquisition – acquiring gifts must comply with all applicable laws and is to be initiated by the appropriate elected or appointed official to which the gift has been offered. With all types of gifts, a Declaration of Gift (GIFT) form shall be completed and submitted to the County Administrator.
  - a. Cash or equivalent:
    - i. The County Administrator shall be authorized to sign the GIFT form attesting to acceptance of the gift.
    - ii. All funds shall be secured by immediately depositing them with the County Treasurer during normal business hours.
    - iii. If any restrictions apply to the gift, the County Administrator shall review them with the county's auditing firm to ensure compliance
  - b. Real or personal property:
    - i. The County Administrator shall submit all intended donations of real or personal property to the Board of Commissioners (Board) for its review and all supporting documents, as required by law, assembled by the elected or appointed official.
    - ii. Where applicable, the elected or appointed official, or their designee, shall obtain from the Probate Court a certified copy of the donor's Last Will and Testament (Will) under which the gift is made and a certified copy of a Letter of Testamentary issued to the personal representative to the estate, that the gift is tendered to the county according to the terms of the Will.
2. Final Authority – if a gift is declined, the County Administrator shall take the necessary steps to notify the elected/appointed official who shall then notify the donor.
3. Estimated Value – the estimated value of the gift shall be established by the donor, appraiser, or legal representative of a particular estate, and recorded on the GIFT form. County officials and their employees shall make no judgment as to the value of the gift.



4. Reporting - the County Administrator shall inform the Board of donations through a periodic Administrator's Report and, where appropriate, through Board resolutions.

*This policy supersedes an earlier version adopted November 1, 2011.*

Oceana County  
Declaration of Gift

Donor(s) name(s): \_\_\_\_\_

If real or personal property, briefly describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Value in dollars (\$): \_\_\_\_\_ Date received: \_\_\_\_\_

Please describe any pertinent restrictions upon the county's use of the gift: \_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Recipient County Official

\_\_\_\_\_  
County Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**For Real and Personal Property Use Only:**

I, \_\_\_\_\_, the donor or legal executor of a particular estate, irrevocably give, and where appropriate transfer, title to the gifts of property described above to Oceana County, Michigan to become permanent property of the county and to be administered with its established policies. I assign and transfer all rights, including any copyrights that I possess on these gifts of property to the county, without restrictions or conditions except as noted above. Furthermore, no goods or services were offered, solicited, exchanged, or promised by, or to, the donor in consideration of the gift(s).

\_\_\_\_\_  
Donor or Legal Executor

\_\_\_\_\_  
Board Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_

## 7.9 *Purchasing and Bid Policy*

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### **PURCHASING AND BID POLICY**

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Adopted 12/08/2016

Section 1. Purchasing Agent. The County Administrator shall represent the County Board of Commissioners as Bid Agent and Purchasing Agent.

- a. No purchases shall be made unless budgeted funds are available to pay the expense; or, a request to transfer funds to cover the expense has been authorized by the County Administrator or Board of Commissioners pursuant to and in compliance with the annual General Appropriations Act.
  - i. Exception: Elected and appointed Department Heads may make purchases when any emergency condition exists whereby a delay in purchasing would jeopardize public health, safety, or welfare; or where in the judgment of the County Administrator the operational effectiveness of a significant county function would be seriously threatened. A Department Head must notify the County Administrator as quickly as is reasonably feasible regarding actual and/or estimated future expenses.

Section 2. Purchases or Contracts Under \$1,000 Per Unit. Purchases of supplies, materials, equipment, and professional services, the cost of which is less than \$1,000 per unit, may be made in the open market by Department Heads using budgeted funds.

- a. Exception: If the total aggregated cost of the purchase(s) is for a non-emergency condition (see above, Section 1(a)(i)) AND is greater than \$2,500, the purchase shall be approved by the County Administrator prior to placing the order.
- b. Purchases shall be based upon competitive prices and be awarded to:
  - i. the lowest priced competent vendor; or
  - ii. a vendor previously used to provide similar products or services at a competitive price; or
  - iii. a sole-source vendor whereby the market is extremely limiting; or
  - iv. under circumstances in which the County Administrator determines that public interest, such as a local purchasing preference, will be better served by accepting a higher per unit and/or overall cost.
- c. A Department Head may solicit prices verbally, by telephone, by electronic or written communication. A record of quotes shall be kept by the Department Head for not less than 30 days following the date of purchase.

Subsequent records related to the purchase, such as an invoice, shall be retained in accordance with the State of Michigan Retention and Disposal Schedule, specifically, the Local Government Financial Records schedule.

- d. Purchases may be made using online sources with authorization by the County Administrator; and only by county credit card. Online-style receipts and statements of purchase may not conform to traditional designs but shall serve as suitable supporting documentation for each purchase.
- e. Employees shall not make purchases of products and services with personal funds and then expect reimbursement from the county without prior approval of the County Administrator. Employees shall not be reimbursed for sales tax, finance charges, restocking fees, or similar costs unless explicitly approved by the County Administrator.
  - i. Exception. Sales tax that is part of a meal receipt for an employee attending a conference, training, or similar activity may be reimbursed.

Section 3. Purchases or Contracts of \$1,000 or More Per Unit. Any expenditure for supplies, materials, equipment, professional services, construction projects or contracts obligating the county, where the amount of the county's obligation is at least \$1,000 or more per unit may be approved by the County Administrator or the Board of Commissioners with or without soliciting sealed bids.

The County Administrator or Board of Commissioners shall make a determination if sealed bids will be required or if competitive quotes are deemed an acceptable alternative. If sealed bids are required, the following shall apply:

- a. The County Administrator shall solicit bids from a reasonable number (preferably, at least 3) of such qualified prospective bidders as are known to them by sending a copy of the notice requesting bids and notice thereof shall be posted in the county courthouse and on the county Web site. Bids shall be solicited by newspaper advertisement when directed by the Board of Commissioners.
- b. Unless prescribed by the Board of Commissioners, the County Administrator shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of cash, certified or cashier's check or bond written by a surety company authorized to do business in the State of Michigan. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the Board of Commissioners, the County Administrator shall fix the amount of the

performance bond and in the case of construction contracts, the amount of labor and materials bond to be required of the successful bidders.

- c. Bids shall be opened in the presence of the County Clerk, County Administrator, and one other party chosen by the County Administrator such as a County Commissioner or a Department Head. The bids shall thereupon be carefully examined and tabulated and reported to the Board of Commissioners with the recommendation of the County Administrator. After tabulation, all bids may be inspected by the competing bidders. In-lieu-of the procedure for opening bids herein specified, the Board of Commissioners may direct that bids be opened at a Regular Meeting.
- d. When satisfactory bids are submitted to the Board of Commissioners, the Board shall award the contract to the lowest competent bidder meeting specifications unless the Board determines that the public interest will be better served by accepting a higher bid. An award shall be made by resolution. The Board of Commissioners shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.
- e. All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five (5) days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the county and the Board of Commissioners may, in its discretion, award the contract to the next lower competent bidder meeting specifications or to another competent bidder meeting specifications if they shall determine that the public interest will be better served by accepting such other bid or said contract may be re-advertised.

Section 4. Reporting. The County Administrator shall inform the Board of Commissioners of all purchases totaling \$1,000 or more, regardless of per unit costs, in a periodic claims report and/or administrator's report at the next regularly scheduled committee or board meeting following receipt of an invoice(s) from a vendor(s).

Section 5. Severability. The sections of this Purchasing and Bid Policy are declared to be severable, and if any section hereof is declared to be illegal or void for any reason, it shall not affect the remaining provisions of this policy.

Section 6. Exclusion. The above policy does not apply to insurances and other products or services whereby other county policies or statutory guidance exists and governs such purchases.

Section 7. Superiority. The above policy supersedes all previous Purchasing and Bid Policies.

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## **7.10 Volunteer Policy**

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### **VOLUNTEER POLICY**

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Adopted 10/27/2016

#### **Purpose:**

To establish a policy which provides guidelines on the use of volunteers in non-law enforcement County programs and specifies the roles and responsibilities of those involved in county volunteer programs.

#### **Background:**

The County supports and encourages the use of volunteers when and where it is feasible and appropriate. Volunteers enhance and expand the work of paid staff and are not intended to replace paid staff. Volunteer programs in the County are department or program-based and managed. The County Administrator provides coordination of County-wide volunteer recognition, communication and reporting. The County partners with community organizations in order to share community resources and support- effective volunteer programs.

#### **Policy:**

It is the policy of the County to offer both residents and non-residents the opportunity to volunteer their time and effort toward the betterment of our communities.

#### **Process:**

##### **I. ESTABLISHMENT OF VOLUNTEER PROGRAMS:**

Elected officials, department heads, and commissions may establish a department or program-level volunteer program after determining that volunteers could make an effective contribution toward meeting the needs of a department or an elected official's office. The County Administrator shall determine when the use of volunteers is appropriate to the mission and tasks of elected officials, departments, and commissions. If deemed appropriate, the County Administrator will refer a request to the Board of Commissioners for consideration and/or approval.

Upon determination to establish a volunteer program, the department should designate a volunteer coordinator. It is the volunteer coordinator's role to serve as a point of contact for the department's volunteer activities and to assist the department in organizing, implementing and overseeing the volunteer program.

This shall include the establishment of goals, objectives and appropriate department-level volunteer work plans/processes.

Elements essential to the establishment of a volunteer program include:

- A) Application – A volunteer services application form serves to ensure that volunteers are registered with the County Administrator and that their status as volunteers is documented. Each volunteer must submit a volunteer services application to the County Administrator's office. This is necessary for workers' compensation and liability coverage. Volunteers are covered only when registered as a member of a County volunteer program and when performing assignments within the course and scope of their written job description. Such a job description must be written by the department and submitted to the County Administrator for approval. The job description must be written and approved before a volunteer will be allowed to begin working.
- B) Volunteer services applications will be made available to designated department volunteer coordinators, and will contain the following :
  - 1. Application/Registration Form – Contains applicant information, including interest, contact with law enforcement (applicants may request volunteer hours to comply with a court requirement, however, may be precluded from performing certain assignments), emergency contacts, and an agreement to adhere to the policies of the County, department and program (Drug-Free Workplace, Sexual Harassment, etc.).
    - a. Any volunteer who will drive on County business must possess a valid driver's license.
    - b. If a volunteer is utilizing their personal vehicle for transportation while serving as a volunteer, they must provide of copy of their proof of insurance.
    - c. Individuals interested in volunteering shall be subject to a criminal background/driving check. Individuals who do not pass the background/driving check, for any reason, shall not be allowed to serve as a volunteer.



- C) Job Description – The department shall ensure that a written volunteer job description and a record of having communicated the job description with the volunteer, is made available to the County Administrator for placement in the volunteer's personnel file.
- D) Conduct – The department shall ensure that conduct of volunteers is consistent with currently adopted rules of conduct contained in all County policies.

## II. MANAGEMENT OF VOLUNTEER PROGRAMS:

Elements essential to the successful management of a volunteer program include:

- A) Recruitment – Residents and non-residents interested in volunteer opportunities with the County may be referred to a specific department volunteer coordinator by local community groups, through the recruitment efforts of a department coordinator, by other department coordinators or by the Office of the County Administrator. When possible, yet strongly encouraged, the department coordinator should ensure that a formal interview with potential volunteers takes place, during which the volunteer's skills and interests are compared with the department's opportunities to ensure an appropriate match.
- B) Readiness – Before beginning an assignment, volunteers should receive an orientation to the volunteer program, the department, the responsibilities and duties of their position and a review of applicable County and department policies. Department staff who will be working with the volunteer should also receive an orientation to prepare them for working with and supervising volunteers. Both the volunteer and staff orientation will help ensure that volunteers will be eagerly accepted as part of the department team serving the community.
- C) Recognition – The recognition of volunteer efforts is the responsibility of the department to which a volunteer contributes. Departments are encouraged to recognize volunteers and coordinate with the County Administrator such recognition at board, committee, or commission meetings.
- D) Record Keeping – Volunteer records will be compiled and maintained for reference, recognition and required statistical reports upon submission to the Office of the County Administrator. Records for all volunteers shall be updated when necessary, for instance, upon the completion of any training, changes in emergency information, changes in job description, etc. The total number of

hours each volunteer works should be maintained in the same manner as hours of regular paid employees and reported to the County Administrator, not later than January 31 of any given year, in preparation for an Annual Volunteer Report.

- E) Review – Departments are encouraged to conduct a periodic review of their volunteer program to evaluate its effectiveness and identify area for improvement and/or expansion. Annually each department shall provide the County Administrator with a description of their recruiting program(s), special volunteer activities/achievements, and volunteer program goals for the upcoming year, not later than January 31 of that year for inclusion in the Annual Volunteer Report.

### III. COUNTY ADMINISTRATOR

Through cooperation with department volunteer coordinators, the County Administrator will assist departments with their volunteer programs and ensure that the following functions and/or roles are filled:

- A) Communication – The County Administrator shall disseminate information relevant to the County's volunteer program to participants during periodic review meetings with department coordinators, generally, through electronic mail.
- B) Recognition – The County Administrator shall execute an annual volunteer recognition program for the Board of Commissioners as a means of formally recognizing and thanking volunteers for their contributions to the community.
- C) Referral – The County Administrator may refer potential volunteers to departments that have suitable work locations within the County.
- D) Annual Volunteer Report – The County Administrator shall compile and submit an annual consolidated report to the Board of Commissioners encompassing information provided by all County departments which utilized volunteers during the previous fiscal year. The information provided by departments and reported shall include a description of the volunteer program, benefits, and donations to volunteer programs, volunteer program costs, and the net benefit to the department from the volunteer program. Additionally, each department is encouraged to provide the County Administrator with volunteer program goals for the upcoming year.

- E) Promotion – The County Administrator will assist department volunteer coordinators in organizing unified promotional materials such as brochures, pamphlets, newspaper advertisements, etc.
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## ***7.11 Disposal of Surplus Property Policy***

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### **DISPOSAL OF SURPLUS PROPERTY POLICY**

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Adopted 12/19/2019

Departments with surplus items to be disposed of shall advise the County Administrator that they have such items and the County Administrator will periodically take action to authorize the disposal of such items through recycling programs, offer to employees at no more than fair market value on a first-come, first-serve basis, public auction, or request for bids.

No surplus County-owned personal property shall be offered for sale, auction or other disposition without prior review between the Department Head, Agency Director, et al and the County Administrator for an estimation of value and verification that it is no longer of use to the County.

The market value of the items sold, auctioned or otherwise disposed of shall be determined on the basis of its date of acquisition and the expected life of the items, using the generally accepted principles of depreciation. Refer to the Fixed Assets Management Policy for additional guidance.

When the list of items to be disposed of is presented to the County Administrator, final approval of the list shall be deemed as authorization to proceed with disposal. In certain circumstances, the County Administrator may refer items to be disposed of to the Board of Commissioners for final approval.

Public notice shall be given of any and all auctions to be held for the purpose of selling or otherwise disposing of surplus County-owned personal property. Except for sales to employees, other units of government or to non-profit corporations, the objective shall be to maximize the net proceeds from disposal.

As a matter of County policy, it is improper for immediate relatives or business associates of elected officials to purchase property from the County unless it is at auction.

This policy shall replace or supersede any and all policies that relate to the sale, auction or other disposition of surplus County-owned personal property.

### ***7.12 Driving Record***

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license and acceptable driving record. The County may run a motor vehicle department check to determine an employee's driving record. It is your responsibility to provide a copy of your current driver's license for your personnel file. Any changes in your driving record, including, but not limited to, driving infractions, must be reported to the County.

State law requires all motorists to carry auto liability insurance. It is against the law to drive without insurance. Employees using their own vehicle as a part of their employment duties must provide management with a current proof of insurance statement or card. A new proof of insurance is required every time your policy expires and renews.

### 7.13 Use of County Vehicles

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## VEHICLE POLICY

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Adopted 11/23/2010

In accordance with IRS rules, the following policy provides guidance with respect to all County-owned vehicles used by County employees.

### Driver Qualifications

1. Must possess a valid driver's license.
2. Must have and keep a favorable driving record and be willing to permit a periodic review.
3. Shall operate County-owned vehicles in accordance with federal, state, and local regulations, traffic laws and ordinances.

### Utilization

1. Transportation for County-related business to include conferences and training seminars.
2. Transportation of any non-authorized passengers is prohibited.

### Vehicle Maintenance

Employees assigned a County-owned vehicle shall routinely inspect the vehicle. General vehicle service such as checking oil and fluid levels, filling with fuel, general cleaning and washing and inspecting for damage shall be conducted by the vehicle driver. The vehicle driver shall also monitor and schedule regular maintenance, oil and lube changes, tire rotation and other such maintenance as required and consistent with the vehicle manufacturer's maintenance schedules.

### Mileage Log

Employees assigned a County-owned vehicle shall maintain a vehicle informational/mileage log and make the log available to the County Clerk and/or County Administrator upon request. Information to be identified within the log shall include the date the vehicle was used, name of the employee using the vehicle, purpose for the vehicle, starting mileage, and ending mileage.

Supplemental information to further describe the policy stated above includes:

Drivers of County vehicles are to immediately report all infractions or violations while driving a County vehicle and all restrictions, suspensions, or revocations against their driver's license to their Department Head. The Department Head shall notify the County Administrator's Office in a timely manner and provide supporting documents. Employees operating a County vehicle while their operator's license is suspended or revoked shall be subject to disciplinary action up to and including immediate termination.

When a County vehicle cannot be operated, is unsafe for use, or has been damaged, notify your Department Head or County Administrator's Office immediately.

The driver of a County vehicle is responsible for the vehicle while in his or her charge and must not permit unauthorized persons to drive it.

The driver is responsible for the daily housekeeping of the vehicle; it is to remain clean and uncluttered.

No person shall operate a motor vehicle while under the influence of alcohol or a chemical substance or other substance that can impair judgment. Doing so will subject the employee to disciplinary action up to and including immediate termination.

Multiple driving violations that appear on the annual state department of motor vehicle check will result in suspension of rights to drive a County vehicle or drive a personal vehicle on County business. Suspension of rights will continue until such time that the employee's Department Head determines otherwise. If there are persistent and ongoing problems with driving infractions, and driving a vehicle is a part of successful execution of job responsibilities, defensive driver training may be required or termination of employment is possible.

#### ***7.14 Authorization for Use of Personal Vehicle***

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license, acceptable driving record, and appropriate insurance coverage. The County may run a Secretary of State check to determine an employee's driving record. It is your responsibility to provide a copy of your current driver's license and insurance coverage for your personnel file. Any changes in your driving record, including, but not limited to, driving infractions or changes to your insurance policy, must be reported to the County.

#### ***7.15 Notice of GPS Monitoring Policy of County Vehicles***

The County desires to strike the appropriate balance between today's technologies, an employee's desire for privacy, and the County's interests in protecting its vehicles, equipment, and drivers. Due to safety, efficiency, and other business purposes, the County may use GPS technology to monitor the whereabouts of our vehicles at all times.

Employees using a County-owned vehicle will be notified if it is equipped with GPS technology for vehicle location purposes. Questions concerning use of this technology should be directed to the County Administrator's Office.

Questions concerning the proper use of any vehicles should be directed to the employee's immediate Department Head and/or the County Administrator's Office. Any employee who abuses the privilege of driving county vehicles, including deactivating GPS technology in the vehicle, will be subject to corrective action, up to and including termination of employment. If necessary, the County will also advise law enforcement officials of any illegal conduct.

#### ***7.16 Personnel and Medical Records (HIPAA)***

The County maintains a personnel and medical file for every employee. Medical records will be kept in a separate folder and protected in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Every effort will be made to keep your personnel and medical records confidential. Access is on a "need-to-know" basis only. This includes, but is not limited to, Department Heads and others in management reviewing the personnel file for possible promotion, transfer, or layoff.

If an employee wishes to review his or her personnel or medical file they may do so after giving the County reasonable notice. Inspection must occur in the presence of



a staff member of the County Administrator's Office. All requests by an outside party for information contained in your personnel file will be directed to the County Administrator's Office, which is the only department authorized to give out such information.

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## HIPAA COMPLIANCE POLICY

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Adopted 03/01/2004

These policies are intended to comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and Protected Health Information (PHI) regulations. The County of Oceana Group Health Plan has implemented the following procedures and policies regarding the use and disclosure of PHI. These policies may be amended from time to time to ensure compliance with HIPAA and other applicable Federal and state law.

1. The County Administrator has been designated as the County's Group Health Plan Medical Privacy Officer. The Medical Privacy Officer ensures that all employees having access to PHI have been properly trained, understand these policies and understand the importance of protecting PHI.
2. Segregate all PHI files from other files.
3. File drawers containing PHI must be secured and access restricted to trained and authorized personnel. The office where PHI is filed shall be locked at the end of each business day, at all times during weekends and any other times when the office is unattended. Only authorized employees shall be given access to PHI records. The Medical Privacy Officer is knowledgeable of all employees having access to Protected Health Information.
4. No employee shall leave work files that contain PHI on his/her desk when the employee is not at his/her desk. No employee shall leave his/her desk when PHI is on his/her computer screen.
5. Fax transmissions containing PHI are transmitted from the confidential fax located in the County Administrator's Office. Each authorized employee will follow the instructions listed below regarding fax usage:
  - a. Use a confidential fax cover sheet for distributing PHI containing the following statement at the bottom of the facsimile cover page:

*"CONFIDENTIALITY NOTICE: This facsimile message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply facsimile and destroy all copies of the original message."*

- b. Make sure the fax cover sheet contains standard information including: date and time of the fax; sender's name, address, telephone number and fax number; the authorized recipient's name, telephone number and fax number; and number of pages transmitted.
  - c. When expecting the arrival of a fax containing PHI, coordinate timing with the sender so you can promptly retrieve the fax.
  - d. Faxes with PHI should be deposited in a secure/confidential place when they are delivered and not, for example, left in an in-box that passersby could see.
  - e. Confirm the accuracy of fax numbers (and security of recipient machines) by calling the intended recipients to double-check the numbers, verify the security of their machines, notify them that your fax is on the way, and request verification of its receipt.
  - f. Verify each outgoing transmission is transmitted successfully.
  - g. In the event of a misdirected fax, ensure improperly faxed documents are either immediately returned or destroyed by the recipient. Document that the fax was misrouted, and take (and document) steps to prevent a recurrence of the error.
6. When disposing of PHI in paper form, all paper shall be shredded. In no event shall PHI in paper form that has not been shredded be thrown in trashcans or recycle bins.
7. All e-mails that contain PHI must include the following message:
- "CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipients(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message."*
8. When disclosing PHI to anyone, you must only disclose the PHI that is the minimum necessary to accomplish the purpose of the disclosure.
9. Before disclosing PHI by telephone, you must verify the caller's identification and that the disclosure is in accordance with HIPAA guidelines.

10. A copy of all PHI received will be retained in accordance with HIPAA requirements. Electronic records, e-mails, etc. may be maintained in password-protected file share folders pending capture by back-up tape; paper records may be stored in a manner consistent with HIPAA document management policies.
  11. A record of all disclosures of PHI (whether such disclosure is made orally or in writing, and whether by fax, e-mail, U.S. mail or otherwise) must be maintained for a period of six (6) years following such disclosure, unless such disclosure is made in connection with the treatment, payment or health care operations. The record shall contain: (i) the disclosure date, (ii) who made the disclosure, (iii) the name and (if known) address of the person or entity to whom the disclosure is made to, (iv) a brief description of the PHI disclosed and (v) a brief statement of the purpose of the disclosure.
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### ***7.17 Employee Privacy and Right to Inspect***

County property, including but not limited to, lockers, phones, computers, tablets, desks, work place areas, vehicles, or machinery, remains under the control of the County and is subject to inspection at any time, without notice to the employee, and without the employee's presence. Employees should have no expectation of privacy in any of these areas. We assume no responsibility for the loss of, or damage to, any employee property located on County premises including property kept in lockers and desks.

For certain job classifications, the County provides lockers for the personal possessions of its employees. These lockers should be maintained in a clean and sanitary condition. As part of the employee's privilege for use of these lockers, employees must agree to allow the County to inspect or otherwise gain access to the locker and its contents at any time, with or without notice to the employee, and without the employee's presence.

### ***7.18 Employee Suggestions/Open Door Policy***

We welcome suggestions for continued countywide operational improvement and also welcome your ideas for better ways for you to do your job. Therefore, you are encouraged to discuss your ideas with your Department Head. Additionally, the County Administrator is particularly interested in hearing from employees about ideas to increase operational efficiency.

We also encourage you to offer any suggestions derived from seminars, magazines, or other outside sources of information you believe would be valuable to County officials to know about.

Also, check with your Department Head regarding their policy/practice for "walking in" and having a conversation with him/her about any topic that interests you, including ideas, complaints or other grievances you may have.

The County Administrator practices an open door policy whereby any employee is welcome to stop by to discuss ideas, interests, or concerns to help the County perform optimally.

### ***7.19 County Bulletin Boards***

Bulletin Boards, electronic or otherwise, are a popular means of sharing County policy information with employees. Today, however, Oceana County relies more on email notifications to keep employees informed.

Our physical bulletin board is located inside the employee break room in the lower level of the County Building for the purpose, like email, of providing employees with its official notices, including wage and hour laws, changes in policies, and other employment-related notices. At times the County may also post information of general interest (i.e., a local event) to the employees on the bulletin board.

### ***7.20 Non-solicitation/Non-distribution Policy***

To avoid disruption of business operations or disturbance of employees, visitors, and others, the County has implemented a non-solicitation policy. For purposes of the policy, "solicitation" includes selling items or services, requesting contributions, and soliciting or seeking to obtain membership in or support for any organization. Solicitation performed through verbal, written, or electronic means is covered by the non-solicitation policy.

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## NON-SOLICITATION POLICY

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Adopted 07/27/2006

Non-employees of the County of Oceana soliciting sales or services, distributing materials or seeking donations are restricted from contacting County employees during working hours. Elected Officials and Department Heads may post “No Solicitation” signs in their facilities if so desired.

County employees are prohibited from soliciting sales or services, distributing materials or seeking donations during working hours. Employees may participate in such activities during breaks and lunch periods or before and after the regular work day; however, they may not solicit other employees who are working. Employee solicitations for charitable organizations are permitted during the work day with prior approval of his/her Department Head.

Employees and non-employees of the County of Oceana shall not use County facilities to display or store products and materials intended for sale.

This policy does not prohibit business vendors from soliciting sales or services for County business purposes during working hours.

Non-solicitation notices are posted at the main entrance to the County Building and may be posted at other suitable locations for any/all County facilities.

### **7.21 *Personal Appearance Guidelines (Dress Code)***

Your personal appearance reflects on the reputation and integrity of the County. Employees are encouraged to dress comfortably and in a manner appropriate for their job duties.

Employees are expected to maintain personal hygiene habits that are generally accepted in a community (i.e., clean clothing, good grooming and personal hygiene, and appropriate social behavior).

Certain employee classifications are required to wear uniforms and other equipment. Please consult with your Department Head regarding these requirements.

Certain employee classifications are required to wear safety equipment while on the job, such as steel-toed boots, safety glasses, safety masks, etc. Please consult with your Department Head regarding these requirements.

Enforcement of these guidelines is at the discretion of your Department Head.



## ***7.22 Use of Communication Systems Policy***

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### **USE OF COMMUNICATION SYSTEMS POLICY**

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Adopted 05/26/2005

#### **Policy:**

It is the policy of the County to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.

#### **Rules:**

1. Communications services and equipment include mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, voice mail, and bulletin boards. Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used by the County for both internal and external business communications.
2. Most communications services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper method for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.
3. All Company communications services and equipment, including the messages transmitted or stored by them, are the sole property of the County. Accordingly, the County may access and monitor employee communications and files as it considers appropriate.
4. On-line services and the Internet may be accessed only by employees specifically authorized by the Company. Authorized employees must disclose all passwords to their Department Head but should not share the passwords with other employees. Employees' on-line use generally should be limited to work-related activities, except as allowed in Comment #6. In addition, employees should not duplicate or download from the Internet or from an e-mail any software or other materials (such as documents, photographs, and music and video files) that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission from the owner of the material. When appropriate

Internet material or e-mail files are downloaded, they should be scanned using the County's antivirus software.

5. Employees should not use e-mail, instant messaging services, facsimiles, cellular telephones, or any other insecure communication system to communicate confidential information. In addition, e-mail generally should not be saved for more than 30 days unless required as part of the County's and/or Department's record retention policy.

6. Incidental personal use by employees of the County's communications services and equipment is allowed as long as the use does not interfere with the employee's work or the County's operations and does not violate any County policies. Employees must properly log any personal user charges and reimburse the County for them. However, whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or account. County communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor.

7. Employees who do not have direct access to a County telephone should make provision to have emergency or other necessary incoming calls routed to their supervisor or to the Administrator's Office, if the supervisor is not accessible. Although the County will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.

8. Employees should ensure that no personal correspondence appears to be an official communication of the County since employees may be perceived as representatives of the County and, therefore, damage or create liability for the County. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, should be accurate, appropriate, and work-related. Employees may not use the County's address for receiving personal mail or use County stationery or postage for personal letters. In addition, personalized County stationery and business cards may be issued only by the County.

9. Improper use of County communications services and equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other County policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written,

recorded, or electronically retrieved or transmitted communications (including Web sites).

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### **7.23 *Telecommuting Policy***

Telecommuting is defined as an employee regularly working a full or partial workday from home or some other alternate work site.

The County may make telecommuting available to employees when it benefits organizational and departmental needs. This option may not be available in some job classifications. Each Department Head will determine which positions, if any, within the department are suitable for telecommuting.

Employees, and their essential duties and responsibilities, meeting eligibility requirements for telecommuting must submit a written request to their Department Head for departmental-level review and possible approval and to the County Administrator for county-level review and possible approval. Those granted a telecommuting arrangement will be subject to the same performance standards as if they were working in their assigned county office space. If required by the County, employees shall allow telecommuting work areas to be evaluated to ensure that appropriate safety standards are met. Telecommuting may be a reasonable accommodation under the Americans with Disabilities Act, and if you are requesting telecommuting as a reasonable accommodation you should consult with the County Administrator's Office as soon as possible.

### **7.24 *Voicemail, Email, and Internet Policy***

This section of the Policy handbook is a brief summary of a series of comprehensive technology policies adopted by the Board of Commissioners. Refer to the actual policies for details:

- IT Security Policy
- IT Social Media Policy (NEW)
- Etc.

Voicemail/Email/Internet policies are intended to provide each employee of the County with the guidelines associated with the use of the County's voicemail/email/Internet system (the system). This policy applies to all employees, contractors, vendors, partners, or associates, and any others accessing and/or using the County's system through onsite or remote terminals.

#### **General Provisions**

- The system, and all data transmitted or received through the system, are the exclusive property of the County. No individual should have any expectation

of privacy in any communication over this system. Any individual permitted to have access to the County's system will be given a voicemail, email and/or Internet address and/or access code, and will have use of the system, consistent with this policy.

- The County reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over the system. Any individual who is given access to the system is hereby given notice that the County will exercise this right periodically, without prior notice and without the prior consent of the employee.
- The County's interests in monitoring and intercepting data include, but are not limited to: protection of County data that is sensitive, confidential, and help to protect our intellectual property rights for all of our digital assets; managing the use of the County's computer system; and/or assisting the employee in the management of electronic data during periods of absence. No individual should interpret the use of password protection as creating a right or expectation of privacy. In order to protect everyone involved, no one can have a right or expectation of privacy with regards to the receipt, transmission or storage of data on the County Voicemail/Email/Internet system.

Any employee who violates the policies in this handbook, or referred to herein, will be subject to corrective action, up to and including termination of employment. If necessary, the County will also advise law enforcement officials of any illegal conduct.

### ***7.25 Computer Security and Copying of Software***

Software programs purchased and provided by the County are to be used only for creating, researching, and processing County-related work. By using the County's hardware, software, and networking systems you assume personal responsibility for their use and agree to comply with this policy and other applicable County policies, as well as any applicable laws and regulations.

All software acquired for or on behalf of the County or developed by County employees or contract personnel on behalf of the County is and shall be deemed County property. It is the policy of the County to respect all computer software rights and to adhere to the terms of all software licenses to which the County is a party. The County's IT Coordinator is responsible for enforcing these guidelines.

County users may not illegally duplicate any licensed software or related documentation. Unauthorized duplication of software may subject users and/or the

County to both civil and criminal penalties under the United States Copyright Act. To purchase software, users must obtain the approval of their manager. All software acquired by the County must be purchased through the Technology Department.

Users may not duplicate, copy, or give software to any outsiders including clients, contractors, citizens, and others. County users may use software on local area networks or on multiple machines only in accordance with applicable license agreements entered into by the County.

#### ***7.26 Technology Security Policy***

The importance of technology in our ability to deliver public services is undeniable. For this reason, the County has adopted a comprehensive series of policies to ensure appropriate use and protection of our technologies. Refer to the policies that follow for specific guidance.

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## TECHNOLOGY SECURITY POLICY

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Adopted 03/13/2008

### **Introduction**

Computer information systems and networks are an integral part of business at Oceana County. The County has made a substantial investment in human and financial resources to create these systems.

The following policies and directives have been established in order to:

- Protect this investment.
- Safeguard the information contained within these systems.
- Reduce business and legal risk.
- Protect the good name of the County.

### **Violations**

Violations may result in disciplinary action in accordance with County policy. Failure to observe these guidelines may result in disciplinary action by the County depending upon the type and severity of the violation, whether it causes any liability or loss to the County, and/or the presence of any repeated violation(s).

### **Administration**

The information services manager (IS manager) is responsible for the administration of this policy. For purposes of this Policy, the IS manager is the County Administrator or his designee.

### **Contents**

The topics covered in this document include:

- Statement of responsibility
- The Internet and e-mail
- Computer viruses
- Access codes and passwords
- Physical security
- Copyrights and license agreements

## **Statement of responsibility**

General responsibilities pertaining to this policy are set forth in this section. The following sections list additional specific responsibilities.

### **Manager responsibilities**

Managers and Department Heads must:

- Ensure that all appropriate personnel are aware of and comply with this policy.
- Create appropriate performance standards, control practices, and procedures designed to provide reasonable assurance that all employees observe this policy.

### **IS manager responsibilities**

The IS manager must:

- Develop and maintain written standards and procedures necessary to ensure implementation of and compliance with these policy directives.
- Provide appropriate support and guidance to assist employees to fulfill their responsibilities under this directive.

### **The Internet and e-mail**

The Internet is a very large, publicly accessible network that has millions of connected users and organizations worldwide. One popular feature of the Internet is e-mail.

### **Policy**

Access to the Internet is provided to employees for the benefit of Oceana County and its customers. Employees are able to connect to a variety of business information resources around the world.

Conversely, the Internet is also replete with risks and inappropriate material. To ensure that all employees are responsible and productive Internet users and to protect the County's interests, the following guidelines have been established for using the Internet and e-mail.



## **Acceptable use**

Employees using the Internet are representing the County. Employees are responsible for ensuring that the Internet is used in an effective, ethical, and lawful manner. Examples of acceptable use are:

- Using Web browsers to obtain business information from commercial Web sites.
- Accessing databases for information as needed.
- Using e-mail for business contacts.

## **Unacceptable use**

Employees must not use the Internet for purposes that are illegal, unethical, harmful to the County, or nonproductive. Examples of unacceptable use are:

- Sending or forwarding chain e-mail, i.e., messages containing instructions to forward the message to others.
- Broadcasting e-mail, i.e., sending the same message to more than 10 recipients or more than one distribution list.
- Conducting a personal business using County resources.
- Transmitting any content that is offensive, harassing, or fraudulent.

## **Downloads**

File downloads from the Internet are not permitted unless specifically authorized in writing by the IS manager.

## **Employee responsibilities**

An employee who uses the Internet or Internet e-mail shall:

- Ensure that all communications are for professional reasons and that they do not interfere with his/her productivity.
- Be responsible for the content of all text, audio, or images that (s)he places or sends over the Internet. All communications should have the employee's name attached.
- Not transmit copyrighted materials without permission.
- Know and abide by all applicable Oceana County policies dealing with security and confidentiality of County records.
- Run a virus scan on any executable file(s) received through the Internet.

- Avoid transmission of nonpublic customer information. If it is necessary to transmit nonpublic information, employees are required to take steps reasonably intended to ensure that information is delivered to the proper person who is authorized to receive such information for a legitimate use.

## **Copyrights**

Employees using the Internet are not permitted to copy, transfer, rename, add, or delete information or programs belonging to others unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action by the County and/or legal action by the copyright owner.

## **Monitoring**

All messages created, sent, or retrieved over the Internet are the property of the County and *may be regarded as public information*. Oceana County reserves the right to access the contents of any messages sent over its facilities if the County believes, in its sole judgment, that it has a business need to do so.

All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. **This means don't put anything into your e-mail messages that you wouldn't want to see on the front page of the newspaper or be required to explain in a court of law.**

## **Computer viruses**

Computer viruses are programs designed to make unauthorized changes to programs and data. Therefore, viruses can cause destruction of corporate resources.

## **Background**

It is important to know that:

- Computer viruses are much easier to prevent than to cure.
- Defenses against computer viruses include protection against unauthorized access to computer systems, using only trusted sources for data and programs, and maintaining virus-scanning software.

## **IS responsibilities**

IS shall:

- Install and maintain appropriate antivirus software on all computers.

- Respond to all virus attacks, destroy any virus detected, and document each incident.

### **Employee responsibilities**

These directives apply to all employees:

- Employees shall not knowingly introduce a computer virus into County computers.
- Employees shall not load diskettes of unknown origin.
- Incoming diskettes shall be scanned for viruses before they are read.
- Any associate who suspects that his/her workstation has been infected by a virus shall IMMEDIATELY POWER OFF the workstation and call the IS manager.

### **Access codes and passwords**

The confidentiality and integrity of data stored on County computer systems must be protected by access controls to ensure that only authorized employees have access. This access shall be restricted to only those capabilities that are appropriate to each employee's job duties.

### **IS responsibilities**

The IS manager shall be responsible for the administration of access controls to all County computer systems. The IS manager will process adds, deletions, and changes upon receipt of a written request from the end user's Department Head.

Deletions may be processed by an oral request prior to reception of the written request. The IS manager will maintain a list of administrative access codes and passwords and keep this list in a secure area.

### **Employee responsibilities**

Each employee:

- Shall be responsible for all computer transactions that are made with his/her User ID and password.
- Shall not disclose passwords to others. Passwords must be changed immediately if it is suspected that they may have become known to others. Passwords should not be recorded where they may be easily obtained.
- Will change passwords at least every 180 days, or when requested by the system administrator.

- Should use passwords that will not be easily guessed by others.
- Password rules shall comply with the following rules.
  - Each password shall be a minimum of seven (7) characters; optimum size is seven (7) characters.
  - Each password shall contain at least one case change.
  - Each password shall contain at least one non-alphanumeric character.
- Should log out when leaving a workstation for any period of time.

### **Department Head's responsibility**

Managers and Department Heads should notify the IS manager promptly whenever an employee leaves the County or transfers to another department so that his/her access can be revoked. Involuntary terminations must be reported concurrent with the termination.

### **Human Resources responsibility**

The County Administrator and/or Financial and HR Coordinator will provide notice of any transfers and terminations. Involuntary terminations must be reported concurrent with the termination.

### **Physical security**

It is County policy to protect computer hardware, software, data, and documentation from misuse, theft, unauthorized access, and environmental hazards.

### **Employee responsibilities**

The directives below apply to all employees:

- Removable storage media (CD-R, CD-RW, Diskettes, Zip Disks, etc.) should be stored out of sight when not in use. If they contain highly sensitive or confidential data, they must be locked up.
- Removable storage media should be kept away from environmental hazards such as heat, direct sunlight, and magnetic fields.
- Critical computer equipment, e.g., file servers, must be protected by an uninterruptible power supply (UPS). Other computer equipment should be protected by a surge suppressor.
- Environmental hazards to hardware such as food, smoke, liquids, high or low humidity, and extreme heat or cold should be avoided.

- Since the IS manager is responsible for all equipment installations, disconnections, modifications, and relocations, employees are not to perform these activities. This does not apply to temporary moves of portable computers for which an initial connection has been set up by IS.
- Employees shall not take shared portable equipment such as laptop computers out of the plant or office without the informed consent of their department manager. Informed consent means that the manager knows what equipment is leaving, what data is on it, and for what purpose it will be used.
- Employees should exercise care to safeguard the valuable electronic equipment assigned to them. Employees who neglect this duty may be accountable for any loss or damage that may result.

### **Copyrights and license agreements**

It is Oceana County's policy to comply with all laws regarding intellectual property.

### **Legal reference**

Oceana County and its employees are legally bound to comply with the Federal Copyright Act (Title 17 of the U. S. Code) and all proprietary software license agreements. Noncompliance can expose Oceana County and the responsible employee(s) to civil and/or criminal penalties.

### **Scope**

This directive applies to all software that is owned by Oceana County, licensed to Oceana County, or developed using Oceana County resources by employees or vendors.

### **IS responsibilities**

The IS manager will:

- Maintain records of software licenses owned by Oceana County.
- Periodically (at least annually) scan County computers to verify that only authorized software is installed.

### **Employee responsibilities**

Employees shall not:

- Install software unless authorized by IS. Only software that is licensed to or owned by Oceana County is to be installed on Oceana County computers.

- Copy software unless authorized by IS.
- Download software unless authorized by IS.

### **Civil penalties**

Violations of copyright law expose the County and the responsible employee(s) to the following civil penalties:

- Liability for damages suffered by the copyright owner
- Profits that are attributable to the copying
- Fines up to \$100,000 for each illegal copy

### **Criminal penalties**

Violations of copyright law that are committed “willfully and for purposes of commercial advantage or private financial gain (Title 18 Section 2319(b)),” expose the County and the employee(s) responsible to the following criminal penalties:

- Fines up to \$250,000 for each illegal copy
- Jail terms of up to five years

## **DISCIPLINARY PROCEDURE**

### **POLICY:**

It is the policy of the County of Oceana that all employees are expected to comply with the Information Technology Security Policy.

### **PROCEDURE:**

Under normal circumstances, the County of Oceana endorses a policy of progressive discipline; however, it retains the right to administer discipline as it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the County’s rights.

The normal application of progressive discipline is:

- If an employee is in violation of the Information Technology Policy, the employee’s Department Head should take the following action: meet with the employee to discuss the matter and determine the appropriate action to correct it.
- If there is a second occurrence, the Department Head should hold another meeting with the employee and issue a written reprimand and warn the

employee that a third incident will result in more severe disciplinary action. Written documentation will be forwarded to the County Administrator and placed in the employee's personnel file.

- If there are additional occurrences, the Department Head should take the following action depending upon the severity of the conduct:
  - Issue a written reprimand/warning
  - Suspend the employee (with or without pay) for up to five (5) working days or
  - Suspend the employee indefinitely (with or without pay) and recommend termination.

In the following instances, the following Sanctions Procedure will be followed:

- Maliciously and purposely altering or destroying County information or disclosing confidential information (including but not limited to bank account numbers, personal health information, social security numbers or other confidential information as prescribed by an employee's Department Head) is strictly prohibited and will result in immediate termination. Criminal prosecution may also be pursued.
- Installing unapproved software will result in the software being uninstalled by the IS Manager. A warning will be given to the user and placed in the user's personnel file. Future violations may result in permissions being removed from the computer(s) to prevent the installation of software. Installing software that is considered offensive or destructive may result in termination.
- Disclosing any passwords when not approved will result in temporary suspension of the login account and/or a forced procedure to change the password. Any disclosure of passwords that jeopardizes confidential information may result in termination or other forms of discipline.
- All incidents will be documented by the IS manager and reported to the County Administrator and/or the employee's department head with said documentation placed in the employee's personnel file.
- The County of Oceana will contact legal counsel when necessary to assist in the sanction process.

## Acknowledgment of Information Security Policy and Disciplinary Procedure

This form is used to acknowledge receipt of, and compliance with, the Oceana County Information Security Policy and Disciplinary Procedure.

### Procedure

Complete the following steps:

1. Read the Information Security Policy and Disciplinary Procedure
2. Sign and date in the spaces provided below
3. Return this page only to the information services manager

### Signature

By signing below, I agree to the following terms:

- I. I have received and read a copy of the "Information Security Policy" and "Discipline Procedure" and understand the same;
- II. I understand and agree that any computers, software, and storage media provided to me by the County contains proprietary and confidential information about Oceana County and its customers or its vendors, and that this is and remains the property of the County at all times;
- III. I agree that I shall not copy, duplicate (except for backup purposes as part of my job here at Oceana County), otherwise disclose, or allow anyone else to copy or duplicate any of this information or software;
- IV. I understand that while using County owned and operated technology, there is no right or reasonable expectation of personal privacy.
- V. I understand that the Oceana County has the ability to capture, store and review all correspondence and usage, performed by me, on a County owned and/or operated device or network.
- VI. I agree that, if I leave Oceana County for any reason, I shall immediately return to the County the original and copies of any and all software, computer materials, data or computer equipment that I may have received from the County that is either in my possession or otherwise directly or indirectly under my control.

Employee signature: \_\_\_\_\_

Employee name: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_



### ***7.27 Social Media Policy***

At Oceana County, we understand that social media can be a fun and rewarding way to share your life experiences and opinions with family, friends, and co-workers around the world. However, use of social media for County business purposes presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees who work for the County.

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## SOCIAL MEDIA POLICY

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Adopted 12/14/2017

### **Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with Oceana County, as well as any other form of electronic communication.

The same principles and guidelines found in County policies and these basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. You may be personally responsible for any litigation that may arise should you make unlawful defamatory, slanderous, or libelous statements against any customer, manager, owner, or employee of the county. Before creating online content, you may want to consider some of the risks and rewards that are involved.

Employees are free to express themselves as private citizens on social media sites to the degree that their postings do not impair working relationships, impede the performance of their duties, impair discipline and harmony among co-workers, or negatively affect the public perception of the County. In order to prevent bringing the County into disrepute or negatively affecting the efficiency of the County, employees shall use appropriate discretion in the use of references to the County of Oceana so as not to discredit the County or its employees and ensure that information concerning official business is not released, either directly or indirectly, by an employee.

Postings that contain information obtained through the employee's professional duties are not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the County.

### **Know and Follow the Rules**

Carefully read these guidelines, understand your ethical obligations and standards of conduct, understand EEO Statement and Non-harassment Policy, and ensure your postings are consistent with these policies. Postings that include unlawful discriminatory remarks, harassment (as defined by our EEO policy), and threats of violence or other unlawful conduct will not be tolerated and may subject you to

disciplinary action up to and including termination. As a result of these policies, employees are prohibited from the following:

1. Posting any material or information that demonstrates or infers obscene, immoral, or sexually explicit conduct or language while on duty, or which is done in association with or in the presence of any photographs or other depictions of any County uniforms, badges, patches, logos, shields, or marked vehicles or equipment.

2. Posting any material that demonstrates a failure by an employee to maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of their civil service profession. Employees are reminded of their responsibility to conduct themselves at all times, both on and off duty, in a manner that will reflect favorably upon the County. Employees shall avoid conduct unbecoming of an employee which brings the County into disrepute or reflects discredit on the individual as an employee or that which impairs the efficiency of the County.

3. Posting any statements, on or off duty, which show a reckless disregard for the truth.

4. Posting images, acts, or statements that ridicule, malign, disparage, or otherwise express bias against any race, religion, or protected class of individuals.

5. Posting any trademarked or copyrighted materials contrary to law.

Employees are reminded that violations of this social media policy, as with violations of any other County order, rule, policy, regulation, or criminal law, shall result in discipline up to and including dismissal.

If you decide to post complaints, criticism, or information that reasonably could be viewed as unlawful, slanderous, threatening, or that might constitute harassment, you will be held accountable to the extent legally allowed by law, that may also result in disciplinary action up to and including termination of employment.

To offer additional guidance, here are a few examples that may warrant legal action or disciplinary action against the employee:

- Defamatory or slanderous remarks to harm someone's reputation
- Remarks that contribute to a hostile work environment
- Harassment involving race, gender, gender identity, disability, age, national origin, religion, and all other designations protected by law or County policy.

## **Using Social Media at Work**

Refrain from using social media while on your work time, unless it is work related as authorized by your Department Head or consistent with applicable County policies, where they may exist.

## **Retaliation Is Prohibited**

County prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

## **Media Contacts**

Employees should not speak to the media on the County's behalf without approval from the County Administrator's Office. All media inquiries for official County responses should be directed to the County Administrator's Office.

## **For More Information**

If you have technical questions or need further guidance, please contact the County Technology Coordinator or County Administrator's Office respectively.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment, or to restrain employees in exercising any other right protected by law. Employees have the right to engage in or refrain from such activities.

## **7.28 Telephone Use**

Our office phones are principally for work-related communications but may be used for occasional personal use. Unless there is an emergency, employees are required to limit long distance telephone calls to business purposes only. Employees should limit personal use of the telephone to brief communications during break periods where possible. Casual conversation with friends and relatives during working hours is allowable if your Department Head agrees to the practice. Telephone use is also subject to the Voicemail/Email/Internet Usage Policy.

## **7.29 County-Issued Cell Phone/Mobile Device Policy**

The purpose of this policy is to provide guidance to Department Heads and employees regarding eligibility for County-provided cell phones and plans, and the appropriate use of the phone and plan.

An employee must have a legitimate business need for a county-issued cell phone/mobile device and the issuance of same to the employee must be approved by the employee's Department Head AND budgeted funds must exist in the department budget. The typical legitimate reasons why an employee may need a cell phone/mobile device include frequent field work or when the employee is a member of key personnel who must be immediately reachable in the event of an emergency.

When the county-issued cell phone/mobile device is used for personal reasons and the activity results in additional cost to the County, the individual is responsible for the cost of that usage, including all applicable taxes. The employee should make note of personal calls and, where appropriate, reimburse the County after review of the monthly call detail, if warranted.

If the county-issued cell phone/mobile device has a flat rate airtime/data plan, the user is responsible for reimbursing the County when personal activities cause the plan threshold to be exceeded. The employee, with concurrence of an authorized signer on the account, should determine the amount of personal use that caused the usage to exceed the plan and reimburse the County for that amount plus all applicable taxes.

Employees who drive a vehicle during the course of their employment shall not use any cell phone/mobile device or other communication device while driving unless the device is equipped or configured with a "hands-free" listening/speaking option,

and the "hands-free" device is in fact utilized by the employee. This option must be approved by your Department Head.

An employee that needs to make or receive a phone call should pull off the road to a safe location unless they have the correct hands-free equipment for the device that is in compliance with applicable state laws.

For county-issued devices, the County owns and remains entitled to all cell phone/mobile devices, including all passwords controlling access to them. You may not change those passwords except with permission. At the time of employment termination, all such equipment and passwords must be returned to the county in operable condition otherwise the employee may be liable for the "damaged" device.

### ***7.30 Personal Cell Phone/Mobile Device Use***

While the County permits employees to bring personal cell phones and other mobile devices (i.e. smart phones, PDAs, tablets, laptops) into the workplace, employees must not permit the use of such devices to interfere with their job duties or impact workplace safety, used in a harassing manner, or used in a manner that violates individual privacy rights.

Use of personal cell phones and mobile devices at work can be distracting and disruptive and cause a loss of employee productivity. As a result, employees should primarily use such personal devices during non-working time, such as daily breaks and meal periods. During this time, employees should use their device in a manner that is courteous to those around them.

Employees with devices that have a camera and/or audio/video recording capability are restricted from using those functions on County property unless authorized in advance by management or used in a manner consistent with the rights of employees to engage in concerted activity under section 7 of the National Labor Relations Act (NLRA).

Employees are expected to comply with County policies regarding the protection of the employer's confidential and proprietary information when using personal devices.

Employees who drive a vehicle during the course of their employment may not use any cell phone/mobile device or other communication device while driving unless the device is equipped or configured with a "hands-free" listening/speaking option, and the "hands-free" device is in fact utilized by the employee.

An employee that needs to make or receive a phone call should pull off the road to a safe location unless they have the correct hands-free equipment for the device that is in compliance with applicable state laws.

Employees may have the opportunity to use their personal devices for work purposes. Before using a personal device for work-related purposes, an employee must obtain authorization from their Department Head and the Technology Coordinator. The use of personal devices may be limited to certain employees and may be also limited based on compatibility of technology. To ensure the security of County information a personal device shall be required to comply with all current requirements applied to county-owned devices.

Violation of this policy will subject an employee to disciplinary action up to and including termination of employment.

### 7.31 *Cell Phone Reimbursement Policy*

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#### CELL PHONE REIMBURSEMENT POLICY

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Adopted 09/14/2006

##### Overview of Tax Issues and Rationale for Policy

The use of cell phones has increased significantly in recent years. In recent years and investigations, the Internal Revenue Service (IRS) has closely scrutinized the treatment of personal use of employer-provided (or employer reimbursed) equipment and service, such as cell phones and automobiles.

The IRS requires that a log be kept by the cell phone holder, which records every call and its business purpose that is made or received on an employer-provided cell phone. Maintaining a log is very time consuming and the cost likely outweighs the benefit. Consequently, Oceana County will no longer: 1) purchase cell phones other than for eligible EMS and Sheriff's Department Administration, 2) pay vendors directly for monthly service other than for eligible Sheriff's Department Administration, or 3) reimburse employees for monthly service or for purchase of related equipment. Rather, for a limited number of approved and authorized individuals, Oceana County will provide a taxable monthly allowance for cell phone usage for business purposes. An employee will be the direct holder of a contract with the cell phone company.

Although the allowance is taxable, it is believed that the benefits to the employee outweigh the costs. The benefits include: 1) a log is not required, 2) no monthly reporting is required, and 3) phones may be used for personal calls and be combined or enhanced with other personal plans.

##### Policy

Oceana County recognizes the need for certain personnel to use cell phones to complete and enhance their job performance. This policy establishes the procedures for cell phone authorization, reimbursement and use. **Once approved for cell phone reimbursement, an employee will receive a \$20.00 monthly allowance added to payroll as a taxable benefit.**

For an employee to be eligible for the monthly allowance, at least one of the following must be true:

- This employee is a key staff member needed in the event of an emergency.



- This employee is frequently away from access to traditional land-based phone services.
- This employee is involved in frequent off hours/on-call activity.
- The nature of this employee's work is critical to the operation of the county and immediate response is required.
- This employee's assigned work requires substantial travel.
- The anticipated level of business use is significant.
- The related cost is justified when compared with alternative communication choices.

Examples of employees meeting one or more of these requirements include:

- Airport Manager
- Animal Control Officer
- Drain Commissioner
- Emergency Management Coordinator
- Friend of the Court
- Maintenance Supervisor
- Transfer Station Operator
- Certain Key Law Enforcement and EMS Personnel

#### Administration of Allowance

If a Department Head deems it appropriate for an employee to receive a cell phone allowance, the employee needs to complete the *Cell Phone Authorization Request Form* and *Cell Phone Usage Agreement While Driving County Vehicles and While Conducting County Business Form*. Both forms can be found in the appendix of this policy handbook.

Please note that allowances must be covered by a department's budget.

### **7.32 Mail Use**

Employees are required to limit usage of the County's mail service to business purposes only. You should minimize the use of the County's address to receive personal mail, particularly when a signature is required to accept the delivery. The County assumes no responsibility or liability for personal deliveries.

Do not use the County's postage meter for your personal mail. **If you notice any suspicious packages or envelopes, please report this to building security, Sheriff's Office, Emergency Management, County Administrator's Office, or other resources capable of enacting building protocols regarding suspicious packages.**

### **7.33 Off-Duty Use of County Property or Premises**

Employees should refrain from using County property for personal use during working time. Employees are responsible for returning County property in good condition and repairing or replacing any property damaged as the result of personal use or as the result of negligence. This includes using copy machines, computers, etc. for personal use without prior authorization.

It is the policy of the County to control off duty and non-working hour use of County facilities either for business or personal reasons. Employees are prohibited from using County facilities during off duty or non-working hours without the authorization of their Department Head. Employees using County facilities during off duty hours or non-County hours will be logged in a journal automatically, if using a card swipe system, or may be required to send their Department Head an email indicating arrival and departure times for tracking purposes.

### **7.34 Weapons in Court Facilities**

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#### **WEAPONS POLICY**

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Adopted 09/14/2006

The Michigan Supreme Court issued Administrative Order 2001-01 addressing the presence of weapons in court facilities. The Chief Judge of the 27th Judicial Circuit Court, 78th District Court and Oceana County Probate Court issued Administrative Order 2001-02 in accordance with Michigan Supreme Court Administrative Order 2001-01.

1. No weapons are allowed in the Oceana County Courthouse pursuant to Michigan Supreme Court Administrative Order 2001-01 and Administrative Order 2001-02 issued by the Chief Judges of the 27th Judicial Circuit Court, 79th District Court and Oceana County Probate Court. The ban on all weapons will be enforced by contempt of court proceedings initiated by the courts.

2. No weapons are allowed in any other County facility to include the County Sheriff's Department, County Annex, County Animal Shelter, County Airport Terminal Building, Oceana County EMS Facilities, Community Mental Health Clinic, County Transfer Station/Recycling Center and County Medical Care Facility with the following exception: individuals who have a valid concealed pistol license and possess a concealed pistol pursuant to the provisions of Michigan Compiled Law 28.425(c)(2).

3. The prohibition of weapons does not apply to court security personnel in the performance of their official duties or to law enforcement officers who transport or book inmates or on official law enforcement business. The Chief Judge of the 27th Judicial Circuit Court may authorize additional exceptions in extraordinary circumstances.

4. All persons and their belongings (unless specifically exempted) and all parcels are subject to search and screening by Sheriff's Deputies, Court Officers or other authorized security personnel for the purpose of preventing unauthorized weapons from entering County facilities.

5. If at any time there is a clear and reasonable suspicion that an unauthorized weapon may be found, a person or object may be subject to search. The search shall be no more intrusive than necessary to protect against the dangers presented.

6. Notice shall be posted on both levels of the Oceana County Courthouse titled "Facility Weapons Policy" and to read as follows: "NO WEAPONS ARE

PERMITTED IN THIS COUNTY FACILITY. ALL PERSONS AND PARCELS ARE SUBJECT TO A SEARCH FOR WEAPONS AND RESTRICTED ITEMS AS A CONDITION OF ENTRY. PERSONS IN VIOLATION OF THIS POLICY MAY BE SUBJECT TO CRIMINAL PROSECUTION OR HELD IN CONTEMPT OF COURT."

7. Notice shall be posted in all other County Facilities titled "Facility Weapons Policy" and to read as follows: "NO WEAPONS ARE PERMITTED IN THIS COUNTY FACILITY WITH THE FOLLOWING EXCEPTION: PERSONS WHO HAVE A VALID CONCEALED PISTOL LICENSE AND POSSESS A CONCEALED PISTOL PURSUANT TO THE PROVISIONS OF MICHIGAN COMPILED LAW 28.425(c)(2). ALL PERSONS AND PARCELS ARE SUBJECT TO A SEARCH FOR WEAPONS AND RESTRICTED ITEMS AS A CONDITION OF ENTRY. PERSONS IN VIOLATION OF THIS POLICY MAY BE SUBJECT TO CRIMINAL PROSECUTION."

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Supplemental information for facility security:

Every employee is responsible for helping to create a secure work environment. Upon leaving work, you are encouraged to lock all desks, lockers, and doors protecting valuable or sensitive material in your work area and report any lost or stolen keys, passes, or other similar devices to your Department Head immediately. You should refrain from discussing with non-employees specifics regarding County security systems, alarms, passwords, etc.

We also request that you immediately advise your Department Head of any known or potential security risks and/or suspicious conduct of employees, citizens or other parties accessing County facilities. Safety and security is the responsibility of every employee and we rely on you to help us keep our buildings and their surrounding areas secure.

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**SECURITY POLICY**

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Adopted 12/14/2017

1. All employees of the County are required to wear name badges.
2. All employees of the County (except Judges, Magistrate, Prosecuting Attorney, and maintenance staff) are required to use the main (west) entrance of the County Building during the hours of 7:30 a.m. - 5:30 p.m. and other appropriate times when the building is open.
3. Permission for other employees to utilize the north doors may be allowable on as “as needed” basis (i.e., illness or injury).
4. Enforcement of these requirements shall be performed by Department Heads utilizing the following progressive discipline policy:
  - a. First offense: Oral reprimand with documentation of the date and time of the oral reprimand to be placed in the employee’s personnel file in the County Administrator’s Office.
  - b. Second offense: Written warning with copy to be included in employee’s personnel file in the County Administrator’s Office. An employee may be placed on probation in connection with the written warning for a period of time determined by the Department Head and County Administrator. Wage increases, vacations and transfers will not be given during this period, but all other benefits will continue.
  - c. Third and subsequent offense: Unpaid suspension up to 3 days for each offense.
5. No public meetings will be held in the Oceana County Building before 8:00 a.m. or after 5:00 p.m. unless approved by the County Administrator or Board of Commissioners to ensure security personnel are in place to manage access to the building. There are costs associated with these extended hours for security services.

### ***7.36 Third Party Disclosures***

From time to time, our County may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If you receive such a contact, you should not speak on behalf of the County and should refer any call requesting the County's position on a subject to the County Administrator who is designated by the Board of Commissioners as a public information officer. If you have any questions about this policy or are not certain what to do when such a contact is made, please contact the County Administrator.

### ***7.37 Personal Data Changes***

It is your obligation to provide the County with all of your current contact information. Please inform the County Administrator's Office of any changes to your:

- Mailing address,
- Telephone number,
- Marital or tax withholding status,
- Social security information,
- Change of the number of dependents,
- Person to be notified in an emergency

Failure to do so may result in loss of benefits or delayed receipt of W-2 and other important mailings.

Additionally, as noted earlier, employees shall have the right to review their personnel file at any reasonable time.

### ***7.38 Scheduling of Conference Rooms***

Whenever an organization that provides direct services to the County or general public requests to schedule a meeting in the County Building's Board Room or County Services Building's classroom and conference rooms must do so directly with the County Administrator's Office to ensure events do not conflict with regularly scheduled committee and board meetings.

### ***7.39 Inclement Weather/Emergency/Service Interruptions Policy***

The County Administrator shall consult with appropriate parties (i.e., Emergency Manager, Mason-Oceana 911, Road Commission, and/or Chairperson of the Board of Commissioners) before making a decision to close county buildings due to various events like inclement weather, fire, flood, power failure, wide-spread public service interruptions, or other extraordinary events. Notification to employees will be made using one or more appropriate communication methods as quickly as possible following the decision to close buildings.

- Local news sources (i.e., WZZM)
- County website
- Telephone
- Email
- Text

If county buildings are officially closed, regular full time and part time employees will be paid their regular wage for the day. However, if county buildings remain open during certain events that do not pose a risk to employees or the public using our buildings, those employees who do not arrive for work are required to use vacation leave, personal leave, compensatory leave, or leave without pay, in that order.

## **7.40 Service Animal Policy**

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### **SERVICE ANIMAL POLICY**

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Adopted: 04/25/2019

#### **Purpose**

To establish a policy that affords individuals with disabilities who require the assistance of a service animal equal opportunity to access County facilities, programs, and activities. This policy complies with the Americans with Disabilities Act (ADA) of 1990 as amended; Section 504 of the Rehabilitation Act of 1973 as amended; and Michigan's service animal law as described by the Michigan Department of Civil Rights (refer to PA 144 of 2015, PA 145 of 2015, PA 146 of 2015, and PA 147 of 2015).

#### **Background**

Many people with disabilities use a service animal in order to fully participate in everyday life. Dogs can be trained to perform a variety of important tasks to assist people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, preventing a child with autism from wandering away, or alerting a person who has hearing loss when someone is approaching from behind (U.S. Department of Justice, Civil Rights Division).

#### **Policy**

It is the policy of the County to make reasonable accommodations and modifications to our policies, procedures, practices when necessary to accommodate people with disabilities.

#### **Definitions**

**Owner:** Owner means any person having an interest in or right of possession to a service animal, or any person having control, custody, or possession of a service animal.



**Service Animal:** Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability including physical, sensory, psychological, intellectual, or other mental disability. The tasks performed by the dog must be directly related to the person's disability.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

**Therapy Animal:** A therapy animal that provides emotional support or passive comfort that alleviates one or more of the identified symptoms or effects of a disability. A therapy animal (also known as emotional support animal or comfort animal) is not a service animal under this policy. Access to County facilities for therapy animals is evaluated similarly to any other request for accommodation and should be directed to the County Administrator's Office for review.

**Police Service Dogs:** Police service dogs are not ADA dogs and while on-duty may accompany the handler where ever the handler has a lawful right to be. Off-duty, the handler must abide by the same restrictions as placed on any "pet." Therefore, the handler would need permission to take the dog in many public and private locations. Those locations would include: hotels, flying on an airline, rental vehicles, and restaurants. Locations may also include apartments, condominiums, and private-community residential areas. However, many of these locations have rules and regulations that are, or can be amended, to accommodate police service dogs.

### **Where Service Animals Are Allowed**

Generally, owners of service animals are permitted to be accompanied by their service animal in all areas of the County's facilities, programs, activities, where the owner is allowed to go. Such areas include public areas, public events, meeting rooms, offices, and other areas where programs and activities are held. A few exceptions are discussed later in the policy.

## Assessing Service Animal Status

**Permitted Inquiries:** County personnel must permit service animal access to an event or activity with its owner when it is readily apparent that the animal is trained to do work or perform tasks for its owner. Examples include a dog guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

If the need for the service animal is not apparent, County personnel may only ask the following of service animal owners:

- Whether the service animal is required because of a disability; and
- What work or task the animal has been trained to perform.

If the owner states that the animal is required because of a disability and that the animal has been trained to do work or a task for the owner, then the service animal must be admitted (a few exceptions are discussed elsewhere in the policy. If there is any doubt that an animal is a service animal, County personnel should admit the animal and then consult with the County Administrator's Office regarding future access.

Service animal owners must not be asked about the nature of their disability or for medical documentation of it. Owners may not be asked for a special registration, identification card, license, or other documentation that the animal is a service animal, or to demonstrate the animal's ability to perform work or tasks.

**County Assistance:** Service animal owners are not required to register their service animal with the County. Service animal owners, including students and guests, who regularly access County buildings are encouraged to contact the County Administrator's Office to assist the owner by providing advance notice to County personnel, such as department heads, supervisors, etc., that the owner and service animal are entitled to access. Employees with service animals should follow the process outlined in the section addressing Employees with Service Animals.

## **Service Animal Owners' Responsibilities**

Service animal owners are responsible for complying with the ADA, Rehabilitation Act, and other applicable laws regarding service animal compliance, including:

- Keeping the service animal under their direct control at all times, such as by a harness, leash, or other tether; however, if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice control, signals, or other effective means;
- Ensuring the service animal does not disturb or disrupt normal County business operations;
- Immediately cleaning up after the service animal and properly disposing of the service animal's waste or other debris;
- Preventing the service animal from entering any puddle, pond, fountain, or stream located on County premises;
- Complying with any relevant city, county, and/or state license and leash laws while the service animal is on County premises;
- Ensure no damage or injury is caused by the service animal; owners are solely responsible for any damage or injury.
- Ensure the animal is not sick, does not have fleas, ticks, internal or external parasites, or any disease that is communicable to other animals or to humans;
- Ensure the animal is properly vaccinated with all vaccinations current;
- Owners are solely responsible for cleanup inside and outside of County facilities, including any costs the County may incur to clean up or replace fouled facilities.

- Dogs that bark or behave aggressively shall be removed from County facilities and property by the owner;

### **Removal of Service Animals from County Facilities**

County personnel may only ask service animal owners to remove their service animal from County premises or from the immediate area as follows:

- If the service animal is not under the owner's direct control or the service animal is disturbing or disrupting normal County business operations, including all programmatic routines, then the owner must first be given an opportunity to get the animal under control. If the disruption or disturbance continues, then the owner may be asked to remove the animal; or
- If the presence, behavior, or actions of the service animal constitutes an immediate risk or danger to people or property, the owner can be asked to immediately remove the animal and 911 (emergency assistance) may be contacted.

If asked to remove the service animal, the owner must be offered the opportunity to return to the County premises or the immediate area without the service animal and be provided with reasonable assistance at that time to participate in the County service or program.

A service animal may only be excluded for an individual event based on its or the owner's behavior at that event. The service animal or its owner cannot be excluded from future events based on a problem at a past event, except as provided in the section addressing Violations of Policy.

Owners with concerns about the removal of their service animal should contact the County Administrator's Office to address any individual concerns relating to compliance and to provide compliance support for courts, departments, programs,

and activities relating to discrimination based on disability and providing access and reasonable accommodation for persons with disabilities.

### **Violations of Policy**

Depending on the seriousness of the animal's conduct or repeated conduct, service animals may be excluded from County property temporarily or permanently. The County Administrator is responsible for conducting the necessary assessments regarding ongoing or permanent removal of a service animal. If a service animal is excluded, evaluating reasonable accommodations will be discussed with the owner.

Owners who violate this policy or disregard an instruction to remove or exclude a service animal from County property may be subject to additional penalties, including banning from any County property, or other fines or penalties under applicable city, county, or state rules, regulations, or laws. Violations of this policy by an owner who is a County employee shall be subject to corrective or disciplinary action, up to and including termination of employment.

### **Restrictions on Access for Service Animals**

A service animal may be restricted from specific areas of the County when consistent with other County policies, state, and/or federal laws/regulations. Examples of these areas may include:

- Food preparation areas;
- Medically sensitive patient and clinic areas; and
- Biologically sensitive or hazardous sites such as the County transfer station.

If a service animal is restricted, evaluating reasonable accommodations will be discussed with the owner.

## **Service Animals and Therapy Animals in County Housing**

Requests to use service animals or therapy animals in County-owned/managed housing must be made through the appropriate housing office or County Administrator's Office.

## **Employees with Service Animals**

County employees are subject to the same reasonable accommodation standards that are required by the ADA and Rehabilitation Act. County employees who require the use of a service animal in the workplace should make a request for an accommodation directly to the County Administrator's Office.

The County may require employees with service animals to maintain a liability insurance policy covering damage or injuries caused by the animal while at the employee's office.

## **Service Animals in Training**

Service animals in training may be permitted, but are not entitled to, the same access as service animals. The County or Court department head, supervisor, or employee with authority over the building area has the discretion whether to permit access to service animals in training. Any individual bringing a service animal in training on County property is responsible for complying with this policy.

## **County ADA Coordinator**

For purposes of this policy, ADA coordination shall be performed by the County Administrator (or designee) and is available to review individual concerns relating to compliance and to provide compliance support for departments, programs, activities, relating to discrimination based on disability and providing access and reasonable accommodation for persons with disabilities. When necessary, the County Administrator shall consult with, and seek guidance, from various resources including outside legal counsel. An additional resource available to any interested party is the U.S. Department of Justice, Civil Rights Division, Disability Rights

Section, frequently asked questions about serviced animals and the ADA:  
[https://www.ada.gov/regs2010/service\\_animal\\_qa.pdf](https://www.ada.gov/regs2010/service_animal_qa.pdf)

### **Complaint Resolution Resources**

Individuals who wish to make a complaint that a County employee may have violated the County's non-discrimination and/or non-retaliation policies, including a failure to permit access to a service animal under this policy, may contact the County Administrator's Office.

Individuals who wish to file allegations of discrimination also may contact the following:

- United States Department of Education Office for Civil Rights
- United States Equal Employment Opportunity Commission
- Michigan Department of Civil Rights

#### **7.41 Use of County Seal Policy**

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### **USE OF COUNTY SEAL POLICY**

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Adopted: 02/27/2020

#### **General Statement**

The question of the appropriate use of the Oceana County seal, particularly by private entities that have some connection to the county, arises from time to time. Consequently, it is helpful to have a policy that sets forth how the Oceana County seal may be used.

As used in this policy, the term “Oceana County seal” means the official Oceana County seal regardless of color tone, size, print, or digital.

#### **Policy**

It is the policy of the Oceana County Board of Commissioners that:

1. County officials and employees, as authorized by the official in charge of a county court, department, office, commission or advisory body may use or display the Oceana County seal in relation to official county business, which include but are not limited to the following types of uses:
  - a. To identify county property,
  - b. To display on Oceana County stationary and business cards of county officials and employees,
  - c. To include on the pages of Oceana County’s official web site,
  - d. To display on non-Oceana County print material in cases where Oceana County is a full or partial sponsor of a public outreach event. County sponsorship may be in the form of direct funding or appropriate in-kind contributions.

Except as described above, no person or entity shall use or display the Oceana County seal without first obtaining written approval of the County Administrator, this includes for private commercial purposes. In determining whether to approve the use or display of the Oceana County seal, the County Administrator shall be guided by the sole standard of whether such use or display of the Oceana County seal primarily serves the county’s purposes or interests.



The Oceana County seal shall not be used or displayed under any circumstances for inappropriate or immoral purposes as determined by the Oceana County Board of Commissioners.

Finally, the Oceana County Board of Commissioners or County Administrator may terminate the use or display of the Oceana County seal if in the judgment of these officials, the manner or nature of such use or display detracts from the county's purposes, image, or interests.

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## ***7.42 Copyright and Intellectual Property Rights Policy***

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### **COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS POLICY**

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Adopted: 03/12/2020

#### **General Statement**

Oceana County is the sole owner of all intellectual property developed by its employees and independent contractors when the intellectual property is developed in the course of performing their employment and service duties; or as a direct result of activities supported by funds controlled by or administered under the authorization of the Oceana County Board of Commissioners; or undertaken in facilities or using resources controlled by or administered under the authorization of the Oceana County Board of Commissioners. Therefore, employees and independent contractors do not have the right to copy, print, publish, or otherwise use intellectual property outside of the normal course of their employment and contractor duties.

Copyright protection is applied the moment something is created and fixed in a tangible form that is perceptible either directly or with the aid of a machine or device. The most common example is a computer software program (software code) and user manuals/instructions developed to serve the needs of Oceana County and/or provide a service to the public. Forms, brochures, and similar print materials are other tangible forms solely owned by Oceana County.

#### **Definitions**

Intellectual Property: Intellectual property includes works of authorship, inventions and discoveries (print or digital) that may be subject to protection by patents, copyrights, trademarks, or service marks. The definition includes digital files, databases or other data records however formatted or stored.

Activities in the course of and as a direct result of employment duties: Activities in the course of and as a direct result of employment and contractor duties include activities undertaken in discharging responsibilities defined under Board policy, job position description, contract, as part of an assignment, or as part of other authorized activities. Activities are performed in the course of and as a direct result of employment and service duties even if they have not been specifically assigned where such activities would typically be cited to document professional

accomplishment for purposes relating to task completion, evaluation, salary enhancement, promotion, or similar recognition of professional accomplishment. Work performed during ordinary working hours or performed outside of ordinary working hours are activities in the course of and as a direct result of employment duties.

Employee: For purposes of this policy, employees include all classification types including full-time, part-time, temporary, seasonal, and variable regardless of the job position's Fair Labor Standards Act status as exempt or non-exempt.

Independent Contractor: For the purposes of this policy, individual, group, and business entities engaged in a signed agreement to develop products (print, digital) or perform services that create intellectual property shall be subject to this policy. All work performed by independent contractors shall be owned solely by Oceana County and shall not be copied, stored, or reproduced in any form unless expressly authorized by Oceana County.

Volunteer: For the purposes of this policy, a volunteer working in any court or county department or program shall be subject to the same requirements described for employees and independent contractors.

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## **8.0 SAFETY AND LOSS PREVENTION**

### ***8.1 General Safety Policy***

It is the responsibility of every employee of the County to maintain a healthy and safe work environment. Please report all safety hazards and occupational illnesses or injuries to your Department Head immediately and complete an occupational illness or injury form as needed. Failure to follow the County's health and safety rules can result in disciplinary action, up to and including termination of employment.

## 8.2 *No Smoking Policy*

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### NO SMOKING POLICY

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Adopted 09/10/2020

Public Act 188 of 2009 prohibited smoking in public places statewide. The Oceana County Board of Commissioners prohibits the use of tobacco and vaping products, in all vehicles leased and/or owned by the County and in the following County-owned or leased buildings and their properties unless an outdoor smoking area is designated.

Prohibited areas:

- Oceana County Building, 100 State Street, Hart, Michigan
- Oceana County Services Building, 844 S. Griswold Street, Hart, Michigan
- Oceana County EMS Building, 3966 N. Oceana Drive, Hart, Michigan
- Oceana County EMS Building, 562 S. State St., Shelby, Michigan
- Oceana County Airport, 1805 W. Baseline Road, Shelby, Michigan
- Oceana County Animal Shelter, 2185 W. Baseline Rd., Shelby, Michigan
- Oceana County Transfer Station/Recycling Center, 1615 East M-20, Shelby, Michigan
- Oceana County Sheriff's Department/Jail, 216 Lincoln Street, Hart, MI 49420
- Within 25 feet of entrances, exits, and operable windows of any Oceana County buildings
- All outdoor areas in which a fire or other safety hazard exists

Designated outdoor smoking areas:

- County Building – West end of the north parking lot near the city's community announcement's board
- County Services Building – Northwest end of primary parking lot
- Sheriff's Department/Jail – East side of the building near jail visitor's entrance
- EMS Building (Hart) – Southeast end of primary parking lot
- EMS Building (Shelby) – South end of parking lot
- Airport Terminal – North parking lot
- Animal Control – North parking lot
- Transfer Station – General proximity of gate area

Additionally, employees and visitors may smoke in their personal vehicles while parked in a county parking lot.

### **Definitions**

“Tobacco Products” include cigarettes, *electronic cigarettes (e-cigs)*, cigars, snuff, chewing tobaccos, and other kinds of tobacco suitable for chewing and/or smoking.

“Vaping” is the action or practice of inhaling and exhaling the vapor by an electronic cigarette or similar device. The aerosol produced by vaping contains fine particles of toxic chemicals which have been linked to cancer, as well as respiratory and heart disease.

“Use of Tobacco Products” means smoking, carrying or possessing a lighted tobacco product, chewing tobacco, or otherwise using a tobacco product for its intended purpose.

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### 8.3 *Policy Against Violence*

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#### **POLICY AGAINST VIOLENCE**

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Adopted 07/24/2014

The safety and security of our employees and the general public is of essential importance. Threats or acts of violence made by an employee against another person's life, health, well-being, family, or property will not be tolerated. Any act of intimidation, threat of violence, or act of violence committed against any person on County property is prohibited. The following definitions apply:

- Intimidation: A physical or verbal act toward another person, the result of which causes that person to reasonably fear for his or her safety or the safety of others.
- Threat of violence: A physical or verbal act which threatens bodily harm to another person or damage to the property of another.
- Act of violence: A physical act, whether or not it causes actual bodily harm to another person or damage to the property of another.

No person shall possess or have control of any firearm, deadly weapon, or prohibited knife, as legally defined, except as required in the lawful course of business or as authorized by state law. Employees may not carry a firearm in the course of their employment.

The following are prohibited:

1. Any act or threat of violence made by an employee against another person's life, health, well-being, family, or property.
2. Any act or threat of violence, which endangers the safety of employees, residents, tenants, vendors, contractors, or the general public.
3. Any act or threat of violence made directly or indirectly by words, gestures, symbols, or email.
4. Use of a weapon on the County's premises or possession of a weapon in the course of employment, except as permitted by state law.

It is a requirement that employees report to their Department Head or the County Administrator, in accordance with this policy, any behavior that compromises the County's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know.

Employees who violate this policy may be subject to criminal charges as well as discipline up to and including immediate termination of employment.

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#### ***8.4 Use of County-Owned Supplies and Equipment Policy***

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##### **USE OF COUNTY-OWNED SUPPLIES & EQUIPMENT POLICY**

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Adopted 07/24/2014

No employee shall use County-owned supplies or equipment for his/her personal needs or gain.

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## 8.99 *Infectious Diseases Preparedness/Response Policy*

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### INFECTIOUS DISEASES PREPAREDNESS/RESPONSE POLICY

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Adopted 04/30/2020

#### PURPOSE

The purpose of this policy is to provide guidance to Oceana County employees on how to prepare and act if an outbreak of an infectious disease, such as COVID-19, is deemed by public health officials to be present, or suspected to be present, in a county facility. For example, COVID-19 has caused a significant public health threat with the incidence in humans increasing.

The overarching goal of this policy is to aid in the protection of our employees, families, and community at large from infectious diseases by maintaining a consistently healthy work environment that also aligns with the county's Safe, Healthy, and Productive Work Environment Policy adopted by the Board of Commissioners on July 25, 2019.

Note: For any health emergency, department heads, employees, and others shall immediately CALL 911 for medical assistance.

#### ASSUMPTIONS

Infectious diseases are disorders caused by organisms — such as bacteria, viruses, fungi or parasites. Many organisms are harmless or even helpful. But under certain conditions, some organisms may cause disease. It's these conditions, that vary greatly, that caused this general policy to be written in broad terms. It is not comprehensive and does not constitute medical or legal advice.

Signs and symptoms vary depending on the organism causing the infection, but often include fever and fatigue. Mild infections may respond to rest and home remedies, while life-threatening infections require hospitalization.

Public health authorities will be the source for the most reliable and up-to-date information on infectious disease definition, prevention, mitigation, containment, and treatment. To that end, essential parts of this policy are derived from the **CDC's guidelines for infectious diseases** (Appendix A) with adaptations applied that are specific to Oceana County; **OSHA's report titled Guidance on Preparing Workplaces for COVID-19** (Appendix B); and the following instructions from the **Michigan Department of Health and Human Services:** (Appendix C)

- Cleaning and Disinfection for Facilities After Suspected or Confirmed COVID-19 Exposure

- I think I have been exposed to COVID-19, what should I do?
- When is it safe to leave home if you have symptoms of COVID-19 or live with someone who does?
- Prioritization Guidance for Personal Protective Equipment
- Optimizing Personal Protective Equipment During Crisis Capacity
- Coronavirus Disease (COVID-19) Workplace Checklist
- Managing Coronavirus Disease (COVID-19) in the Workplace
- Directions for Social Distancing, Self-Monitoring, Self-Quarantine, Self-Isolation

In regards to COVID-19, it is a new disease and public health experts are working to identify risk factors and steps to mitigate its effects and hopeful eradication.

## **ENHANCED AUTHORITY**

Depending on the nature and severity of an outbreak, the County Administrator may be given temporary enhanced authority by the Chairperson of the Board of Commissioners to coordinate preparations and/or response to an outbreak as it directly relates to internal business operations; restrict or close county buildings; expedite flexible work schedules or job sharing; temporarily modify or suspend policies to expedite preparations and/or response; administratively approve new policies, procedures, and plans until such time that the Board of Commissioners can conduct a review as a governing board.

The County Administrator may grant department heads temporary enhanced authority that would directly support the work of the County Administrator as described above or to support the work of other department heads or county officials.

## **STAFFING AND SERVICES CONSIDERATIONS**

The following considerations assume that employees are not subject to quarantine. Furthermore, depending on circumstances related to an outbreak, job positions may be subject to reduced work schedules, layoff, or furlough.

- Employees assigned to critical positions shall be required to work as directed during an outbreak, either in-person or via telework. To the extent possible, and with measurable work goals, the county will promote telework opportunities.
- Employees assigned to essential positions shall continue to be available for work

whether that work is in-person or telework. Further guidance will be provided by the employee's department head and/or County Administrator during an outbreak.

- Depending on the severity of an outbreak, employees assigned to non-essential/non-critical positions may be temporarily reassigned (assuming relevant skills and knowledge are present or training can quickly be performed) to assume the role of a critical or essential employee, either in-person or telework.

## **GENERAL PREPAREDNESS/PREVENTION**

- In response to a public health announcement of a serious infectious disease outbreak, such as COVID-19, immediate steps shall be taken in county facilities to mitigate entry of a virus via employees, members of the public, and parcels as carriers of a virus. At a minimum, prevention shall include:
  - Implement enhanced security screening protocols including restricted access to buildings, the use of a health screening questionnaire (also widely distributed to individual departments), use of personal protection equipment (PPE), observation of visible symptoms relevant to the infectious disease, temperature check using an infrared thermometer, frequent use of alcohol-based hand sanitizer, and similar.
  - Strategic placement and maintenance of hand sanitizer stations in county facilities with frequent monitoring of supply levels in each station.
  - Discarding publications such as magazines from areas routinely used by the public and employees that may have been exposed to a viable virus.
  - Placement of signage and markers such as "Stop the Spread of Germs" signs from the CDC that are visible to employees and the public in both English and Spanish languages.
  - Designation of an isolation area inside a county building: County Building location shall be the Friend of the Court waiting room that can be closed off from the rest of the building; County Services Building location shall be either the Classroom 101 or Conference Room 102.
  - Availability of cleaning products in each office for an "all hands on deck" approach to maintaining a healthy work environment.
  - Ramped up custodial and maintenance cleaning routines and schedules to include increased hours to clean and disinfect frequently utilized surfaces.
  - Periodic informational and/or planning meetings and correspondence with elected officials, department heads, employees, and other stakeholders to

address virus concerns, including decisions regarding the structure (i.e., accessibility to buildings, work schedules) of county operations during the event.

- Implementation of restricted access to county facilities or complete closure as warranted.
- Vigilance by County Administration to stay informed about current events. Department heads will be briefed as needed on potential risks of new findings within Oceana County and/or our geographic region that may affect our business operating procedures.
- The Maintenance Supervisor shall continue to maintain a supply of PPE for use by employees such as the maintenance and custodial staff for cleaning and disinfecting of surfaces; and for use by the contractual security staff in order to safely perform screening of visitors entering the building. Additionally, cleaning supplies will remain available in each department office for daily cleaning of office spaces.
- The Maintenance Supervisor will develop plans with vendors for re-supply of PPE and sanitizing agents in the event of a disruption to normal operations due to a COVID-19 outbreak or similar.

## **COLLABORATIVE PREPAREDNESS/PREVENTION**

Note: individual courts and departments are asked to develop individualized policy and action plans that meet their specific operational needs.

- Prior to an actual public health event, County Administration, Maintenance, Emergency Management, along with guidance from District Health Department #10, the CDC, Occupational Health and Safety Administration (OSHA), and other relevant public health agencies, will develop an understanding of the specific signs, symptoms, incubation period, route of infection, and the risks of exposure, regarding infectious diseases; develop plans for preventing, containing, and mitigating, a public health event leading to the eventual resumption of normal business operations.
- Working with elected officials and department heads, at least once per year, all employees will receive educational materials and/or training on the exposure risks, symptoms, and prevention of an infectious disease such as COVID-19 and personal strategies that should be used, such as:

- Self-isolation when exhibiting symptoms; consultation with medical or public health officials.
  - Wash your hands often with soap and water for at least 20 seconds.
  - Use hand sanitizer with at least 70% alcohol if soap and water are not available
  - Avoid touching your eyes, nose, and mouth with unwashed hands.
  - Cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow. Throw used tissues in the trash immediately then wash your hands.
  - Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs.
  - Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. If necessary, clean and disinfect them before and after use.
  - Practice social distancing by avoiding large gatherings and maintaining distance (approximately 6 feet) from others when possible
- Post signs at the entrance to county buildings clearly stating restricted access or closure for those individuals presenting symptoms and that they may be turned away by an executive order of the Governor of the State of Michigan, local administrative order of the chief judge of the courts, public health order issued by District Health Department #10, or executive order of the County Administrator.
  - Inform employees that to mitigate the risk of spreading an infectious disease, such as COVID-19, self-screening for exposure risk and signs and symptoms are necessary to maintain a healthy work environment.
  - Employees must immediately inform their department head if symptoms develop while at work and then leaving the work place for medical examination and treatment or temporary self-isolation in the designated area for the building. The county provides sick leave and other forms of paid time off to assist employees when ill.
  - The importance of self-isolation when symptoms are present. General medical guidelines include:
    - Free of a fever for 72 hours without the use of medicine that reduces fever.
    - Symptoms have improved – no cough or shortness of breath.
    - Related to COVID-19, received two negative tests in a row, 24 hours apart.

- Of course, in all cases employees should follow the guidance of their healthcare provider and/or local health department.
- Employees may wish to consult the CDC for useful information when symptoms are present: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

In some cases, Emergency Sick Leave and/or Family Medical Leave may be necessary. Contact the County Administrator's Office for assistance.

## **EMPLOYEE CARING FOR A FAMILY MEMBER**

The information that follows is not a substitute for medical advice from your primary care physician or local public health official.

- County employees who are essential in the direct care of a family member with an infectious disease such as COVID-19 shall not be allowed to report to work until the employee has been isolated for at least 14 days following their last exposure to a virus; and the employee must present a medical clearance to the County Administrator's Office.
- The employee must notify their department head that they are unavailable to report to work. In some cases, Emergency Sick Leave and/or Family Medical Leave may be necessary. Contact the County Administrator's Office for assistance.
- Employees may wish to consult the CDC for useful precautions when caring for household members at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-prevent-spread.html#precautions>

## **APPENDICES ARE SEPARATE FROM THIS MASTER POLICY DOCUMENT.**

This policy and its attachments address the following elements of preparedness and response as shown in the checklist that follows:

<b>This policy and its attachments address the following elements of preparedness and response:</b>	
• Promote and practice social distancing (at least 6 feet of separation)	Yes
• Promote telework (to the extent possible/feasible)	Yes
• Restrict access to buildings	Yes
• Use of PPE or similar	Yes
• Observation of symptoms and/or testing; health screening questionnaire; use of no-touch infrared thermometer with employees and general public	Yes
• Placement of signs/markers to “stop the spread of germs” (English and Spanish)	Yes
• Designated isolation area	Yes
• Promote hand washing	Yes
• Promote use of alcohol-based hand sanitizer	Yes
• Implement “ramped up” efforts to clean and disinfect common work surfaces (i.e., counters, doors, key pads, equipment)	Yes
• Stock cleaning supplies in each office	Yes
• Stock protective equipment such as masks, gloves, etc.	Yes
• Distribute protective equipment following OSHA’s <b>“Occupational Risk Pyramid for COVID-19”</b> or otherwise as needed	Yes
• Monitor supply chain for protective equipment	Yes
• Administration and other stakeholders stay informed	Yes
• Periodic communication with all stakeholders	Yes
• Promote development of individualized department policies and plans, where needed, that are consistent with CDC, OSHA, local public health officials, and county administration	Yes
• Annual employee training and educational materials on risks, prevention, mitigation, containment, etc.	Yes
• Promote staying home if sick or caring for someone who is sick, self-screening, self-isolation, informing supervisor when sick	Yes



## 9.0 CONFIDENTIALITY AND NONDISCLOSURE OF INFORMATION

### 9.1 *Confidentiality and Nondisclosure*

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#### CONFIDENTIALITY AND NONDISCLOSURE

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As a condition of employment, County employees are required to protect the confidentiality of information they work with during the normal course of their employment. Access to this information is generally governed by privacy laws such as HIPAA and shall be limited to a "need to know" basis in accordance with the law and shall not be used for personal benefit, disclosed, or released without prior authorization from the appropriate party. Any employee who has information that leads them to suspect that an employee is obtaining such information is required to inform their Department Head or County Administrator.

Violation of this policy may result in the discipline or termination of any employee, as well as subject the employee to civil liability.

## 10.0 CITIZEN RELATIONS

### 10.1 *Citizen, Client, and Visitor Relations*

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#### CITIZEN, CLIENT, AND VISITOR RELATIONS

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County employees strive to provide the best possible public services to everyone. Therefore, you are expected to treat everyone with the utmost respect and courtesy during your working time. Sometimes this may involve listening to a complaint. You should never argue or act in a disrespectful manner towards a visitor or generally during your working time. If you are having problems with a visitor, please notify your Department Head and ask for assistance.

Lastly, because we are public employees, please make every effort to be prompt in following up on questions you receive from the public. Positive relations can go a long way to enhancing public trust in county government.

## 11.0 CLOSING STATEMENT

### 11.1 *Closing Statement*

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#### CLOSING STATEMENT

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Thank you for reading our policy handbook. Although it appears overwhelming with the collection of information contained within it, the handbook is most valuable when used as a resource throughout your employment with the County.

As a reminder, the handbook will be updated from time to time. It is not a "static" document.

We hope you enjoy your job working with us in a safe, productive, and pleasant workplace.

## **12.0 APPENDICES**

**12.1 *New Employee Documents Checklist***

**12.2 *Cell Phone Reimbursement Policy***

**12.3 *Cell Phone FAQ***

**12.4 *Cell Phone Usage While Driving***

**12.5 *Family Medical Leave Act of 1993***

**12.6 *Reasonable Accommodation Request Form***

**12.7 *Religious Accommodation Request Form***

**12.8 *Harassment Complaint Form***

**12.9 *Employment Reference Release Form***

**12.10 *Extended-FMLA Leave of Absence Request Form***

**12.11 *General, Non-FMLA Leave of Absence Request Form***

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### NEW EMPLOYEE DOCUMENTS - CHECKLIST

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1. "New Employee Profile" form – please complete and return Admin Office.
2. Form I-9, Employment Eligibility Verification – please complete and return to me with a copy of your driver's license and Social Security Card (copies will be destroyed after my verification).
3. Form W-4, Federal Withholding Exemption Certificate – please complete and return to Admin Office.
4. Form MI W-4, Michigan Withholding Exemption Certificate – please complete and return to Admin Office.
5. Direct Deposit Form – please complete and return to Admin Office.
6. Notice of Privacy and Acknowledgement – please complete the Acknowledgement and return to me. Keep the Notice for your files.
7. Red-Flag Identity Theft Policy and Acknowledgement – please complete the Acknowledgement and return to me. Keep the Notice for your files.
8. Information Technology Security Policy and Acknowledgement - please complete the Acknowledgement and return to Admin Office.
9. Harassment Policy & Complaint Form – keep the Notice for your files.
10. Drug-Free Workplace Policy – keep the Notice for your files.
11. Personnel Policy Establishing Rules and Regulations for Employees of the County of Oceana or POAM Contract (whichever is applicable) – keep for your files.
12. Workers' Compensation Reporting Guidelines – keep for your files.
13. Fringe Benefit Costs per Month – keep for your files.
14. Pre-tax withholding for monthly insurance premiums – please complete and return to Admin Office.
15. BCBS PPO OR BCN HMO Enrollment Form (Health/Vision) – please complete and return to Admin Office. This covers the employee, spouse and eligible dependents. \*\*
16. Delta Dental Enrollment Form – please complete and return to Admin Office. This covers the employee, spouse and eligible dependents. \*\*
17. Standard Insurance Company Enrollment Form – please complete and return to Admin Office. This is for a \$25,000 life and AD&D for the employee only. \*\*
18. Standard Group Life Insurance Policy – keep for your files.

19. Municipal Employee's Retirement System (MERS) Defined Contribution Enrollment Kit \* – please complete and return to Admin Office.
20. FLEX System Flexible Spending Account Enrollment Form and Summary Plan Description. This is a voluntary program and the Plan Year is January 1st through December 31st. If you wish to enroll, complete the enrollment form and return Admin Office.
21. AFLAC Brochure – keep for your files. An AFLAC representative will contact you at a later date. This is a voluntary program.

\*MERS DC – Vesting 1yr – 50%, 2 yr – 75%, 3 yr – 100%

Employer 3 – 6%

Employee 3 – 15%

\*\* Employees pay the health insurance premium amount in excess of the hard cap established by PA 152 of 2011.

\*\* Employees pay 15% of the vision, dental. 0% for life premiums.

\*\* All amounts are paid through payroll deduction the second pay period of the month.

## Oceana County Cell Phone Reimbursement Policy And Authorization Request

Oceana County recognizes the need for certain personnel to own and use cell phones to complete and enhance their job performance. This policy establishes the procedures for cell phone authorization, reimbursement and use. **Once approved for cell phone reimbursement, employees will receive a \$20.00 monthly allowance added to payroll as a taxable benefit.**

The application form below must be completed and signed by you, then submitted to your Department Head. Your Department Head will submit the application to the Oceana County Administrator for processing.

**A cell phone is justified for these reasons (mark all that apply)**

*(How the cell phone will support the County's business and improve the employee's ability to do their job)*

- ☐ This employee is a key staff member needed in the event of an emergency.
- ☐ This employee is frequently away from access to traditional land-based phone services.
- ☐ This employee is involved in frequent off hours/on-call activity.
- ☐ The nature of this employee's work is critical to the operation of the county and immediate response is required.
- ☐ This employee's assigned work requires substantial travel.
- ☐ The anticipated level of business use is significant.
- ☐ The related cost is justified when compared with alternative communication choices.
- ☐ Other: \_\_\_\_\_

Print Name:	Do you currently own a cell phone?
Department:	Cell phone number: (   )
Date:	Provider of cell phone:

I have read the above information regarding the Oceana County cell phone policy and had the opportunity to discuss any usage questions with my Department Head. I understand that my cell phone number may be published. I also understand that I am financially responsible for any and all charges for this cell phone plan.

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

Approval signatures

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
County Administrator

## **Frequently Asked Questions – Oceana County Cell Phone Policy**

### **1. Does everyone get an allowance for a personally owned cell phone?**

No. You will only receive a cell phone allowance if you meet the criteria established in the policy and have the approval of your Department Head and Administrator. Criteria include: a key staff member needed in the event of an emergency, frequent off hours/on-call activity, or substantial business travel. See the policy for more specific information.

### **2. Why does Oceana County want me to own my cellular phone?**

The IRS requires that the business and personal use of county-owned or reimbursed cell phones must be documented in a very detailed manner. Currently no employees are documenting and substantiating to the detail required by IRS rules. The IRS can declare that all undocumented use is personal and should be taxed as wages, even if the calls are mostly business calls. Receiving a taxable allowance for an individually owned cell phone removes this detailed documentation requirement.

### **3. I have been reimbursed by Oceana County for my cell phone expenses for a long time with no problems. Why the change?**

The Internal Revenue Service considers cell phone use a taxable fringe benefit if the business and personal use cannot be substantiated. Only recently has this emerged as a problem in IRS and other audits.

### **4. This seems ridiculous. Why are you putting us through this?**

While this may seem silly to us, the IRS takes it seriously. The IRS has already made cellular telephone use an audit issue for businesses and government institutions.

### **5. If I am purchasing a new cell phone plan for myself, does Oceana County have any preference on which provider I choose?**

No

### **6. Do I get retirement contributions or other benefits if I receive a taxable allowance for my cell phone?**

No. The allowance is not part of your salary; it is a taxable stipend not included when determining benefits.



**7. What happens when an employee's employment ends?**

As the cell phone is the individual's plan and not the County's plan, all stipends for reimbursement cease immediately upon termination of employment. The individual continues to be fully responsible for any provider-initiated cell phone plan requirements (2-yr agreements, special features, etc.)

**8. Are employees able to join together to purchase a "family share" plan?**

While this is theoretically possible (if allowed by the cell phone provider), it is generally not recommended as the cell phone 'family plan' must be in the name of a 'primary' individual who has full responsibility for ALL family share plan members added to the plan, and must be the one to make any changes to the plan. If that 'primary' user ceases employment at Oceana County, that individual will no longer qualify for the reimbursement stipend from Oceana County and there will no longer exist the natural connection of the family share plan participants all being employees of Oceana County. In almost all cases it would be better for the individuals involved to have their own cell-phone plan, to which they can add their own personal family members if they wish at their own expense and responsibility.

**10. How often will the policy and evaluation of an employee's need for a cell-phone be reviewed?**

The reimbursement rate will be reviewed and re-evaluated on an annual basis by the Administrator. Department Heads will be expected to regularly and periodically (at least once annually) review the employee jobs they oversee to determine if a new cell-phone reimbursement is necessary, or alternatively, if an existing cell-phone reimbursement arrangement should be cancelled for employees they supervise. Cell-phone stipend reimbursements are subject to immediate addition or immediate deletion, depending on the outcomes of that periodic review and determination of necessity by the Department Heads.

**11. Does the policy indeed restrict the use of cell-phones even while driving my own personal vehicle?**

The policy regarding use of cell phones in a vehicle makes two restrictions: 1) no County business calls are to be made while driving a personally owned or borrowed vehicle and, 2) no cell phone use of any kind is to occur while driving a County-owned (or rented) vehicle, unless safely coming to a complete stop on the shoulder of a road, parking area, or similar. The purpose of these restrictions is to eliminate the County's liability if an accident should occur while you are driving. Note that in no case should County business via cell-phone ever be conducted while driving any vehicle. *Law enforcement and EMS*

*personnel may be excluded from this per their respective Department policy and the nature of the work performed.*

Oceana County  
Cell Phone Usage Agreement  
While Driving County Vehicles  
And While Conducting County Business

Employees and volunteers must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving either a county-owned vehicle or non-county-owned vehicle. Accordingly, employees must not use a cell phone if such conduct is prohibited by law, regulation or other ordinance.

Employees and volunteers must not use hand held cell phones for County business purposes while driving any vehicle, including county owned vehicles or their personal vehicle, or any borrowed or rented vehicle. Should an employee need to make or receive a County business call while driving any vehicle, they must locate a lawfully designated area to park in order to make or receive the call at that time. Also, all cell phone usage (personal or County business) must not occur while driving a County-owned or County-rented vehicle.

This policy forbidding the use of cell phones while driving includes all uses of the cell phone, i.e. voice calling, message texting, internet surfing, etc. All of these activities fall under this policy.

Law enforcement, EMS, emergency management, and similar personnel may be excluded from this per their respective Department policy.

**I have read the above information regarding the Oceana County Cell Phone Usage Agreement While Driving County Vehicles and While Conducting County Business policy and had the opportunity to discuss any questions with my Department Head. I understand that by signing this policy statement I am agreeing to abide by its stipulations and that if I violate the provisions of this policy I accept personal liability for any personal injuries or property damages that may result from any incident or accident that I may be determined to have caused while conducting County business on a cell phone, regardless of whether the cell phone usage is reimbursed by the county or not.**

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Employee signature

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Date

## **Notice to Employees Regarding the Family and Medical Leave Act of 1993**

*(This section added March 14, 1996)*

Oceana County will comply with all applicable requirements of the Family and Medical Leave Act of 1993 ("FMLA").

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons.

An employee approved for FMLA leave will be able to receive up to 12 weeks of job-protected leave (paid and/or unpaid) in a rolling 12-month period to manage the FMLA-qualifying event. Under the "rolling" 12-month period, each time the employee takes FMLA leave, the remaining leave entitlement is the balance of the 12 weeks that has not been used during the immediately preceding 12 month

Employees are required to use their accrued but unused sick and vacation leave concurrently with FMLA leave.

### **Employee Eligibility**

The FMLA defines eligible employees as employees who: (1) have worked for the County for at least 12 months; (2) have worked for the County for at least 1250 hours in the previous 12 months; and (3) work or report to a worksite which has 50 or more employees or is within 75 miles of worksites that taken together have a total of 50 or more employees.

### **Leave Entitlement**

Eligible employees may take leave for the following reasons (1) to care for a child upon birth or upon placement for adoption or foster care; (2) to care for a parent, spouse, or child with a serious health condition; or (3) when an employee is unable to work because of the employee's own serious health condition.

According to FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) "continuing treatment" by a health care provider. For further information on what is considered "continuing treatment", contact the Administrator/Fiscal Officer.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing a work schedule in certain circumstances. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the County Board's permission. If The FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

### **Notice and Certification**

Employees who want to take FMLA leave ordinarily must provide the County with at least a 30 day notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the County's operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The County also may require a second or third opinion (at the County's expense), periodic recertification of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The County may deny leave to employees who do not provide proper advance leave notice or medical certification.

### **Benefits During FMLA Leave**

Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, arrangements will be made for employees to pay their share of health insurance premiums while on leave. In some instances, the County may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

The employee's use of FMLA leave will not result in the loss of an employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, personal and sick days during an unpaid FMLA leave for the employee's own serious health condition or for a seriously ill family member. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave to care for a newborn or newly placed child.

### **Job Restoration After FMLA Leave**

The County will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on an FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the County's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

### **Other Provisions**

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Salaried, executive, administrative and professional employees of the County who meet the Fair Labor Standards Act ("FLSA") criteria for exemption from minimum wage and overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

**Oceana County**  
**Reasonable Accommodation Request Form**

*The Americans with Disabilities Act of 1990 (ADA) requires employers to provide reasonable accommodations for qualified employees with disabilities, unless such accommodations pose an undue hardship (i.e., too costly, too extensive, too substantial, too disruptive).*

**Part 1** to be completed by employee:

Name: \_\_\_\_\_ Court/Department: \_\_\_\_\_

Date of Request: \_\_\_\_\_ Immediate Supervisor: \_\_\_\_\_

What specific accommodation(s) are you requesting? For each accommodation, state how long the accommodation is needed. If you are not sure of what accommodation(s) are needed, indicate any suggestions you may have about what options the County can explore?

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What, if any, job functions are you having difficulty performing? What, if any, employment benefit are you having difficulty accessing? What limitation is interfering with your ability to perform your job or access and employment benefit?

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I have read and understand the County's policy on reasonable accommodation. I understand that the accommodation(s) requested above may not be granted but that the County will attempt to provide reasonable accommodations that do not create an undue hardship on the employers business.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Reasonable Accommodation Request Form – cont.

**Part 2** to be completed by the employee's immediate supervisor AND submitted to the County Administrator for review and/or approval.

Supervisor's evaluation of the impact of the employee's suggested accommodations:

1. \_\_\_\_\_ Accepted: \_\_\_\_ Not accepted: \_\_\_\_

2. \_\_\_\_\_ Accepted: \_\_\_\_ Not accepted: \_\_\_\_

3. \_\_\_\_\_ Accepted: \_\_\_\_ Not accepted: \_\_\_\_

Supervisor's suggested alternative accommodations (list in order of preference):

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Date discussed with employee: \_\_\_\_\_

Date accommodation(s) agreed upon: \_\_\_\_\_

If no agreement on an accommodation(s), explanation is required:

\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### **Additional Review by County Administrator (mandatory)**

Date reviewed with employee and supervisor and agreed/denied: \_\_\_\_\_

County Administrator's Signature: \_\_\_\_\_

*County Administrator: Attach remarks as warranted.*



**Oceana County**  
**Religious Accommodation Request Form**

*Title VII of the Civil Rights Act of 1964 prohibits employers with at least 15 employees, as well as employment agencies and unions, from discriminating in employment based on race, color, **religion**, sex, and national origin. It also prohibits retaliation against persons who complain of discrimination or participate in an Equal Employment Opportunity investigation.*

**Part 1** to be completed by employee:

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

Reason for Request (Job Change, Work Schedule, Dress/Appearance Code, Other):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Length of Time: \_\_\_\_\_

Suggested religious accommodation:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

I have read and understand the County's policy on religious accommodation. My religious beliefs and practices, which result in this request for a religious accommodation, are sincerely held. I understand that the accommodation requested above may not be granted but that the County will attempt to provide a reasonable religious accommodation that does not create an undue hardship on the employers business.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Religious Accommodation Request Form – cont.

**Part 2** to be completed by the employee's immediate supervisor AND submitted to the County Administrator for review and/or approval.

Supervisor's evaluation of the impact of the employee's suggested accommodations:

1. \_\_\_\_\_ Accepted: \_\_\_\_ Not accepted: \_\_\_\_
2. \_\_\_\_\_ Accepted: \_\_\_\_ Not accepted: \_\_\_\_
3. \_\_\_\_\_ Accepted: \_\_\_\_ Not accepted: \_\_\_\_

Supervisor's suggested alternative accommodations (list in order of preference):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Date discussed with employee: \_\_\_\_\_

Date accommodation(s) agreed upon: \_\_\_\_\_

If no agreement on an accommodation(s), explanation is required:

\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### **Additional Review by County Administrator (mandatory)**

Date reviewed with employee and supervisor and agreed/denied: \_\_\_\_\_

County Administrator's Signature: \_\_\_\_\_

*County Administrator: Attach remarks as warranted.*

**Oceana County**  
**Harassment Complaint Form**

*(A signed letter from the complainant, or other form of affidavit, is an acceptable alternative to this form.)*

Name of Complainant: \_\_\_\_\_

Describe the nature of the complaint including the name(s) of the alleged harasser:

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Are there others who may have witnessed this alleged harassment? If so, please provide their names: \_\_\_\_\_

Are there others who may have experienced similar alleged harassment by the individual named above? If so, please provide their names: \_\_\_\_\_

Did you tell anyone about your experience after the alleged harassment? If so, please provide their names: \_\_\_\_\_

Did you speak to the individual named in this report as the alleged harasser about the alleged harassment? If so, what was his/her response?

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I attest that the information I have provided is a true and accurate description of my complaint and that I have not willfully or deliberately made false statements. I understand that the County prohibits any individual from retaliation against me for filing a complaint and that I am to notify my immediate supervisor or County Administrator that I am a victim of retaliation.

Complainant' Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Person Receiving Complaint: \_\_\_\_\_

Date: \_\_\_\_\_ Job Title: \_\_\_\_\_

## **Oceana County Employment Reference Release**

I acknowledge that I have been informed that it is Oceana County's general policy to disclose in response to a prospective employer's request only the following information about current or former employees: (1) the dates of employment, (2) descriptions of the jobs performed, and (3) salary or wage rates.

By signing this release, I am voluntarily requesting that the county depart from this general policy in responding to reference requests from any prospective employer that may be considering me for employment. I authorize Oceana County to disclose to such prospective employers any employment-related information that the county, in its sole discretion and judgment, may determine is appropriate to disclose, including any personal comments, evaluations, or assessments that the county may have about my performance or behavior as an employee.

In exchange for Oceana County's agreement to depart from its general policy and to disclose additional employment-related information pursuant to my request, I agree to release and discharge Oceana County and the county's officials and employees for all claims, liabilities, and causes of action, known or unknown, fixed or contingent, that arise from or that are in any manner connected to the county's disclosure of employment-related information to prospective employers. This release includes, but is not limited to, claims of defamation, libel, slander, negligence, or interference with contract or profession.

I acknowledge that I have carefully read and fully understand the provisions of this release. I further acknowledge that I was given the opportunity to consult with an attorney or any other individual of my choosing before signing this release and that I have decided to sign this release voluntarily and without coercion or duress by any person.

This release sets forth the entire agreement between Oceana County and me, and I acknowledge that I have not relied upon any representation or statement, written or oral, not set forth in this document.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Oceana County**  
**Extended-FMLA Leave of Absence Request Form**

I, \_\_\_\_\_, hereby request an extended FMLA leave of absence effective \_\_\_\_\_ until \_\_\_\_\_ for the following reason:  
\_\_\_\_\_.

I have been advised that I am required to use my accrued and unused sick, vacation, compensatory, and personal time during my leave of absence. If I no longer have accrued time during my leave of absence, the remainder of the leave shall be without pay. Depending on the duration of the leave of absence, I understand that I may be required to fully cover the cost of fringe benefits (i.e., health insurance, dental, etc.).

I have been advised and understand that if I am unable to return to work by \_\_\_\_\_ the date stated above, the County has the right in its sole discretion to terminate my employment.

I understand that I will be required to submit appropriate "fitness for duty" documentation from my physician prior to my return from leave. I also understand that the County may consider an extension of my leave as a reasonable accommodation under the Americans with Disabilities Act, if my medical condition is covered under this act.

No other representations or promises regarding continued employment or job security have been made to me, as I am free to resign at any time and capable of being terminated at any time in accordance with current County policy or a collective bargaining agreement. I acknowledge that if I breach any of the representations contained hereinabove, or if my leave request is granted, but the purpose or nature of the leave was misstated, the County may discipline me up to and including immediate termination, also in accordance with current County policy or collective bargaining agreement.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EMPLOYER AUTHORIZATION**

Request Approved/Denied? \_\_\_\_\_. If denied, reason: \_\_\_\_\_  
\_\_\_\_\_.

Department Head  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

County Administrator  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Oceana County**  
**General, Non-FMLA Leave of Absence Request Form**

I, \_\_\_\_\_, hereby request a non-FMLA leave of absence effective \_\_\_\_\_ until \_\_\_\_\_ for the following reason: \_\_\_\_\_.

I have been advised that I am required to use my accrued and unused sick, vacation, compensatory, and personal time during my leave of absence. If I no longer have accrued time during my leave of absence, the remainder of the leave shall be without pay. Depending on the duration of the leave of absence, I understand that I may be required to fully cover the cost of fringe benefits (i.e., health insurance, dental, etc.).

I have been advised and understand that if I am unable to return to work by \_\_\_\_\_ the date stated above, the County has the right in its sole discretion to terminate my employment.

No other representations or promises regarding continued employment or job security have been made to me, as I am free to resign at any time and capable of being terminated at any time in accordance with current County policy or a collective bargaining agreement. I acknowledge that if I breach any of the representations contained hereinabove, or if my leave request is granted, but the purpose or nature of the leave was misstated, the County may discipline me up to and including immediate termination, also in accordance with current County policy or collective bargaining agreement.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EMPLOYER AUTHORIZATION**

Request Approved/Denied? \_\_\_\_\_. If denied, reason: \_\_\_\_\_.

Department Head

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

County Administrator

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

