

# **CITY OF THE VILLAGE OF CLARKSTON**

**375 DEPOT ROAD, CLARKSTON MI 48346**

## **POLICIES AND PROCEDURES MANUAL**

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## **PREFACE**

This manual outlines the general personnel policies and procedures of the City of the Village of Clarkston. It is a reference for both supervisors and employees. Proper use of this information will ensure consistent application of city personnel and procedures throughout the workforce and eliminate the need for individual decisions on matters already determined.

These policies and procedures will be reviewed every 3 years or as needed unless additional review is warranted. All personnel are invited to make suggestions for additions or revisions by contacting the City Manager.

These policies are intended to be consistent with Title VII of the Civil Rights Act of 1964 (race, color, religion, national origin or sex); the 1991 Civil Rights Act; the Age Discrimination in Employment Act of 1967 (age); the Vocational Rehabilitation Act of 1973 (handicap); the Americans with Disabilities Act (ADA) of 1990 (handicap); the Employee Retirement Income Security Act (ERISA) (pension and employee benefits); the Equal Pay act of 1963 (prohibits pay differential based on sex); the Immigration Reform and Control Act (IRCA) of 1986; Executive Order 11246 (race, color, religion, sex, or national origin); Executive order 11141 (age); the Fair Labor Standards Act (FLSA) (minimum wage and overtime pay); the Occupational Safety and Health Act (OSHA) (safety matters); the Family and Medical Leave Act (FMLA) of 1993, ALL AS AMENDED; The Elliott-Larsen Civil Rights Act (race, color, religion, national origin, age, sex, marital status, height and weight); the Michigan Handicappers' Civil Rights Act (handicap); Michigan Whistleblower's Protection Act; the Michigan Wage Payment Act (MCLMA Section 408.471) (wages and benefits); the Polygraph Protection Act of 1981 (restrictions on the use of polygraphs); as well as any Constitutional provisions of the State of Michigan or of the United States. The Policies and procedures in this manual do not constitute a legal contract and do not modify any of the at-will employment relationship between the employee and the City.

## **Section 1: PURPOSE OF THIS MANUAL**

The general purpose of this manual is to introduce employees to the policies and procedures that guide actions concerning personnel matters for the City of the Village of Clarkston. This manual is also intended to serve as a mechanism for promoting favorable employee relations by providing information to employees regarding their employment with the City.

City Employees are responsible for becoming familiar with these policies as well as the policies, procedures, processes, and protocols specific to his/her operational area and observing them always.

## **SECTION 2: SEVERABILITY**

This manual is not a contract of employment either expressed or implied. It is a general publication and as such it is possible that a conflict may arise between an item in this manual and an item in a contract, insurance plan document or other legal document or statutory provision. If such a discrepancy arises, the provisions contained herein do not replace or supersede the terms of any other legal document or provision which may take precedence, in which case the applicable provision(s) of the subject agreement shall govern.

In all other areas, these policies should be referred to as guidance in personnel policy matters. The policies contained herein shall govern regardless of past practices or former policies. A conflict in one area does not nullify the other items in this manual.

## **SECTION 3: DISTRIBUTION AND UPDATES**

The City of the Village of Clarkston expressly reserves the right to amend or modify any of the items contained in this manual at any time at its sole discretion. Substantive changes will be communicated in writing to employees, and the City will make a reasonable effort to ensure employees are provided with a notice of change. However, employees are ultimately responsible for remaining abreast of the City's policies, procedures, and rules.

Each employee of the City will receive a copy of this manual and will be required to review it in its entirety and sign for its receipt. Employees are expected to insert written updates into their manual document to ensure their manual remains up to date. If there are questions regarding the manual or any other matter, please discuss them with your supervisor or contact the City Manager's office.

## **SECTION 4: CITY GOVERNANCE**

The City Manager serves and answers to the Council in accordance with the City Charter. Per the City Charter, the City Manager assumes the roles and responsibility for all employee personnel issues and employee oversight for the City. The Manager is fully authorized to execute all personnel matters on behalf of the City including, but not limited to, hiring, evaluations, disciplinary actions, salary adjustments, termination of employment, and entering into employment contract services according to standards and policies approved and adopted by the Council.

The number of employees in each department is subject to change according to the needs of the community and budgetary constraints. The primary departments in the City are as listed:

1. Administration
2. Streets, Park & Buildings (to be named the Department of Public Works, or D.P.W.)

The number of employees are determined on the merits and needs of each department. In determining the needs of each department, the Department Head and City Manager shall meet with the City Council to make a final determination. No determination for new full-time employment shall be approved unless the City Council has first approved the department's size and job description.

The Department Head and City Manager may determine the needs for seasonal and temporary employment without the consent of the City Council, provided the department's budget permits the adjustment. In the event seasonal or temporary employment is necessary and the budget does not support the change, the Department Head with the assistance of the City Manager shall first receive budget approval from the City Council prior to the start of any temporary or seasonal employment.

The Mayor may appoint a Personnel Committee consisting of three Council members with one position as the Mayor. Its purpose is to study and make recommendations to the City Council regarding personnel policies and employment practices in the City.

## **SECTION 5: APPLICATION AND HIRING PROCESS**

1. Applications for employment will be made available at the City Administrative Offices and D.P.W. offices.
2. Completed applications for employment shall be filed with the City Clerk and shall be maintained in an active file status for a period of one year. Applications may be removed from the files and destroyed after one year.
3. Interviews will generally be conducted by the City Manager and the Department Head with recommendations being submitted to the City Council. The City council makes all final decisions regarding hiring of all full-time employees.
4. Physical examinations are required along with random drug testing based on the nature of the work to be performed. Failure to meet the medical standards for a specific job may be cause for rejection of an applicant. The City Council will not fail or refuse to hire, recruit or promote an individual because of a disability or handicap condition that is unrelated to the job or position, nor will the City Council fail or refuse to hire, recruit or promote an individual on the basis of physical examination that are not directly related to the job or position, nor will the City Council fail or refuse to hire, recruit or promote an individual on the basis of physical examinations that are not directly related to the requirements of the specific job. Physical examinations for employment shall be paid by the City.

## **SECTION 6: HIRING OF RELATIVES**

It is the policy of the Clarkston City Council that no person shall be employed by and/or placed under the direct supervision of a relative by blood or marriage.

## **SECTION 7: RE-EMPLOYMENT OF FORMER EMPLOYEES**

Former employees may apply for positions with the City. If hired, however, their status will be the same as a new employee relative to vacation time, sick time, probation, etc.

## **SECTION 8: CLASSIFICATION OF EMPLOYEES**

A full-time employee is an employee who is scheduled to work year-round, forty hours per week, not including holidays and vacation time.

A part time hourly employee is an employee who is scheduled to work an average of not more than 30 hours per week, not including holidays and vacation time.

A seasonal employee is one who is employed on a temporary basis either full time or part time to help with workloads of a temporary nature. Temporary classified positions not to exceed one year of staffing may be requested as needed but must be reviewed for classification appropriateness and funding availability prior to posting. Requests should include the beginning and ending dates of expected staffing.

## **SECTION 9: EMPLOYEE ORIENTATION**

Upon receiving notification that an applicant has accepted an employment offer, the Department Head will provide the proper orientation process for the new employee to obtain an understanding of and concurrence with the policies and procedures of the City.

In addition to the basic orientation conducted by the Department Head, it is important that the new employee's immediate supervisor cover the following items:

1. Duties and responsibilities, performance standards, and performance appraisal procedures
2. Working hours, office routine and procedures
3. Introductions to all other personnel
4. Explanation of the organizational structure and its relationship to other City functions
5. Familiarization of the new employee with the City limits, buildings, and facilities

## **SECTION 10: PROBATIONARY PERIOD**

New employees will be placed on probation for a period of six months. After three months the immediate supervisor will make a written evaluation of the employees' performance followed by a conference with the employee about the evaluation. One copy of the evaluation signed by the employee will be placed in their personnel file. After six months the same procedure will be followed. A decision will be made by the City Manager and the Department Head as to whether

the employee should be retained. Raises will not be given during any probationary period nor will any raises given be retroactive for any period of probation.

### **SECTION 11: HOURS OF WORK AND OVERTIME**

The City offices are open for business from 9:00 a.m. to 5:00 p.m. Monday through Thursday. The DPW office is open from 9:00 a.m. to 5:00 p.m. Monday through Friday. Department Heads will establish work hours for their employees. Non-salaried employees shall be paid overtime pay (1 and 1/2 times the regular pay rate) for work exceeding 8 hours per day and double-time pay (2 times the regular pay rate) when required to work a designated holiday.

### **SECTION 12: TARDINESS**

Employees are expected to be at their workstations ready to begin work at whatever hour they have been scheduled to work. They are also expected to continue until their workday has ended. Excessive unexcused tardiness or early leaving will result in a reprimand for the first offense, loss of a minimum of fifteen minutes pay for a second offense, or suspension without pay for a third offense. The length of suspension will be at the discretion of the employee's immediate Department Head. "Excessive" is defined as more than once in a given two-month period. Excessive unexcused tardiness or leaving early is cause for dismissal.

### **SECTION 13: ABSENCES**

An employee who is absent from work or fails to return from vacation or other leaves of absence without first obtaining the approval of the City Manager may be considered as having resigned from their position after 3 scheduled workdays, at the City Manager's discretion.

Absences without permission will not be tolerated. In the event of an emergency, employees are obligated to notify the Department Head at the earliest possible moment.

### **SECTION 14: LAYOFFS AND UNEMPLOYMENT COMPENSATION**

A layoff shall be defined as a reduction in the workforce and shall mean an employee laid off for a period of seven or more consecutively scheduled workdays.

All employees shall be laid off according to the seniority they hold in their respective job classifications and recalled in reverse order provided they possess the ability needed to perform the job.

An employee being considered for a layoff will be given at least ten days' written notice by the Department Head responsible for that employee.

Employees who voluntarily terminate employment or are discharged because of misconduct connected with work or who stop work because of a labor dispute or who quit work to go to school may be subject to disqualification under the unemployment compensation laws of Michigan. Supervisory personnel shall indicate in writing the exact reason for terminating an employee.

## **SECTION 15: HOLIDAYS**

All probationary, salaried, and regular full-time employees of the City of Clarkston who have been employed by the City for at least 30 days shall be eligible for fourteen paid holidays pursuant to the following restrictions.

The employee must work the preceding workday before the holiday and the succeeding workday after the holiday unless the employee is on approved vacation time or excused by the Department Head.

Should one of the recognized holidays fall within an employee's vacation, the vacation period shall be extended by an additional day for each holiday if the employee so chooses.

Should one of the recognized holidays fall on a non-working day, the employee shall receive the workday off closest to the recognized holiday.

Recognized holidays in the City of Clarkston are as follows:

New Year's Day	Martin Luther King, Jr Day
President's Day	Good Friday
Memorial Day	June 19teenth
July 4 <sup>th</sup>	Labor Day
Veteran's Day	Thanksgiving Day and Day After
Christmas Eve and Christmas Day	New Year's Eve Day

## **SECTION 16: VACATIONS**

Full-time and salaried employees will be eligible for vacation with pay according to the following schedule:

After One Year	One Week (5 Days)
After Two Years	Two Weeks (10 Days)
After Five Years	Three Weeks (15 Days)
After Ten Years	Four Weeks (20 Days)

Vacations may not be taken until earned. Time off for vacations are to be approved by the Department Head or City Manager. Eligible employees may carry over up to five vacation days into the next calendar year. Employees will not receive vacation pay in lieu of vacation time.

If an employee resigns or is discharged for any reason other than embezzlement or becomes disabled or dies, the employee or their estate will receive payment for all their remaining eligible vacation time.

## **SECTION 17: SICK AND DISABILITY LEAVE**

Full-time and salaried employees will receive six days sick leave per year accruing at the rate of 1/2 day per month commencing from the date of hiring. Eligible employees may carry over up

to two sick days into the next calendar year. Upon separation, accrued sick leave will not be paid for.

It is understood that sick days are not to be considered as additional vacation or holiday time. It is to be taken only when some illness or injury prevents the employee from performing their job duties. The Department Head or City Manager may require a physician's statement at any time regarding injury or illness.

## **SECTION 18: ON THE JOB INJURY/ILLNESS (WORKERS COMPENSATION)**

An employee who has been injured on the job or contracted an occupational disease while working as a City employee must notify his or her supervisor as soon as possible after the incident. If the injury or illness comes within the provisions established by law, the injured employee may be entitled to receive benefits under the Workers Compensation Act.

The injured/ill employee is responsible for notifying his or her supervisor immediately. If the supervisor cannot be reached, the employee should contact the City Manager immediately.

The supervisor of the injured/ill employee is responsible for determining the nature of the incident and its cause. The employee is required to be treated at a clinic designated by the City.

## **SECTION 19: MILITARY LEAVE**

The City of Clarkston shall abide by the provisions of the Selective Service Act and its judicial interpretation with respect to leaves of absence due to military service including National Guard duty.

## **SECTION 20: JURY DUTY**

If any employee is ordered and reports for jury duty, that employee shall be paid by the City at the rate of the difference between their straight time pay and the jury duty pay for each day of jury duty that the employee would have been scheduled to work. Compensation shall only be paid if the employee gives prior notice to the Department Head/City Manager and presents proper evidence as to the jury duty performed.

## **SECTION 21: FUNERAL LEAVE**

Employees are eligible for paid leave of one to three days immediately following the death of any of the following people:

Son or Daughter	Grandchild	Parent
Grandparent	Brother	Sister
Mother or Father-in-law	Son or Daughter in law	
Other people deemed appropriate by the City Manager		

Additional bereavement time may be authorized at the discretion of the City Manager.

## **SECTION 22: HEALTH INSURANCE**

The City of Clarkston shall make available a health insurance medical benefit plan for all full-time employees. The City will pay a prescribed amount of the premium with the employee paying the remaining balance. Payment from the City commences after the required probationary period is complete.

## **SECTION 23: PENSION PLAN**

The City does not currently support employee retirement or pension plans. However, a municipal employee retirement savings (MERS) plan is available through employee payroll deduction. The City will match up to 4% of employee contributions to the MERS plan.

## **SECTION 24: GRIEVANCE OR PROBLEM-SOLVING PROCEDURES**

The City of Clarkston recognizes that employees and supervisors may have differences that could require prompt and appropriate resolution of a complaint. The City is committed to the establishment and operation of an internal complaint process within the framework of the entire City.

It is the intent of the City to resolve all complaints at the lowest level of supervision and as expeditiously as possible. Employees are encouraged to discuss problems with their supervisor in an informal way before filing an official complaint. To this end the City acknowledges an “open door” policy intended to encourage free discussion between employees and their supervisors to produce prompt resolution of concerns, conflicts, or complaints.

All employees who have a problem or complaint shall first discuss the matter with their Department Head. If after meeting with the Department Head the problem remains unresolved, the employee may ask for a hearing with the City Manager. If still unresolved, the employee may request a hearing before the City Council in a closed session.

## **SECTION 25: WORK RULES**

**Political Activity.** The City of Clarkston recognizes the importance of the democratic process and encourages an employee’s participation in it. However, any political activities an employee chooses to participate in must be done on his or her own time and must not interfere with their City duties and responsibilities.

**Telephone Communications.** The City of Clarkson recognizes that there are times when personal communications must be made to and from employees by phone. It is important for all employees to recognize that the use of personal and privately owned cellular telephones for all telephone calls is a privilege which must not be abused. Personal telephone communications may be limited by the Department Head or City Manager.

With respect to employee use of City owned communication devices including telephones their use should be restricted to official business, communications of an emergency nature or as defined and limited by the Department Head or City Manager.

**Gifts and Gratuities.** The acceptance of gifts for City services is strictly prohibited. The acceptance of money is specifically prohibited.

**Discipline.** Proper discipline and standards of conduct are necessary to protect the health and safety of all employees, to maintain uninterrupted services and to protect the City's goodwill and property.

## **SECTION 26: TERMINATION OF EMPLOYMENT**

At will employees may be discharged at any time when it is deemed in the best interest of the City. Contract employees may be let go at any time after their contract has expired when it is deemed in the best interest of the City. Department Heads are responsible for the dismissal of their direct charges after consultation with the City Manager. Department Heads will be dismissed by the vote of the City Council.

### **Exception to this procedure are as follows:**

An employee may be subject to immediate termination of employment for a violation of any of the following:

1. Negligent act which results or could result in the injury or possible injury or loss of life of a person or persons.
2. Falsely stating or making claims of injury.
3. Malicious damage of City property or equipment
4. Unlawful or improper conduct during working hours or non-working hours which would affect the employee's relationship to his or her job, fellow employees, Department Head, or City officials, The City or City Official's goodwill or reputation in the community or effectiveness with the public.
5. Misuse or improper use of authority or responsibilities in any City position.
6. Falsification of any document or application
7. Misconduct
8. Immoral or indecent conduct
9. Fighting or striking another person
10. Any conviction of a felony
11. Any theft
12. Possession or use of alcoholic beverages or illegal drugs during hours of employment including reporting to work under the influence of any alcohol or illegal drug.
13. Restricting or interfering with others in the performance of their job or engaging in any interruption of work
14. Misappropriation of public funds, materials, equipment, or property
15. Insubordination to a Department Head, City Manager or City Official
16. Threatening, intimidating, or coercing other employees, Department Heads, City Manager or City Official

## **SECTION 27: EXAMPLES OF MISCONDUCT**

1. Major chargeable accidents when on City business after a full investigation may be subjected to non-driving status.
2. Minor chargeable accident when on City business after a full investigation (\$1000 or less damage).
3. Failure to file a written report of all accidents with the Department Head or the City Manager prior to the end of the workday provided the employee is judged capable of making such a report.
4. Violating any safety rules or practices or engaging in any act or conduct which creates a safety hazard.
5. Failure to wear or use required safety equipment or apparel.
6. Unsafe or reckless use of City vehicles or apparel.
7. Failure to report a suspension or revocation of a driver's license or a physical or mental condition that impairs the ability to use vehicles or equipment to perform City work.
8. Failure to report mechanically defective condition of equipment or vehicles upon knowledge of same
9. Failure to report a personal injury prior to the end of the workday provided the employee is judged capable of making a report.
10. Unauthorized use of any City equipment, vehicle, building furnishings or materials
11. Careless use or abuse of City property, vehicles, buildings, furnishings, or materials
12. Tardiness or unexcused absenteeism
13. Abuse of or fraudulent use of paid or unpaid sick leave or approved absence days
14. Absent without cause or leaving early without permission.
15. Improper grooming or appearance
16. Failure to wear uniform or proper equipment.
17. Wearing improper apparel on the job
18. Discourtesy or improper conduct in dealing with the public.
19. Falsifying records or reports
20. Gambling, horseplay, or interfering with fellow employees, Department Heads, City Manager or City Officials
21. Sleeping during work hours
22. Unfit condition for work
23. Solicitations or conducting personal business without permission during work hours.
24. Neglect of job, duties or responsibilities, or loafing
25. Failure to follow work routines or work priorities as designated or instructed.

## **SECTION 28: DRIVING RECORD STANDARDS**

Any applicant for promotion or employment with the City of the Village of Clarkston must meet minimum driving record standards. Applicants having any of the following record violations are automatically disqualified from employment consideration (including promotion) in jobs requiring driving a City vehicle to conduct City business.

Failure of current employees to meet these minimum standards will result in a hearing to determine the employee's employment related driving status. The employee's Department Head and the City Manager will conduct the hearing jointly.

1. Any conviction of manslaughter, negligent homicide, or any other felony in connection with the operation of a vehicle
2. Any conviction of operating under the influence of liquor, driving while impaired or operating under the influence of drugs within the last four years
3. Failure to take a blood alcohol test.
4. Conviction of driving while his/her license is suspended, revoked, or denied within the last four years.
5. Loss of driving privileges due to his/her license being suspended, revoked, or denied within the last two years.
6. Accumulation of eight or more points within the last two years
7. Conviction of three or more moving violations within the last two years
8. Two or more accidents within the last two years which show applicant/employee at fault or primarily at fault.
9. Conviction or reckless driving within the last two years
10. Citation, warning, or other indication of texting while driving.
11. Any combination of violations, accidents, etc., which indicate a poor attitude, unsatisfactory driving skills or general inability to maintain a safe driving record.
12. Holders of CDLs will adhere to MDOT Model Commercial Driver's License Manual, item 1.2.2 – Alcohol, Leaving the scene of an accident and Commission of a Felony

## **SECTION 29: CONFIDENTIALITY OF PERSONNEL RECORDS**

The purpose of this policy is to state the City's personnel policy regarding the maintenance and release of personnel related information.

All records supporting personnel actions taken which concern your employment are part of your official personnel file. The official personnel file contains employee records and documents including but not limited to employee history records, service rating, personnel action notices, benefit and compensation forms, formal counseling, and disciplinary action notices. Information stored in the City automated payroll system is considered part of the official personnel file. A copy of your initial personnel file will be forwarded to the office of the City Manager.

You have access to your own official personnel file for periodic review at reasonable intervals throughout the calendar year. Official personnel files are contained in the City offices. To review your file, a written request must be provided to the Office of the Clerk at least two days prior to the desired review date. The review will take place in the Office of the Clerk during normal working hours with authorized supervision in accordance with the appropriate provisions of authorized supervision in accordance with the appropriate provisions of the Bullard-Plawewski employee Right to Know Act. On rare occasions an employee may request a copy of his or her personnel file. In such cases the employee may be asked to pay for the cost of copying the file.

## **SECTION 30: CODE OF EMPLOYEE ETHICS**

1. Use of Clarkston vehicles and equipment shall only be used within the City limits for City authorized purposes. Use of vehicles and equipment outside of the City limits is only allowed when specifically required for City authorized work (i.e. deliveries, material pickup, fueling, repairs, etc.)
2. All City vehicles and equipment shall be returned to the proper place in the City at the end of each workday unless emergency conditions occur that do allow the timely return.
3. It is the policy of the City of Clarkston that all officials and employees must avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and the integrity and impartiality of all officials and employees of the City the following guidelines are provided for separating their roles as private citizens from their roles as public servants.
4. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his or her government. Each individual employee or advisor of government must help to earn and must honor that trust by his own integrity and conduct in all official duties and actions.
5. Employees must avoid any action that might result in or give the appearance of:
  - a. Using their public positions for private gain
  - b. Giving unlawful preferential treatment to anyone
  - c. Losing objectivity or impartiality
  - d. Making a governmental decision outside of the official channel, or
  - e. Adversely affecting the public's confidence in government
6. Employees must use City property only for its intended purpose. Employees shall not participate in gambling, betting, or lotteries on City property. Employees shall not:
  - a. Intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that they know is unlawful
  - b. Make a terroristic threat or threat of retaliation against another employee, supervisor, or manager.
  - c. Intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity knowing their conduct is unlawful, or
  - d. Intentionally subject another to sexual harassment
7. Illegal or improper dumping of toxic or polluting substances, garbage, trash, debris, or any items in any manner that poses any hazard to the health, safety, and welfare of the City.
8. Employees shall not do any of the following:
  - a. Employees shall not have any interest or engage in any business activity or employment that conflicts with the performance of their duties for the City.
  - b. Employees shall not have either directly or indirectly any financial or other personal interest in any contract or subcontract in connection with a department project if authorized in their official capacity to take part in negotiating, making, accepting, or approving such contract or subcontract or

performing any duty for the City in connection with such contract or subcontract.

- c. Employees shall not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties. This does not apply to transportation, meals, and lodging expenses in connection with a conference or similar event when allowed by law.
- d. Employees shall not accept other employment or engage in business or professional activities that could require or cause them to reveal confidential information acquired through their official position.
- e. Employees shall not accept other employment or compensation that could hinder their independence of judgment in the performance of their official duties.
- f. Employees shall not make personal investments that create or could reasonably be expected to create a substantial conflict between their personal interests and public interest.
- g. Employees shall not use official information that is not available to the public for the purpose of furthering their own private interests.
- h. Employees shall not take part in any personal or business financial transaction that relies on information obtained through their official position.
- i. Employees shall not misapply anything of value belonging to the City that has come into their custody or possession by virtue of their employment.
- j. Employees shall not accept, solicit, or agree to accept any benefit, gift, favor, or service that might influence them in the performance of their duties.
- k. Employees shall not solicit, accept, or agree to accept any benefit, gift, favor, or service that they know is being offered for the purpose of influencing their official conduct or for having performed official duties in favor of another.
- l. Employees shall not solicit, accept, or agree to accept any benefit, gift, or favor from a person who is regulated by the City.
- m. Employees shall not offer, confer, or agree to confer on another person or solicit, accept, or agree to accept from another person any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion or for a violation of a duty imposed by law on an employee
- n. Employees who are or will be witnesses in an official proceeding shall not solicit, accept, or agree to accept any benefit on the understanding that the employee will lie, withhold evidence, or fail to appear at the hearing.
- o. Employees shall not solicit, accept, or agree to accept any benefit from a person interested in any contract, payment, claim, or transaction involving the exercise of the employee's discretion.

## **SECTION 31: REPORTING VIOLATIONS OF LAW**

Employees shall report any suspected violations of law by the City to their immediate supervisor or City Manager upon becoming aware of same. No employee shall be harassed, terminated, suspended, or otherwise discriminated against for exercising their rights as citizens. Some of these rights are:

- a. Right and/or duty to report violations of the law
- b. Right to file a Workers Compensation claim
- c. Right to file a grievance
- d. Right to file a charge of alleged discrimination

It is a violation of State law for a State or local governmental body to suspend or terminate the employment of or otherwise discriminate against a public employee who reports a violation of law to an appropriate law enforcement authority if the employee report is made in good faith.

## **SECTION 32: EMPLOYEE ATTIRE**

Employees are expected to dress in appropriate and professional attire at all times for the job they are performing. Office employees shall wear business-casual attire. DPW employees are required to wear approved uniforms, supplied by the City. DPW employees are also granted a \$200/year allowance for work boots and coats.

## **SECTION 33: DRUG FREE WORK ENVIRONMENT**

The City of Clarkston will provide a drug free workplace in compliance with Public Law 100-690, Title V, Subtitle D of the Drug Free Workplace Act of 1988. The unlawful manufacture distribution, dispensing, possession or use of alcohol or a controlled substance is prohibited on the premises of any City Building, office or property including all sub-offices and field office locations. This same prohibition applies to City employees while operating any vehicle belonging to the City. Any employee who violates this prohibition will be subject to disciplinary action up to and including termination. All employees as a condition of employment will comply with this policy.

As a condition of employment, each employee will abide by the terms of the Drug Free Workplace policy and notify the City through his or her immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

Upon notice of a violation of this Section, the City shall take appropriate personnel action against such employee up to and including termination and/or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program selected by the employee and approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency.

Staff identified as being subject to regulations under the Omnibus Transportation Act of 1991 and regulations promulgated thereby will be notified of those regulations and how they will be enforced within the City.

Smoking of any kind is prohibited in the City offices, DPW building, City vehicles/equipment or in other areas where smoking could be dangerous due to fire or other hazards.

### **SECTION 34: RELATIONSHIP OF PERSONNEL POLICY AND PROCEDURES MANUAL**

The policies and procedures in the manual do not constitute a legal contract and do not modify the at-will employment relationship between the employee and the City.

### **SECTION 35: SOCIAL MEDIA USAGE**

This section covers employee personal use of social media affecting the workplace and/or the City's ability to perform its public mission. The City recognizes the role that social media plays in the personal lives of some employees. However, the personal use of social media can have bearing on employees in their official capacity as they are held to a high standard by the community. Engaging in prohibited speech outlined in this policy may provide grounds for discipline and may be used to undermine or impeach an officer's testimony in legal proceedings.

1. Employees shall not post speech that negatively impacts the City's ability to serve the public.
2. Employees may not post privileged information or represent the City.
3. Employees may not use their City e-mail address to register a personal account on social media.

### **SECTION 36: EMPLOYEE ACKNOWLEDGMENT RECEIPT**

The skills and talents each employee contributes to the City of Clarkston are an integral part of setting the standard for the excellent service we demand of ourselves and which our citizens expect from us. It is our hope that your employment with the City of Clarkston will provide satisfaction to you professionally and that you will find avenues and opportunities to enhance your career and work enjoyment.

I acknowledge that I have received and read these employment policies. I understand that I am bound by the policies and procedures described in this handbook and in consideration for my employment I agree to follow them.

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Dated:** \_\_\_\_\_