

DIVISION 3. - PERSONNEL CODE

Subdivision I. - In General

Sec. 2-114. - Purpose.

It is the purpose of this article to establish personnel policies for all fulltime employees of the city. Where provisions of this article differ from the provisions of an existing collective bargaining agreement or established departmental rules and regulations, the provisions of the collective bargaining agreement or rules and regulations shall supersede the provisions of this article for the bargaining unit and affected personnel.

(Code 1975, § 13-14; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-115. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Allocation means the act of assigning a position to its appropriate class based on the duties performed.

Anniversary date means the date an employee begins fulltime regular work in a particular position. An employee's anniversary date will change upon promotion, transfer or upon discontinuation of employment for other than an authorized leave.

Class means a group of positions sufficiently similar with respect to duties and responsibilities that the same title can reasonably be used to designate each position in the class, that substantially the same tests of fitness may be required and that the same schedule of compensation may be made to apply with reasonable equity.

Class specification means a written description of a class, consisting of a title, a definition, examples of duties and employment standards.

Classification plan means an orderly plan under which positions, on the basis of duties and responsibilities, are grouped into classes, each class designated by a descriptive title and defined by a class specification.

Demotion means the movement of an employee to either a class having a lower pay range or to a lower step in existing pay range.

Employee means a person holding a position in the city service.

Fulltime employee means an employee who has completed his designated probationary period and who occupies a fulltime position.

Fulltime position means a group of duties and responsibilities requiring the fulltime employment of one person for 40 or more hours per week on a regular schedule throughout the year.

Induction means all actions taken by the city to examine, test and evaluate applicants for positions within the city service. Induction begins at the time an applicant files his application and ends when the probationary period has been completed.

Merit pay adjustment means an increase in pay that occurs at an earlier date than a normal increase or an increase of a larger amount than normally given.

Outside employment means employment of any kind engaged in by a city employee for which compensation is received from a source other than the city.

Parttime employee means an employee who has completed his designated probationary period and who occupies a regular parttime position.

Parttime position means a group of duties and responsibilities requiring the parttime employment of one person on a regular schedule throughout the year.

Pay grade means the minimum and maximum pay rates, together with any intermediate rates, established for each class.

Pay plan ordinance means a schedule of pay grades for each class within the city service.

Probationary employee means a newly-appointed employee who has not completed his designated probationary period for the position he occupies. During such period, he may be separated from the municipal service without recourse to appeal.

Probationary period means a trial period considered as an integral part of the induction process, during which a new employee is required to demonstrate his fitness for the position prior to receiving an appointment.

Promoted probationary employee means an employee who has not completed his probationary period for his new position and who retains his regular status in his former position during his probationary period.

Promotion means any movement of an employee from a position in one class to a position in another class having a higher maximum salary rate.

Promotional probationary period means a trial period for a promoted employee during which he is required to demonstrate his fitness for his new position prior to receiving a regular appointment to the position.

Reclassification means the movement of an employee to a different class because of a change in duties and responsibilities.

Restoration means the return of a promoted probationary employee to his former position, either during or at the completion of his promotional probationary period.

Suspension means the temporary removal without pay of an employee from his designated position.

Temporary employee means an employee who occupies a temporary or seasonal position.

Temporary position means a group of duties and responsibilities requiring the temporary or seasonal employment of one person on either a fulltime or parttime basis.

Termination means a complete separation from municipal employment resulting from discharge, resignation, retirement or death.

Transfer means the movement of an employee to either a different department or division within the same pay range.

(Code 1975, § 13-15; Ord. No. 424, § 1, 2-19-1985; Ord. No. 461, § 2, 9-20-1988)

Secs. 2-116—2-143. - Reserved.

Subdivision II. - Personnel Board

Sec. 2-144. - Purpose.

The personnel board shall advise the city administrator on problems concerning personnel administration and hear appeals of any employee who has been suspended, reduced or removed from city employment. The personnel board shall have the duties and powers as set forth in the Charter.

(Code 1975, § 13-1; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-145. - Selection of employee member.

On the second Monday in May of each even-numbered year, all employees of the city who are not officers or deputy officers shall meet at the city hall at 5:00 p.m. for the purpose of selecting a member to represent the administrative service of the city on the personnel board.

(Code 1975, § 13-2; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-146. - Compensation of members.

The members of the personnel board, including the councilman member, shall be paid \$7.50 for each meeting attended of the personnel board, not to exceed \$75.00 per year.

(Code 1975, § 13-3; Ord. No. 424, § 1, 2-19-1985)

Secs. 2-147—2-175. - Reserved.

Subdivision III. - Classification Plan

Sec. 2-176. - Make-up; approval.

The classification plan shall consist of the class titles and class specifications which are approved by the city administrator and mayor upon recommendation of the personnel director, and are from time to time amended and revised.

(Code 1975, § 13-21; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-177. - Administration.

The classification plan shall be administered and maintained by the city administrator, and employees shall be allocated by him to classes on the basis of the duties and responsibilities of the positions in relation to the criteria established in the class specifications.

(Code 1975, § 13-22; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-178. - Class titles.

The official class titles shall be used in all personnel accounting, budget and financial records. No person shall be appointed to or employed in a fulltime position in the city service under a title not included in the classification plan.

(Code 1975, § 13-23; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-179. - Reporting changes in position.

Whenever a department head proposes the establishment of a new position or makes a significant change in the duties and responsibilities of an existing position, the facts shall be reported to the city administrator. If the city administrator approves the establishment or change in position, the position shall be allocated to one of the existing classes or a new class created in the manner prescribed in this division.

(Code 1975, § 13-24; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-180. - Reclassification.

A request for reclassification may be originated by an employee or by his supervisor. Such request may be initiated if it is believed that the existing classification does not reasonably describe the duties and responsibilities of work actually being performed. Such requests for reclassification are considered to be justified. The request shall first be submitted to the department head, who shall forward the request, along with his recommendation, to the city administrator within 20 days from the date the request was received in his office. The city administrator shall conduct such investigation as he deems proper and shall then approve or deny the request within 35 days from the date the request was received in his office.

(Code 1975, § 13-25; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-181. - Status of incumbents.

It shall be the general policy that, where possible, the incumbent of a position reallocated in an individual case or as part of the adoption of a new classification plan shall gain status in the new class.

(Code 1975, § 13-26; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-182. - Interpretation of class specifications.

Class specifications are to be interpreted in their entirety in relation to others in the classification plan. A description of certain duties shall not be interpreted to exclude others not mentioned that are of similar kind and level. Qualifications expected of all incumbents of positions, such as a valid driver's license if the position requires driving, satisfactory physical condition, physical ability which in the opinion of the city's physician would not prohibit him from performing essential job functions, honesty, sobriety, courtesy and industry, shall be deemed to be implied in the qualification requirements of each class, even though not specifically mentioned in the class specification.

(Code 1975, § 13-27; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 3, 10-20-1998)

Secs. 2-183—2-202. - Reserved.

Subdivision IV. - Recruitment and Selection

Sec. 2-203. - Establishment.

It shall be the policy of the city to carry on such recruitment programs as necessary to seek out

and secure the most qualified individuals to apply for city positions at all levels of the city service.

(Code 1975, § 13-33; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-204. - Eligibility to compete.

Competition for positions in the city service shall be open to all applicants who are citizens of the United States and who meet the qualifications established for the class of position for which application is made. The city is an equal opportunity employer whose policy is to recruit and select personnel and conduct all personnel activities without regard to religion, race, color, national origin, age, sex, height, weight, marital status or disabilities pursuant to the Affirmative Action/Equal Employment Opportunity Policy.

(Code 1975, § 13-34; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 4, 10-20-1998)

Sec. 2-205. - Present employees.

Present employees shall be encouraged to apply for vacancies for which they qualify. When a present employee is promoted to a non-management position, it is not required that the vacancy thus filled be advertised for, or recruitment activities be initiated, as provided in this division. Management positions must be advertised and recruitment activities initiated. Except present employees may be promoted to a management position without a recruitment process if the position they are currently holding is being eliminated or combined with another position.

(Code 1975, § 13-35; Ord. No. 424, § 1, 2-19-1985; Ord. No. 753, § 2, 5-21-2013)

Sec. 2-206. - Examination methods.

In making a selection from among candidates to fill city vacancies, the city may use written, oral or performance tests, and evaluation of training and experience, or any combination of these. Investigations of character, personality, education, experience or physical fitness may also be made as deemed appropriate.

(Code 1975, § 13-36; Ord. No. 424, § 1, 2-19-1985)

Secs. 2-207—2-235. - Reserved.

Subdivision V. - Appointments, Probationary Period and Retirement

Sec. 2-236. - Appointment procedure.

The city administrator may fill, upon the recommendation of the department head, position vacancies by transfer, by demotion, by promotion, by original appointment or by provisional appointments. All appointments shall be made solely on the basis of merit and fitness as related to the established qualifications.

- (1) *Transfer.* The city administrator may, with the consent of the employee involved, transfer any fulltime or probationary employee from one position to another position in the same class or from a position in one class to a position in another related class in the same pay grade.
- (2) *Demotion.* An employee who becomes physically or mentally incapacitated and is unable to perform the duties and responsibilities of his position, or for other personal reasons related to his ability to perform his duties, may be demoted to a position in a lower class. Such demotion may be permitted upon approval of the appointing authority.
- (3)

Initial appointment. Recommendation for appointment to a position shall be made by the department head to be effective upon approval of the personnel director and the city administrator. Recommendations for appointments to department head positions shall be made by the city administrator. Experience gained by parttime hourly employees shall be taken into consideration in making appointments to fulltime positions.

(Code 1975, § 13-43; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 5, 10-20-1998)

Sec. 2-237. - Prohibition of employment of relatives.

The following relatives of any elective position or appointive employee are disqualified from being appointed to any appointive office or employment during the term for which said elective or appointive officer was elected or appointed: spouse, child, stepchild, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, niece, nephew or the spouses of any of them. All relationships shall include those arising from adoption.

(Code 1975, § 13-44; Ord. No. 424, § 1, 2-19-1985; Ord. No. 753, § 3, 5-21-2013)

Sec. 2-238. - Probationary period.

All original and promotional appointments in the city service shall be subject to the serving of a probationary period which shall be considered a part of the selection process.

- (1) *Length of probationary period.* A probationary period shall be either for six months or for one year. Classes shall be assigned to one-year probationary periods if, in the judgment of the city administrator; they meet one of the following criteria:
 - a. The tasks to be performed occur on a seasonal or cyclical basis, so that in a six-month period the supervisor would not be able to observe the employee in all aspects of the position; or
 - b. High-level administrative or supervisory responsibilities are involved and the work is such that effectiveness of performance cannot be judged fairly in a period of less than one year.
- (2) *Reports of performance on probationers.* The department head of a probationer shall file with the personnel director a report of performance at the end of the third and fifth months for each employee serving a six-month probationary period, and at the end of the fifth and eleventh months for those serving a twelve-month probationary period. Copies of these performance reports shall be reviewed by the employee, and it shall be the duty of the department head to provide for the training of and to assist the employee in meeting the standards of performance of the position to which he has been appointed.
- (3) *Rejection of probationary employee.*
 - a. It shall be the responsibility of the appointing authority, upon recommendation of the department head at any time during the probationary period, to reject a probationer if his conduct, capacity, moral responsibility, integrity or work performance is found to be unsatisfactory.
 - b. Rejection of any employee during a probationary period is accomplished by the filing by the department head with the personnel director of all performance reports due, report of recommended separation for the probationary employee and approval of the city administrator.

- c. If action is not taken by the personnel director to report to the probationary employee that he has not qualified for fulltime status before the close of business of the last day of the probationary period, the employee shall be considered to have satisfactorily completed his probationary period and have acquired status.
- d. A fulltime employee who vacated his position to accept a probationary appointment to a class in a higher level and who is rejected during the probationary period shall be reinstated in his former position.

(Code 1975, § 13-45; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 6, 10-20-1998)

Sec. 2-239. - Retirement.

Full time employees who have been employed with this city for at least ten years for a minimum of 160 hours per month on a regular schedule throughout the year are eligible for benefits under the city's pension plan upon attaining the required age and years of service.

(Ord. No. 753, § 4, 5-21-2013)

Secs. 2-240—2-269. - Reserved.

Subdivision VI. - Training and Evaluation of Performance

Sec. 2-270. - Duties of department heads.

Each department head shall be responsible for the provision of orientation, induction, on-the-job training and the continuing development of each employee under his direction. The personnel director shall cooperate with and assist department heads in carrying out their responsibilities and in meeting any special training needs.

(Code 1975, § 13-51; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-271. - Time for training.

Training to improve the quality of work of the employee serving in his present position may be considered city business and may be conducted during or after working hours. Training to prepare the employee for promotion shall be on the employee's own time unless, because of shortage of manpower or other circumstances, it is to the city's interest to use work time.

(Code 1975, § 13-52; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-272. - Training on new processes.

Whenever the duties of a position are to be materially changed by the introduction of new machines or processes requiring different skills and knowledge, any fulltime or probationary employee affected by the change shall be given a reasonable opportunity to learn to perform the new duties and to qualify for status in any new class of positions required for such work. Any employee who, after a reasonable training period, qualifies for appointment in a different class shall be deemed to possess the specific education and experience requirements for such class and shall be appointed thereto with the same status and seniority which he last had in his previous class. Employees who do not qualify for such appointment shall be reassigned to other duties appropriate to his class or be laid off in accordance with the provision of these rules or specific collective bargaining agreement provisions regarding layoff.

(Code 1975, § 13-53; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-273. - Evaluation of employee performance.

- (a) Each department head shall provide for at least an annual evaluation of all fulltime employees in his department in achieving the standard of work performance required. In addition, evaluations shall be made during the probationary period, as provided in this article. These evaluations shall include a discussion between the employee and his immediate supervisor for the purpose of determining goals and evaluating progress toward better performance and personal development. A record of the results of these discussions shall be forwarded to the department head by the supervisor on forms prescribed by the personnel director. The evaluations will be forwarded to the personnel director and the city administrator.
- (b) Each employee shall review a copy of the evaluation form prepared by his supervisor regarding his progress.

(Code 1975, § 13-54; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 7, 10-20-1998)

Sec. 2-274. - Tuition reimbursement program.

Reimbursement for successful completion of job-related courses shall be made in accordance with the city tuition reimbursement plan.

(Code 1975, § 13-55; Ord. No. 605, §§ 2, 8, 10-20-1998)

Sec. 2-275. - Safety.

- (a) The city shall use its reasonable best efforts to furnish and maintain a safe work environment pursuant to the city safety policy. The city shall comply with applicable mandatory occupational safety and health standards.
- (b) Each employee shall also be responsible for complying with occupational safety and health standards. No employee shall in any way alter a safety device or interfere with the use of a safety device. Employees shall follow safety rules, take no unnecessary chances, use all safeguards and safety equipment and make safety a part of their jobs.

(Code 1975, § 13-56; Ord. No. 605, §§ 2, 9, 10-20-1998)

Secs. 2-276—2-298. - Reserved.

Subdivision VII. - Pay Plan and Compensation

Sec. 2-299. - Establishment.

The city council shall determine the pay plan in the form of a salary and fringe benefit resolution for employees and may amend the pay plan from time to time. The pay plan shall be reexamined annually by the city administrator, who shall submit recommendations for changes to the city council. In making such reexaminations and recommendations, the city administrator shall give appropriate consideration to the following factors:

- (1) The maintenance of equitable relationships among classes, based on their relative duties and responsibilities;
- (2) The general level of rates in the appropriate labor markets for comparable work under similar working conditions;
- (3) Current recruitment and retention experiences; and
- (4) Other pertinent factors as recommended by the personnel director.

(Code 1975, § 13-60; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-300. - Total compensation.

The rates of pay set forth in the pay schedule are for fulltime and parttime employment, and represent the total salary compensation in every form, except as otherwise provided within this division.

(Code 1975, § 13-61; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-301. - Authority for budget transfers.

(a) *Employee dependent hospitalization insurance.* The city administrator is authorized to transfer the necessary amounts from available funds in order to provide for changes in employee options available under the city's hospitalization coverage.

(b) *Merit increase.* The city administrator is authorized to transfer the necessary amounts from available funds in order to provide for meritorious salary increases as provided by ordinance.

(Code 1975, § 13-62; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-302. - Special fees.

Total compensation and other authorized pay increments shall be in lieu of any special fees or compensation which an employee or officer may be authorized by law to collect, except that this section does not apply to subpoena fees received by police officers while not on duty. Such fees or other compensation shall be paid periodically to the city treasurer in full, as required by the finance director. Any city officer or employee who shall fail to pay over to the city treasurer any fees or other compensation as required by the finance director shall be guilty of an offense.

(Code 1975, § 13-63; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-303. - Payroll deductions.

Any employee may authorize deductions from his pay for the following purposes:

- (1) City employee and dependent group health insurance;
- (2) Muskegon Governmental Employees Federal Credit Union;
- (3) United Appeal;
- (4) Employee organization dues;
- (5) Uniforms; and
- (6) Deferred compensation programs.

(Code 1975, § 13-64; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-304. - Parttime employment.

An employee who works a fixed proportion of the established work week shall be paid that proportionate part of the appropriate biweekly rate.

(Code 1975, § 13-65; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-305. - Administration.

The city administrator shall be responsible for administering the pay plan according to the following provisions:

- (1)

- Beginning salary rate.* The beginning rate for a new employee normally will be the minimum rate in the established grade for his classification. In unusual situations, a pay rate above the minimum rate may be authorized in order to:
- a. Meet difficult recruiting problems or to obtain a person with markedly superior qualifications;
 - b. Correct salary inequities or give credit for prior service; or
 - c. Recognize outstanding performance.
- (2) *Method for within-grade salary increases.* After appointment or promotion, an employee shall be eligible for step increases as follows:
- a. A clerical employee shall be eligible, after appointment or promotion, for pay increases in accordance with the salary schedule as set by the city council.
 - b. Department heads and administrative employees shall be placed in minimum/maximum ranges. The city administrator shall determine how each employee shall progress through the range and when salary increases shall occur.
- (3) *Requirements for pay increases.* For each employee to become eligible for an increase in pay, the department head for whom the employee works shall provide a written performance report to the city administrator at least 20 days prior to the review date as to the manner in which the employee has performed his assigned duties since the original appointment or last advance in pay and shall submit a written recommendation to the city administrator that the employee be granted or denied an advance in pay. If the employee's work has been properly and diligently performed, has been satisfactory in light of the length of service in the position and has shown the improvement normally to be expected with increasing periods of service and other factors considered relevant to employment, the department head shall recommend that the employee be granted the next regular increase in pay. If, in the judgment of the department head, the employee's work has been below the standards that are expected, he shall recommend that no increase be granted. The city administrator shall authorize or deny pay increases for municipal employees as recommended by department heads, unless in his opinion and based on supporting information, the recommendation is unsound. In those cases where it is recommended that an employee be denied an increase in pay, the personnel director shall notify the employee in writing of the recommended action, including the reasons therefor.
- (4) *Date of salary increase.* Scheduled pay increases shall be made effective on the date which the required qualifying service and compliance with the other conditions of eligibility set forth in subsections (2) and (3) of this section are completed.
- (5) *Merit pay adjustments.* In unusual situations and upon written recommendation of a department head that an employee has performed exceptionally outstanding service, the city administrator may grant a merit pay increase.
- (6) *Demotion pay.* Upon demotion, an employee normally shall receive a one-step decrease in pay; however, it shall be the responsibility of the city administrator in each instance to determine the amount of the pay decrease, if any, upon demotion of an employee.
- (7) *Promotion pay.* Upon promotion, an employee shall be placed in the first step of his new pay grade except that in cases where the first step would not be a one-step pay increase, the promoted employee shall be placed in such step in the new pay grade as may be recommended by the personnel director. In unusual circumstances, starting pay for

promotions can be adjusted as for the beginning rate for new employees as specified in subsection (1) of this section. Upon completion of six months of service, the provisions of subsections (2) and (3) of this section shall apply to the promoted employee.

- (8) *Reclassification pay.* Upon reclassification to a class having a higher pay grade, an employee shall normally receive not less than a one-step pay increase.
- (9) *Change of class in pay grade.* Upon the movement of a class to a higher pay grade, all employees in the class at the time of the change shall be placed in the same step in the new grade as they occupied in the old grade. Upon the movement of a class to a lower pay grade, the employees in the class at the time of the change will not be reduced in pay unless such action is specifically called for by the resolution moving the class to a lower pay grade.
- (10) *Training pay.* The city administrator may authorize the payment of compensation to employees who are required to participate in authorized training programs which take place outside their regular work schedule.

(Code 1975, § 13-66; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-306. - Longevity pay.

Fulltime employees who have performed continuous service for the required number of years shall be eligible to begin accruing longevity pay at the beginning of the payroll period in which the required number of years has been completed. Employees who are not covered by a collective bargaining agreement are eligible for longevity pay in accordance with this section.

- (1) *Continuous service.* Continuous service shall be terminated by resignation, dismissal or retirement. If an employee so terminated receives a subsequent reappointment, he shall not be given longevity pay for service prior to the termination. Continuous service shall not be considered broken if an employee:
 - a. Is on military leave of absence and returns to city employment in accordance with federal and state law; or
 - b. Is on authorized leave of absence or on a temporary suspension without pay. However, no credit shall be allowed for the time toward the accumulation of service by employees suspended or on leave without pay for over 30 consecutive calendar days, and additional time equal to the loss of service must be served to qualify for longevity.
- (2) *Amount of payment.* Eligible employees shall receive longevity payments based on a schedule set by the city council. Longevity increments shall be paid in addition to regular compensation and will be incorporated with the regular pay warrants or paid semiannually.
- (3) *Limitations.* An employee who is suspended, on leave of absence without pay or otherwise off the payroll for any period of 30 consecutive calendar days or more shall receive no longevity pay for such period.

(Code 1975, § 13-67; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-307. - Clothing.

The city administrator shall determine within budget limitations the extent to which uniforms or special items of clothing are provided to various classes of city employees, excluding those employees covered by a collective bargaining agreement. This includes the granting of pay in lieu of the provision of uniforms to plainclothes police personnel.

(Code 1975, § 13-68; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-308. - Overtime pay and compensatory time off.

- (a) *Overtime compensation.* Overtime is all time worked which is in excess of the regularly scheduled hours of work for an employee. It is the policy of the city that overtime, whether compensated for by cash payment or time off, be held to a minimum consistent with efficient operation and provision of essential services to the public. Whenever possible, work assignments should be made in such a way so as to avoid accumulation of overtime credits. The provisions of this section shall apply to fulltime employees in the departments listed below consistent with the Federal Fair Labor Standards Act and the Department of Labor Wage and Hour Regulations.
- (1) *Administrative employees.* Department heads and division heads shall not receive overtime compensation either in the form of pay or time off, as described herein for other employees, except when approved in advance by the city administrator. The city administrator may, however, grant reasonable periods of time off to department heads when he feels that such time off is warranted. Division heads may likewise be granted reasonable periods of time off by their department heads when such time off is warranted.
 - (2) *City hall and clerical employees.* The standard work day shall be eight hours, and the standard work week shall be 40 hours. Clerical and city hall employees shall be compensated at the discretion of the department head either by compensatory time off at the rate of time and one-half or by cash payment at the rate of time and one-half for work performed in excess of the first eight hours per day or 40 hours per week. In such cases, all compensatory time shall be used within 60 days after it is earned. Employees who request or volunteer to work extra time shall be compensated at the rate of straight time. Such time will be compensated at the discretion of the department head either by compensatory time or by cash payment.
 - (3) *Bargaining unit employees.* Any employee covered by a collective bargaining agreement shall receive overtime compensation in accordance with the provisions of his union contract agreement.
 - (4) *Other employees.* Where these rules do not specifically prescribe an overtime compensation policy for certain groups of employees or where an employee's regular hours do not specifically fit within any of these policies, the city administrator may prescribe the policy to be followed in cases which he feels warrant payment or time off.
- (b) *Holiday and Sunday compensation.*
- (1) *Holiday pay for fulltime employees.* All fulltime employees shall be compensated one day's pay for each recognized holiday, whether the employee works or not. One day's pay shall be the product of the employee's straight-time hourly rate and the number of hours in the employee's regular work day.
 - (2) *Holiday pay for clerical and office-based employees.* Clerical and other office-based employees working on a holiday who normally work 40 hours per week shall be compensated at the employee's straight-time hourly rate or by compensatory time off in an amount equal to the actual hours worked on a holiday, the manner of compensation to be determined by the employee's department head.
 - (3) *Holiday and Sunday pay for bargaining unit employees.* All bargaining unit employees will receive holiday and Sunday compensation as provided in the respective collective bargaining agreements.

- (4) *Overtime worked on a holiday.* In cases where an employee's hours worked on a holiday are in excess of those he is regularly scheduled to work on a regular work day, or in cases where such hours worked on a holiday are in excess of those hours which the employee is regularly scheduled to work during a regular work week, such excess hours worked on the holiday shall be compensated at 2½ times the employee's straight-time hourly rate, or by compensatory time off in an amount equal to 2½ times the number of excess hours worked, the manner of compensation to be determined by the employee's department head.
- (5) *Compensation for working on a Sunday.* Employees who work on a Sunday shall be compensated for all hours worked at the rate of two times the regular straight-time hourly rate, or by compensatory time off in an amount equal to two times the number of excess hours worked, the manner of compensation to be determined by the employee's department head. Cases in which an employee's hours worked on a Sunday are in excess of those hours he is regularly scheduled to work on a work day other than Sunday, such excess hours worked on the Sunday shall be compensated at 2½ times the employee's straight-time hourly rate or by compensatory time off in an amount equal to 2½ times the number of excess hours worked, the manner of compensation to be determined by the employee's department head. This subsection is not applicable to employees who are regularly scheduled to work on Sunday by virtue of their shift assignment.

(c) *Administration.*

- (1) Fulltime employees shall normally be given preference in overtime assignments. In all cases, however, overtime assignments will be made in such a way that the functions of the city service will be completed most effectively. All compensable overtime must be performed at the direction of the department head or his authorized representative, and overtime credit may be accrued for no other purpose. For employees covered by a collective bargaining agreement, specific conditions and restrictions are delineated in the respective collection bargaining agreement currently in effect.
- (2) Compensation for overtime or holiday or Sunday premium pay shall normally be in the form of compensatory time off. In cases where the department head determines it is impractical to operate the department by awarding compensatory time off, he may authorize cash payment. In cases in which overtime is in addition to 40 hours per week, compensatory time shall be used within the same work week as the overtime is worked. In cases in which overtime worked does not make a 40-hour week, compensatory time shall be used within 60 days after it is earned. In cases of compensatory time given for holiday premium pay, the compensatory time shall be used within 60 days after it is earned.
- (3) The times when compensatory time off may be taken shall be at the discretion of the department head, except that the employee's desires shall be given consideration whenever possible. When compensatory time off is ordered by the department head or requested by the employee, reasonable advance notice of at least three days shall normally be provided.

- (d) *Special compensation provisions.* The salary for the position of city administrator, which is not graded and which is not otherwise provided for, shall be set annually by resolution adopted by the city council. The city administrator shall be entitled to all city benefits and subject to similar working conditions as other fulltime employees.

(Code 1975, § 13-69; Ord. No. 424, § 1, 2-19-1985; Ord. No. 461, §§ 3, 4, 9-20-1988)

Sec. 2-309. - Determination of compensation for parttime, salaried employees.

Salaries established from time to time by the city council shall be on a fulltime basis, and pay for parttime work in a salaried position shall be prorated.

(Code 1975, § 13-70; Ord. No. 424, § 1, 2-19-1985)

Secs. 2-310—2-332. - Reserved.

Subdivision VIII. - Attendance and Leave

Sec. 2-333. - Work week.

The number of hours in the average work week for the various position classes shall be stipulated in the pay plan or respective collective bargaining agreement for bargaining unit employees. The specific arrangement and adjustment of the hours of the work week shall be the function of the department head and the city administrator.

(Code 1975, § 13-80; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-334. - Holidays.

Paid holidays as established by city council resolution will prevail for fulltime employees and shall be observed as set forth below. A holiday shall begin at 12:01 a.m. and end 24 hours later at midnight. Only hours worked during such 24-hour period shall be compensated under the holiday pay provisions. All employees covered by collective bargaining agreements shall receive paid holiday provisions as stipulated in the respective collective bargaining agreements.

- (1) *Eligibility for paid holidays.* All fulltime employees shall be eligible for paid holidays.
- (2) *Holidays falling on weekends.* Holidays which fall on a Saturday will be observed on the preceding Friday, and holidays which fall on a Sunday will be observed on the following Monday.
- (3) *Additional Christmas holiday.* The schedule for Christmas holidays shall be determined by the city administrator after consideration is given to the preference of employees and the schedule for school Christmas vacation.
- (4) *Holidays occurring during leave of absence.* When a holiday comes during a leave of absence for which an employee receives compensation, the holiday will not be counted as part of the leave of absence, except in cases involving leave of absence for a work-related injury.

(Code 1975, § 13-81; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-335. - Vacation leave.

Vacation leave with pay shall be granted as prescribed in this section.

- (1) *Eligibility.* All fulltime employees shall be eligible for vacation leave upon accrual.
- (2) *Accrual.* Vacation leave shall be accrued as set forth by city council resolution.
- (3) *Employees on probationary appointment.* Probationary employees shall accrue vacation during probation but shall be ineligible for such vacation until they have completed six months of service. In the event of their separation prior to their appointment, they shall be ineligible for terminal vacation. This provision shall not apply to the probationary period of a promoted employee.
- (4) *Administration.* Vacation leave shall be administered as follows:
 - a.

Department head approval. All vacation leave schedules must be approved by the department head and filed with the personnel director. In approving such schedules, the department head shall consider the needs of the city service and the seniority and wishes of the employee.

- b. *Vacation leave charges.* Vacation leave shall be charged as used in amounts of not less than one-half day.
- c. *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.
- d. *Vacation accumulation.* Two weeks of vacation may be carried over for one year if approved in advance by the department head and the city administrator.
- e. *Accrued, unused vacation upon termination.* Accrued but unused vacation will be paid upon termination.
- f. *Maximum amount.* Under normal circumstances, no employee may take a vacation longer than three consecutive weeks. Vacation days will be considered consecutive unless interrupted by three calendar weeks of work. An employee, after receiving special permission in writing from the department head and the city administrator, may take a vacation of longer than three consecutive weeks. It is recognized that absence of an employee for a long period of time could create a hardship for the city, and employees are urged to use vacation days in increments of less than three weeks.

(Code 1975, § 13-82; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-336. - Sick leave.

Sick leave with pay shall be granted as follows:

- (1) *Reasons for granting.* Sick leave shall be granted for the following reasons:
 - a. Physical incapacity not incurred in the line of duty;
 - b. Personal illness, including medical and dental appointments during work hours. Medical and dental appointments shall have prior approval of the department head;
 - c. Enforced quarantine of the employee in accordance with the community health regulations; and
 - d. Serious illness of an emergency nature of members of the immediate family, including wife, husband, child, parent, brother or sister for the duration of the emergency, upon approval of the department head and the city administrator.
- (2) *Eligibility.* All fulltime employees shall be eligible for sick leave.
- (3) *Accrual.* Sick leave shall be accrued as follows:
 - a. *Fulltime employees.* Sick leave shall be accrued by all fulltime employees at the rate of one work day for each month of service.
 - b. *Fulltime employees on probationary appointments.* Sick leave shall be accrued by probationary employees at the rate prescribed for fulltime employees.
 - c. *Sick leave accrual while on leave.* An employee shall continue to accrue sick leave while on any other compensated leave other than sick leave.

(4)

Separation. No payment for unused sick leave shall be made upon separation from city employment unless provided for by city council resolution or respective collective bargaining agreement.

- (5) *Accumulation.* An employee may accumulate a maximum number of sick days as set forth by city council resolution.
- (6) *Advance.* In those cases where an employee has qualified for sick leave and has exhausted all vacation and sick leave accumulations, the city administrator may authorize an extension of sick leave, with compensation, for a maximum of 20 working days, if the employee is expected to be able to return to work. At the option of the city administrator, the benefit period may be for 40 working days, with the compensation at half the normal rate. Upon the expiration of all vacation and sick leave benefits, the city administrator may grant a leave of absence, without pay, for a period not to exceed 12 months.
- (7) *Administration.* Sick leave shall be administered as follows:
 - a. *Requests.* Requests for sick leave should normally be made before an employee is regularly scheduled to report for duty.
 - b. *Doctor's certificate.* Department heads and the personnel director have the right to verify the reported sickness of an employee, and may require a doctor's certificate for absence due to sickness. The certificate must state the kind and nature of the sickness or injury, and whether the employee has been incapacitated for work for the period of absence.
- (8) *Charges.* Sick leave shall be chargeable only when used on regularly scheduled work days or work periods.
- (9) *Holidays occurring during sick leave.* 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.

(Code 1975, § 13-83; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-337. - Injury leave.

Leave of absence shall be granted to fulltime employees who become incapacitated as a result of injury or occupational disease incurred through no misconduct of their own while in actual performance of duty.

- (1) *Compensation during injury leave of seven days or less.* Compensation shall be paid at an employee's full pay, directly by the city, for any injury incurred on the job or occupational disease which incapacitates the employee for seven days or less.
- (2) *Compensation during injury leave of eight days to 13 days.* Compensation shall be paid at the rates stipulated in Public Act No. 317 of 1969 (MCL 418.101 et seq.), being the Worker's Disability Compensation Act, as worker's compensation insurance benefits, for the eighth through the 13th days for any injury incurred on the job or occupational disease which incapacitates the employee for eight to 13 days.
- (3) *Compensation during injury leave of 14 days (two weeks) or longer.* Compensation shall be paid at the rates provided and for the length of time stipulated in state law, as worker's compensation insurance benefits for any injury incurred on the job or occupational disease which incapacitates the employee for 14 days (two weeks) or longer, or if death results from the injury or disease. Said compensation shall be computed from the date of injury.

- (4) *Use of accrued vacation and normal sick leave.* At such time, under subsections (2) and (3) of this section, if an employee's compensation under the state law falls below his regular full pay, the employee shall be permitted to use his accrued vacation and normal sick leave as provided for in this division to supplement his worker's compensation insurance benefits.

(Code 1975, § 13-84; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-338. - Leave for jury duty, attendance at conventions and other meetings.

Leave with pay may be authorized by department heads in order that regular employees may serve required jury duty. Such time off shall be considered as time on duty. Attendance at conventions and other meetings and business trips to other cities shall be considered as time on duty, provided that such attendance is approved in advance, in writing, by the city administrator.

(Code 1975, § 13-85; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-339. - Leave for military service.

The city administrator may grant leave to regular employees for the purpose of service in the armed forces, or for the purpose of undergoing training duty in the armed forces in accordance with applicable federal and state laws and regulations; however, such leave shall be without pay.

(Code 1975, § 13-86; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-340. - Other leave.

(a) *Bereavement leave.*

- (1) *Immediate family.* In case of death in the immediate family, a fulltime employee shall receive a leave of absence with pay of four work days. The term "immediate family" shall be defined by city council resolution.
- (2) *Family.* In case of death in the family, a fulltime employee shall receive a leave of absence with pay of three work days. The term "family" shall be defined by city council resolution.
- (3) *Extensions.* If the situation warrants an extension, the city administrator may grant up to an additional three work days. A written request for any such extension must be filed with the city administrator.
- (4) *Extended family.* In case of a death in the extended family, a fulltime employee shall receive a leave as defined by city council resolution.

(b) *Educational leave without pay.* Fulltime employees interested in further professional training may, with the consent of the department head and the city administrator, obtain an educational leave. Such leave is without pay. A single leave may not be for more than 12 months.

(c) *Leave of absence without pay.* The city administrator may grant leaves of absence without pay. A single leave may not be for more than 12 months.

(d) *Maternity leave.* Maternity leave shall be granted in accordance with state and federal laws.

(e) *Personal and birthday leave.* Personal and birthday leave shall be set by city council resolution.

(f) *Collective bargaining.* All employees covered by a collective bargaining agreement will receive the provisions as outlined in the agreement.

(Code 1975, § 13-87; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-341. - Absence without leave.

If an employee shall, without proper authorization, be absent from duty, whether for part or all of a working day or for a longer period, such absence may be grounds for disciplinary action or discharge. Absence without leave for a period of five duty shifts may be considered cause for automatic termination of employment and separation from the city service.

(Code 1975, § 13-88; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-342. - Unpaid family and medical leave.

The city shall grant leave pursuant to federal law and the city's unpaid family and medical leave policy.

(Code 1975, § 13-89; Ord. No. 605, § 10, 10-20-1998)

Secs. 2-343—2-372. - Reserved.

Subdivision IX. - Group Insurance

Sec. 2-373. - Insurance benefits.

Hospital, medical, surgical, dental, optical, longterm disability and term life insurance group plans are available for eligible city employees and their families under terms set by city council resolution or respective collective bargaining agreements.

(Code 1975, § 13-94; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 11, 10-20-1998)

Sec. 2-374. - Eligibility for plan benefits; premium payments.

All full-time employees shall be eligible for all insurance plan benefits. Employees who retire at an age and after sufficient years of credited continuous service with the City of Norton Shores (e.g., 60 [years of age] with ten years of service, 55 years of age with 25 years of service, 55 years of age with 15 years of service, or 50 years of age with 25 years of service) to be eligible for full retirement benefits under the city's retirement plan (MERS) shall be eligible for hospitalization insurance only.

(Code 1975, § 13-95; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 12, 10-20-1998; Ord. No. 768, § 2, 6-16-2015)

Secs. 2-375—2-393. - Reserved.

Subdivision X. - Incompatible Activities^[3]

Footnotes:

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State Law reference— *Standards of conduct and ethics, MCL 15.341 et seq.; prohibition on holding incompatible offices, MCL 15.181 et seq.*

Sec. 2-394. - Conflicting activities prohibited.

A city employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with his duties as a city employee, or with the duties, functions and responsibilities of the department by which he is employed.

(Code 1975, § 13-104; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-395. - Types of incompatible activities.

(a) The following activities shall include, but are not intended to be an exhaustive list of, those to be considered inconsistent, incompatible or in conflict with city employment:

(1)

Any employment, activity or enterprise which involves the use for private gain or advantage of the city's time, facilities, equipment or supplies, or prestige or influence of a city office or employment;

- (2) Any employment, activity or enterprise which involves the receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the city for the performance of an act which the officer or employee would be required or expected to render in the regular course of his city employment, or a part of his duties as a city officer or employee;
- (3) Any employment, activity or enterprise which involves the performance of an act in other than his capacity as a city officer or employee which later may be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such officer or employee or the department by which he is employed; and
- (4) Any employment, activity or enterprise which involves so much of the employee's time that it impairs his attendance or efficiency in the performance of his duties as a city officer or employee.

(b) The city administrator shall make a final determination, when necessary, as to whether a specific activity is incompatible.

(Code 1975, § 13-105; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-396. - Political activity.

Political activity by any city employee shall be governed by MCL 15.403.

(Code 1975, § 13-106; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-397. - Confidential information.

No city employee may divulge to any unauthorized person confidential information acquired in the course of employment with the city in advance of the time prescribed for its authorized release to the public.

(Code 1975, § 13-107; Ord. No. 605, § 13, 10-20-1998)

Secs. 2-398—2-422. - Reserved.

Subdivision XI. - Disciplinary Actions

Sec. 2-423. - Warning and reprimand.

Whenever employee performance falls under one of the causes for action listed in this division, his supervisor shall inform him promptly and specifically of such lapses. If appropriate and justified, following a discussion of the matter, a reasonable time for improvement or correction may be allowed before any further disciplinary action is initiated. In situations where an oral warning has not resulted in the correction of the condition or where more severe initial action is warranted, a written reprimand shall be sent to the employee and a copy placed in the employee's personnel file.

(Code 1975, § 13-112; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-424. - Suspension.

In those cases where one or more written reprimands have not proven to be effective or in those cases where the seriousness of the events or conditions warrant it, an employee may be suspended without pay by his department head, with the approval of the city administrator, for a period not to exceed 30 calendar days for each offense for any cause listed in this division.

(Code 1975, § 13-113; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-425. - Demotion and dismissal.

When other forms of disciplinary action have proved ineffective or where the seriousness of the offense or condition warrants it, the city administrator may demote or dismiss the employee for any cause listed in this division.

(Code 1975, § 13-114; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-426. - Causes for action.

- (a) Employees committing any of the following violations shall constitute sufficient grounds for disciplinary action, ranging from reprimand to immediate discharge:
- (1) Incompetency, inefficiency or negligence in the performance of duty;
 - (2) Activity which has been determined to be incompatible with his employment, as provided in this article;
 - (3) General misconduct, including insubordination, constituting a serious breach of discipline;
 - (4) Notoriously disgraceful conduct;
 - (5) Unauthorized absence or abuse of leave privileges;
 - (6) Acceptance of any valuable consideration given to influence the employee in the performance of his duty;
 - (7) Falsification of claims for benefits, leaves of absence, information on job applications, time records, reasons for illness, injury, reimbursements or other city records;
 - (8) Use of his political position for personal advantage;
 - (9) Political activity as described in this article;
 - (10) Willful violation of the provisions of law or of these rules;
 - (11) Violation of city or written departmental rules;
 - (12) Being guilty of unbecoming public behavior, i.e., misconduct or abusive language used in front of or directed toward the general public;
 - (13) Leaving the job during working hours without permission;
 - (14) Reporting for duty under the influence of narcotics, intoxicating liquor or hallucinogens, or found using any of these drugs or alcoholic liquors on the job;
 - (15) Disregard of safety rules and common safety practices;
 - (16) Abuse of coffee or lunch break;
 - (17) The misuse or removal from the city premises, without appropriate prior authorization, of any city records, confidential information of any nature or any city property;
 - (18) The revelation of any confidential city records or other confidential city information without appropriate prior authorization;
 - (19) Temporary or permanent loss of driver's license or any endorsement thereon when necessary for job performance; or

(20) Failure to report any personal injury or equipment damage immediately to an appropriate supervisor.

(b) The foregoing rules are not intended to be all-inclusive of the proper standards of conduct which employees are expected to observe. The city shall, as deemed appropriate, establish additional rules, and department heads may establish particular rules to govern employee conduct deemed necessary by operational requirements.

(Code 1975, § 13-115; Ord. No. 424, § 1, 2-19-1985; Ord. No. 605, §§ 2, 14, 10-20-1998)

Sec. 2-427. - Prohibition against illegal discrimination.

In all its programs and activities, the city shall not engage in discrimination which violates federal or state laws.

(Code 1975, § 13-116; Ord. No. 605, § 15, 10-20-1998)

Sec. 2-428. - Smoking limitations.

The city administrator may designate "no smoking" areas for limiting the hazards and negative health conditions of smoking.

(Code 1975, § 13-117; Ord. No. 605, § 16, 10-20-1998)

Sec. 2-429. - Prohibition against sexual harassment.

City employees shall not engage in conduct or communication which constitutes sexual harassment pursuant to the city's sexual harassment policy.

(Code 1975, § 13-118; Ord. No. 605, § 17, 10-20-1998)

Sec. 2-430. - Drug and alcohol use.

It is the city's policy to maintain a workplace free of the influence of drugs and alcohol pursuant to the city's drug-free awareness program and drug and alcohol abuse policy and procedures.

(Code 1975, § 13-119; Ord. No. 605, § 18, 10-20-1998)

Sec. 2-431. - Violence in the workplace.

The city recognizes the need to provide for the safety and security of all city employees and visitors. The city will not tolerate threats, threatening behavior or acts of violence against employees, visitors, guests or other individuals by anyone on city property pursuant to the city's policy on violence in the workplace.

(Code 1975, § 13-120; Ord. No. 605, § 19, 10-20-1998)

Secs. 2-432—2-460. - Reserved.

Subdivision XII. - Termination and Layoffs

Sec. 2-461. - Resignation.

An employee desiring to resign from city service may do so by notifying his department head and the personnel director in writing of the reason therefor and the effective date. Failure to give at least two weeks' notice may be cause for denying subsequent employment with the city and loss of benefits.

(Code 1975, § 13-121; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-462. - Layoffs.

Determination of which employees within a particular position classification shall be laid off shall be made by the city administrator upon recommendation of the department head, taking into account the seniority, work record and other factors regarding the employees involved.

(Code 1975, § 13-122; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-463. - Exit interview.

Employees who leave employment for any reason shall meet with the personnel director for an exit interview. The personnel director will complete a termination form to verify that the employee has returned all keys, equipment and supplies. The personnel director will notify the employee of all benefits and payments available to him.

(Code 1975, § 13-123; Ord. No. 424, § 1, 2-19-1985)

Secs. 2-464—2-519. - Reserved.

Subdivision XIII. - Appeals and Hearings

Sec. 2-520. - Procedure.

(a) An employee who has a grievance may avail himself of the grievance procedure outlined in this subdivision. The employee shall submit his appeal in the following sequence:

- (1) *First step.* Employee's immediate supervisor;
- (2) *Second step.* Employee's department head;
- (3) *Third step.* The personnel director;
- (4) *Fourth step.* The city administrator; and
- (5) *Final step.* The personnel board in cases of suspension, demotion or discharge.

(b) Employees serving an initial probationary period are in the selection process and do not have access to the grievance procedure until successful completion of that probationary period.

(Code 1975, § 13-128; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-521. - Forms of appeals.

An appeal to an immediate supervisor shall be made within five working days after an employee is notified of the decision. An appeal to an immediate supervisor may be either oral or in writing. It shall be in writing if either party so demands. A grievance presented in writing must be answered in writing. Should an employee choose to appeal the decision of the immediate supervisor, such appeal shall be made in writing to each of the successive steps in the grievance procedure.

(Code 1975, § 13-129; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-522. - Jurisdiction of the personnel board.

The personnel board shall hear appeals from employees, except those who have not completed the prescribed probationary period or those covered by the provisions of a collective bargaining agreement. In cases involving employees who have not completed the prescribed probationary period, appeal to the city administrator shall be the final step in the grievance procedure.

(Code 1975, § 13-130; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-523. - Employee representation.

Employees shall be entitled to representation of their own choosing in appealing any grievance. Employees shall be entitled to one representative at the first step in the grievance procedure, and any reasonable number of representatives thereafter.

(Code 1975, § 13-131; Ord. No. 424, § 1, 2-19-1985)

Sec. 2-524. - Decision time limits for appeal.

- (a) All time limits shall refer to calendar days, exclusive of holidays as called for in section 2-334. The decision in an appeal shall be made as follows:
- (1) *First step*. The decision in the first step of the appeal shall be rendered within five days of presentation of the grievance. An employee shall have five days after notification of the decision to appeal to the second step.
 - (2) *Second step*. The decision in the second step shall be rendered within five days of presentation of the grievance at the second step level. An employee shall have five days after notification of the decision to appeal to the third step.
 - (3) *Third step*. The decision in the third step shall be rendered within five days of presentation of the grievance at the third step level. An employee shall have five days after notification of the decision of appeal to the fourth step.
 - (4) *Fourth step*. The decision in the fourth step shall be rendered within ten days of presentation of the grievance at the fourth step level. An employee shall have ten days after notification of the decision to appeal to the final step.
 - (5) *Final step*. The personnel board shall hear appeals from an employee within 90 days of presentation of the grievance at the final step. The personnel board shall transmit its findings and recommendations to the city administrator and mayor within ten days. The personnel board findings and recommendations shall be confidential until a final determination is made by the city administrator or mayor.
 - a. In cases involving suspension, demotion, or discharge made or approved by the city administrator, the mayor shall have the authority to modify the disciplinary action based upon the recommendations of the personnel board.
 - b. In all other cases, the city administrator shall have the authority to modify the disciplinary action.
 - c. The city administrator or mayor shall have ten days to render a final determination.
- (b) Failure to receive a decision within the above-stated time limit shall entitle the employee to appeal at the next step.
- (c) Failure to appeal a decision rendered by management within the time limits shall be deemed settled on the basis of the city's last response.
 - a. In cases involving suspension, demotion, or discharge made or approved by the city administrator, the mayor shall have the authority to modify the disciplinary action based upon the recommendations of the personnel board.
 - b. In all other cases, the city administrator shall have the authority to modify the disciplinary action.
 - c. The city administrator or mayor shall have ten days to render a final determination.

(Code 1975, § 13-132; Ord. No. 424, § 1, 2-19-1985; Ord. No. 753, § 5, 5-21-2013)

Secs. 2-525—2-550. - Reserved.