

**Personnel Policies and Procedures
Downtown Development Authority
Escanaba, Michigan
Implemented 09/07/2005**

Definitions

Exempt Employee- An employee who because of his/her duties and responsibilities is exempt from the overtime provisions of the Fair Labor Standards Act.

Part-time Employee- An employee hired for an indeterminate period and who is not designated a permanent or seasonal employee at time of hire.

Permanent Employee- An employee who regularly works the standard workweek of 40 hours and is designated a permanent employee at time of hire.

Position- A group of current duties and responsibilities assigned by the DDA Director and specified by a job description which requires the full or part-time employment of one person.

Probationary Employee- An employee serving a specified trial period to determine if mutually compatible conditions exist between the employee and employer.

Seasonal Employee- An employee hired for a period of set duration.

**Downtown Development Authority
Personnel Policies and Procedures Manual**

1.0 **INTRODUCTION**

1.1 **Purpose**- The Downtown Development Authority (also referred to as DDA) is an equal opportunity employer whose policy is to select personnel and to conduct all personnel activities without regard to religion, race, color, national origin, age, sex height, weight, or marital status, except where a bona fide occupational qualification exists. The DDA will maintain a system of uniform and equitable personnel policies and procedures to assure equal treatment of all employees and applicants.

1.2 **Effective Date**- The policy and procedures contained in this manual will take immediate effect upon the approval of The DDA Board.

- 1.3 **Authority**- The DDA Director is responsible for the administration of the manual; interpretations of the manual will be made by the DDA Director and Board. Exceptions to the policies and procedures are made by the DDA Board.
- 1.4 **Scope**- The provisions of this manual apply to all permanent, part-time, and seasonal employees. These policies and procedures do not apply to individuals or firms providing services through a special contractual agreement with the DDA.
- 1.5 **Fringe Benefits**- To be negotiated with the DDA Board of Trustees or its representative.
- 1.6 **Distribution of Manual**- Each employee selected to fill a position shall read the Personnel Policies and Procedure Manual upon hire. Employees will also be given a copy of the manual upon hire.
- 2.0 **Selection/Hiring Process**- Refer to each individual job description.
- 2.1 **Recruitment, Screening, and Interview**- Please refer to each individual job description for this information.
- 2.2 **Appointments and Hiring**- For the Director, Downtown Development Authority, the DDA Board selects a final candidate and The Escanaba City Council makes the final vote on hiring. For additional full-time, part-time or seasonal positions, the Director makes the final decision.
- 2.3 **Part-Time/Seasonal Hire**- In order to process part-time and seasonal employees in an orderly and fair manner, the following procedures will be followed:
 - a. When there is an opening, temporary employees may be used to fill the position temporarily. An ad may be run in the local newspaper or placed on a Web Site.
 - b. Applications will be placed on file for one year.
 - c. Selected employee will be notified by the DDA Director by telephone when a position becomes available. It will be the applicant's responsibility to ensure that he/she is available at the phone number listed on the application.
 - d. All individuals hired will report to work in proper work attire.
 - e. Applicants will be given a copy of this section and will be given the opportunity to read the entire Personnel Policies and Procedures Manual.

3.0 **EMPLOYMENT**

- 3.1 **Orientation**- On the first day of employment a new employee will complete the necessary forms at the DDA Office. The DDA Director will review general work rules and policies with the new employee. Any unique hazards of the job and proper techniques of the job will be emphasized.

New employees will be trained regarding hazardous chemicals in the workplace according to the Written Hazard Communication Program as required by the Michigan Right to Know Law.

- 3.2 Whenever practicable, the DDA will hire residents of the City of Escanaba. It is recognized that from time to time certain positions of a technical or administrative nature will not produce an adequate field of selection locally, and in such cases; the DDA may authorize recruitment or selection from outside the City of Escanaba.

Residency within fifteen (15) road miles of the corporate limits of the City of Escanaba is required of all employees within six (6) months of the date of hire. DDA Employees who do not reside within 15 road miles of the corporate City limits of Escanaba within the time period allowed will be discharged.

- 3.3 **Probationary Period**- All DDA employees are considered to have an “at will” employment relationship with the DDA. This means that any employee may terminate their employment with the DDA at anytime, for any reason, or no reason, so may the DDA terminate an employee at anytime, for any reason or no reason.

- 3.4 **Personnel Records**- Each employee will have a separate personnel file containing all of his/her personnel records. All personnel records will contain employment application, beneficiary report, disciplinary history, doctors’ notes for sick leave, letters of commendation, record of sick leaves, vacation, funeral leave, leave of absence, insurance record, retirement information, and other relevant information not prohibited by state law. Employees are required to notify the DDA Director of any changes in their dependent status, address or person to notify in case of any emergency.

The personnel files are maintained by the DDA Director and may be viewed by the DDA Board. Employees are given the opportunity to

periodically review their records in accordance with state statute. Information contained in the employee's personal file will be released to others only upon the employee's written authorization or as provided by state law. Personnel files shall be kept no less than three years after termination.

4.0 **Hours of Work**

- 4.1 **Standard Work Day**- Part-time and seasonal employees are to refer to individual job description for this information. Salaried, full time employees will work at least 40 hours a week. Salaried, full time employees are required to attend many meetings that do not fall into normal work hour days so this must be taken into consideration.
- 4.2 **Recording of Hours**- All part-time and seasonal employees are required to keep daily time logs. It is the DDA Director's responsibility to review and audit the time logs to assure they are completed properly. The DDA Director will forward the time logs to The City's Controller's Office.
- 4.3 **Absence**- An absence may be excused or unexcused. An employee is considered to have an unexcused absence if he/she is not present for work during the prescribed department work hours, including reporting for work late or returning late from lunch or rest breaks, if he/she has not received advance permission for the absence.

If the Director determines that the employee's absence is due to illness, injury, or some other reasonable cause, the time of absence will be charged to an appropriate leave. If the Director determines the employee's absence is unexcused, the employee will not be paid for time not worked and will be subject to disciplinary action.

An employee is considered to have resigned if he/she is absent without approval or proper notice for more than three consecutive workdays or fails to return from an approved leave of absence at the designated time.

If an employee is to be absent, the Director must be notified no later than fifteen minutes after the start of the employee's workday. Continued failure to notify the Director within the time period will result in disciplinary action.

- 4.4 **Severe Weather**- If dangerous or severe weather conditions prevent an Employee from getting to his/her workstation, the employee will have the option to charge the absence to either vacation leave, compensatory time, or time off without pay. The Director must concur that a severe weather condition existed.

An employee may leave work early if dangerous or severe weather conditions are present. The Director, before allowing the employee to leave early must verify that a severe weather condition exists. The time of absence may be charged to either vacation time, compensatory time, or time off without pay.

4.5 **Fair Labor Standards Act**- The Fair Labor Standards Act sets minimum wage and overtime compensation standards for all DDA employees, except those who hold positions which are exempt from the overtime provisions of the law. The Director is responsible for determining which positions are exempt based on criteria set by law.

4.6 **Overtime, Compensatory Time and Premium Pay**

a. **Non-exempt Employees**- Seasonal and part-time employees will be paid time and a half for all hours worked in excess of 40 hours per week.

A permanent employee may receive compensatory time off in lieu of an overtime payment. The accrual of compensatory time is limited to specific maximums. Employees should consult their appropriate agreement or handbook for these limitations.

A seasonal or part-time employee will receive one and a half times his/her hourly wage for work performed on a DDA observed holiday based upon his /her normal work day.

A seasonal or part-time employee who has worked more than 2,080 hours within a two-year period will be eligible to receive holiday pay based on his/her "normal" workday.

b. An exempt employee will not be granted additional wages or compensatory time for hours worked in excess of the standard workday or workweek or work performed on a DDA designated holiday or Sunday.

5.0 **CLASSIFICATION AND COMPENSATION**

5.1 **Job Descriptions**- Current job descriptions are maintained by the DDA Director for all positions. Each job description contains a descriptive title, a summary of responsibilities, a list of typical duties, and responsibilities. The job descriptions are intended to describe the general nature and level of the work being performed. They are not an exhaustive list of all job duties performed, as other duties may be assigned as needed.

If an employee feels his/her job duties have changed and a new job description should be written, the employee should make the request to the DDA Director who will decide whether the job description should be revised. Final approval will be given by the DDA Board.

Job descriptions for all positions are on file and available for review by employees.

- 5.2 **Payroll Procedures**- The pay period is two weeks and begins on Tuesday and ends on a Monday. Paychecks are available on the Tuesday at the Accountant's Office. The Director is responsible for picking up the paychecks and distributing them to the employees.

Payroll deductions are made as required by federal and state law or court order.

If a scheduled payday falls during an employee's vacation, the employee or a designated person may pick up the paycheck, if ready before leaving on vacation, by making prior arrangements with the Director.

- 5.3 **Garnishment of Wages**- Garnishment of wages may occur if an employee fails to pay a debt for a financial obligation. The DDA would be directed by court order to deduct a certain portion of the wage from the paycheck and forward it to the creditor.

6.0 **SAFETY**

- 6.1 **Policy**- It is the policy of the DDA to provide a healthy and safe place to work for each and every employee. The DDA shall abide by and enforce all safety and health regulations as set forth by federal, state and local governments. All DDA employees are urged to utilize good safety and health practices as dictated by job, location, and circumstances.
- 6.2 **Clothing**- Employees working in or around moving equipment must not wear loose fitting clothing, necklaces, watches, rings, bracelets, scarves, or any other type of clothing or jewelry that could become entangled in or catch on such equipment.
- 6.3 **Injury**- All on-the-job injuries must be reported by the injured employee to the DDA Director. Injuries must be reported as soon as practicable, but, no later than the end of the shift in which the injury occurred.

All employees injured are to complete an accident report and submit it to the DDA Director. Accident reports must also be made out for all sick leaves that are job related.

- 6.4 **MIOSHA**- The DDA will follow all MIOSHA guidelines and regulations for safety and health. Disregard of MIOSHA guidelines and regulations may subject an employee to disciplinary action.

7.0 **PERSONNEL REGULATIONS**

- 7.1 **Political Activity**- Employees have the right to participate in political activities. However, an employee whose position is funded by a federal grant or an employee under a federal program may not be a candidate for a partisan elective office. Employees who become candidates for a city office must request a leave of absence without pay at the time he/she complies with the candidacy filing requirements, or 60 days before the appropriate election, whichever date is closer to the election. Employees elected to a city office must resign from their position or take a leave of absence for the length of the elected term.

Employees may neither use their DDA position for any political purpose nor engage in political activities during working hours. Banned political activities during working hours include soliciting political contributions, displaying political stickers or posters on DDA property.

- 7.2 **Outside Employment**- Employees may accept employment in addition to their work with the DDA provided:
- a. Such employment will not constitute a conflict of interest with the employee's duties, and
 - b. Such employment does not interfere with the employee's job with the DDA.

Employees are encouraged to discuss any possible outside employment that may be a conflict of interest with the DDA Director.

- 7.3 **Pets or Other Animals On-the-Job**- No pets or other animals of any kind are to be brought to, kept at, or delivered to the DDA Building by any employee at any time. The only exception is a service animal used to assist a handicapped person as required by the ADA.
- 7.4 **Non-Work Related Activities**- Employees are not to engage in non-work related activities, such as hobby craft, pleasure reading, game playing, and the like during working hours. No restrictions are placed on employees during approved rest and lunch breaks.
- 7.5 **Personal Use of Telephones and Photocopier**- When it becomes necessary to place long-distance calls not properly payable from DDA funds, the Director or DDA Assistant will be responsible for collection of

charges from the person making the call. The collected money will be submitted to the Petty Cash fund with a receipt given.

Employees may place and receive personal telephone calls during working hours provided the calls are infrequent and not bothersome to other employees or customers. The DDA Director will be the sole judge of any abuse of this privilege.

7.6 **Drug-Free Workplace Policy**- This is to reiterate and state in a formal policy the work related effects of alcohol and drug use and the unlawful possession of controlled substances on DDA premises. The DDA policy is as follows:

- a. DDA employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the DDA's intent and obligation to provide an alcohol/drug-free, healthful, safe, and secure work environment.
- b. All DDA employees are forbidden to use or possess alcohol or illegal drugs at any time during the workday anywhere on DDA premises. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on DDA premises or while conducting DDA business off of DDA premises is absolutely prohibited. Violation of this policy will result in disciplinary action, up to and including termination, and may have criminal consequences.
- c. The DDA recognizes drug and alcohol dependency as an illness and a major health problem. The DDA also recognizes alcohol and drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use local substance abuse counseling agencies and employees' health insurance plans, as appropriate. Conscientious efforts by employees to seek such help will not jeopardize any employee's job.
- d. Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off DDA premises while conducting DDA business. A report of a conviction must be made within five (5) days after the conviction. (This requirement is mandated by the Drug-Free Workplace Act of 1988).

7.7 **Personal Employee Problems**- Since personal problems associated with alcohol or drug abuse can affect employee's health, family, and job performance, the DDA encourages any employee affected by these problems to seek available private or public counseling resources in the community.

- 7.8 **Smoking Policy**- In the interest of providing a safe and healthy environment for employees, customers, and visitors, and in accordance with the Michigan Clean Indoor Air act, the following policy has been adopted:

As of August 1, 2005, smoking is prohibited throughout the DDA building. The success of this policy depends upon the thoughtfulness, consideration, and cooperation of smoker and nonsmokers. All employees share in the responsibility for adhering to and enforcing this policy.

Area considered as “smoking area” will be located outdoors, in excess of 15 feet from the front entrance door. Employees found to have violated this policy will be subject to disciplinary action.

8.0 **TRAVEL POLICY**

- 8.1 **Mileage**- DDA employees who use their personal vehicle for official DDA business shall be reimbursed at the current established rate as allowed by the I.R.S.
- 8.2 **Meals**- when attending DDA business, DDA employees will be reimbursed for actual expenses for meals, except alcohol related charges. All claims for meal expenses will not be reimbursed without a receipt.
- 8.3 **Lodging**- DDA employees will be reimbursed for the actual cost of lodging on approved out-of-town travel. Receipts for lodging must be submitted.
- a. If hotel or other lodging is shared with one or more travelers who receive no travel reimbursement from the DDA, reimbursement will be at the single occupancy rate of the hotel or motel, regardless of the number of persons and/or rooms occupied. The single occupancy rate should be noted on the receipt.
 - b. If hotel or other lodging is shared with one or more DDA employees, reimbursement will be a proportionate amount of the bill based on the number of persons occupying the room. It is encouraged, where feasible, that travelers share the same room.
- 8.4 **Gratuities**- Reimbursement for gratuities for meals and lodging shall not exceed 15% of a valid charge.
- 8.5 **Other Expenses**- Only those expenses directly incidental to the trip will be

reimbursed. Under no circumstances will expenses of a personal nature be included in a charge against public funds.

- 8.6 **Expenses for Husbands and Wives**- Expenses for husbands or wives of employees who attend conferences or conventions out of the area shall not be paid from DDA funds.

9.0 **DISCIPLINE PROCEDURES**

Purpose: To outline the disciplinary and appeals procedures the DDA will follow, in dealing with employee misconduct or poor performance.

In an effort to help the DDA help employees correct problems, the following guidelines will be utilized:

- a. Violations of work rules, instances of unacceptable behavior or misconduct, or continued poor performance will be subject to progressive discipline. This means that employees will be assessed discipline that becomes increasingly severe each time an offense is repeated or a performance improvement is not forthcoming. However, some types of misconduct are so intolerable that employees may be disciplined by termination at the first occurrence. These include, but, are not limited to physical attacks on supervisors or co-workers, falsification of an employment application or other work documents or records, theft, willful property damage or use or possession of alcohol or illegal drugs on the job.
- b. The first step in the DDA's progressive disciplinary system is the "oral warning". This is an oral warning to erring employees that their conduct is unacceptable and that further infractions will lead to more severe penalties. In cases involving performance deficiencies, employees will first be counseled by their supervisors and told which improvements are needed before they are subject to an oral warning. A notice of the warning will be placed in the employee's file.
- c. The second step is a "written reprimand". This reprimand will describe the unacceptable conduct or performance and specify the improvements needed. A copy of this reprimand will be retained in the employee's personnel file.
- d. The third step is an unpaid suspension. The length of suspensions will vary, based on such factors as the severity of the offense and the employee's performance and disciplinary record. Employees may be suspended for repeated instances of minor misconduct or for a single serious offense. A record of the suspension will be retained indefinitely in the employee's personnel file.
- e. Employees who fail to improve their conduct or performance after imposition

of a disciplinary suspension may be discharged.

- f. Before imposition of any discipline, employees will be given an opportunity to relate their version of the incident or problem at issue and provide any explanation or justification they consider relevant.
- g. Employees who think they have been disciplined unfairly, too harshly, or inappropriately may appeal the disciplinary action to the DDA Ad-Hoc Personnel Committee.
- h. Employees who commit acts of violence or serious safety violations may be suspended at the time of the incident, pending an investigation and review of the matter. Employees who are found not culpable or are otherwise cleared of charges pending against them will be reinstated with full back pay and no loss of benefits. Employees who are found guilty of the charges against them may be disciplined up to, and including, discharge from employment.

10.0 **GRIEVANCE PROCEDURE**

Employees may take any work related problem or complaint to the DDA Director.

11.0 **SEXUAL HARASSMENT**

Listed below is the DDA Sexual Harassment Policy. The policy provides guidance on what type of conduct is unacceptable and a complaint procedure if employees feel they are victims of sexual harassment. Please speak with DDA Director if you have any questions about this policy.

No employee shall be subjected to sexual harassment by another employee or DDA Board of Trustees Member during the course of employment.

For the purpose of this policy, sexual harassment is unwanted conduct of a sexual nature which adversely affects another person's condition of employment and /or employment environment. Such harassment includes, but is not limited to:

I. CONDUCT

- A. Repeated or continuous conduct which is sexually degrading or demeaning to another person.
- B. Conduct of a sexual nature which adversely affects another person's continued employment, wages, advancement, tenure, assignment of duties, work shift, or other conditions of employment.
- C. Conduct of a sexual nature that is accompanied by a

threat, either expressed or implied, that continued

employment, wages, advancement, tenure, assignment or duties, work shift, or other employment conditions which may be adversely affected.

II. COMPLAINT PROCEDURE

To stress the DDA's strong opposition to sexual harassment and identify the complaint procedures available to victims, as well as disciplinary penalties that could be imposed for sexually harassing conduct or behavior, the following guidelines will be used:

- A. The DDA will not condone any sexual harassment of its employees. All employees, including the DDA Director, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment.
- B. Employees who feel victimized by sexual harassment should report the harassment to the DDA Director. If the DDA Director is the source of the alleged harassment, the employee should report the problem to the DDA Board Chairperson.
- C. If a sexual harassment complaint is reported, it should be carefully investigated, questioning all employees who may have knowledge of either the incident in question or similar problems. The complaint, the investigation, and the findings should be documented as thoroughly as possible. Confidentiality of the victim will be maintained whenever possible.
- D. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

12.0 **TERMINATION**

- 12.1 **Resignation**- An employee who resigns from the DDA must give written notice to the DDA Director. The DDA Director will place a copy of the letter of resignation in the employee's personnel file. The DDA expects at least a two-week notice of resignation.

- 12.2 **Discharge**- An employee who may be terminated for disciplinary reasons will be given notification from the DDA Director, with termination effective immediately.
- 12.3 **Retirement**- In compliance with the Age Discrimination Employment Act (ADEA), the DDA does not have a mandatory retirement age.
- 12.4 **Benefits Accruing to Terminated Permanent Employees**- The final paycheck for terminated permanent employees shall contain all due compensation and benefits accrued. Terminated employees may be eligible for unemployment compensation and continued coverage of the Health and Hospitalization Insurance.
- 12.5 **Exit Interview**- A permanent employee leaving the city's employ for any reason is required to have an exit interview with the DDA Director and/or DDA Chairperson. An exit interview form will be completed and kept in the employee's personnel file. If an employee does not wish to give a reason for leaving, that will be noted on the form.

If the employee is not available for an exit interview, the form must still be completed noting the employee was unavailable for the interview.

The DDA Director will prepare a written summarization of the reasons for an employee leaving. This will be placed into his/her personnel file. The employee will be asked to sign this statement indicating the last day he/she worked.

13.0 **EMPLOYEE BENEFITS**

- 13.1 Permanent employees should consult their appropriate agreement, if any, concerning policies and procedures for the following benefits:

- Holidays
- Vacation
- Sick Leave
- Leave of Absence
- Insurance
- Retirement Plan
- Funeral/Emergency Leave

- 13.2 **Jury Duty**- An employee will be excused for jury duty. A permanent employee will receive his/her regular pay provided the juror check is endorsed to the DDA. The employee may choose to take annual leave if he/she desires and retain all of the jury duty pay. A seasonal or part-time employee will be paid for time worked and not for any time spent for jury duty.

- 13.3 **Military Leave**- Any employee who is a member of a military reserve unit or a member of the Michigan National Guard and is ordered to participate in training sessions and/or perform state emergency duty shall be granted military leave. The leave will be without pay.
- 13.4 **Worker's Compensation Insurance**- All employees are covered by Worker's Compensation Benefits for disability or death as a result of accidental injuries or occupational diseases suffered in the course of employment. All injuries, even minor ones, must be immediately reported to the DDA Director. Worker's Compensation Benefits will provide medical, surgical, and hospital services as provided by state statute for compensable injuries.
- 13.5 **Education Benefits**- Permanent employees desiring reimbursement for education must make written application to the DDA Board before the start of classes. Reimbursement will not be granted if the application is made after the start of classes. To be eligible for reimbursement, the employee must show that the course is job-related with final judgment of the relevance reserved to the DDA Board. Classes must be successfully completed by the applicant. A report of grades or completion of course work must be furnished to the DDA Chairperson. The DDA will reimburse the following expenses: tuition, required reading materials, and required supplies. No reimbursement will be granted for travel expense, housing, meals, or other personal expenses, or expenses reimbursed by another source or sources such as: scholarships, grants, fellowships, veteran's benefits, gifts, and donations. Educational loans are not included in the category of "other sources".

No compensatory time, overtime or other consideration will be granted to employees taking a job related course, or other courses, not required as a condition of employment.

As a part of the application for reimbursement, the applicant will be required to sign an affidavit confirming the following:

- a. That the employee is requesting reimbursement for a job related course of study;
- b. That the employee is requesting reimbursement only for allowable expenses not already reimbursed, or expected to be reimbursed, from any other source;
- c. That the employee will reimburse the DDA for all aid granted should the employee fail to obtain a passing grade(s) or drop out of the class(es); and

- d. That the employee will reimburse the DDA for all aid granted should the employee leave or be discharged from DDA employment prior to completion of the class (es).

13.6 **Retirement Plan**- refer to individual hiring job description.