

TORCH LAKE TOWNSHIP POLICY MANUAL

5.0 Personnel Administration

5.1 Purpose - Authority for Personnel Matters

To provide for efficient and uniform administration of personnel matters, the Township Board of Trustees appoints Supervisor as the Township personnel officer/Human Resource Director to develop, implement, and enforce all personnel-related policies within the parameters established by the Township Board. The Township Board delegates authority to the Supervisor to hire, supervise, provide direction, discipline, accept resignations from and terminate employees pursuant to Board policies and state and federal law.

5.2 Personnel Officer's Responsibilities

The Supervisor, or designee, shall do all of the following:

- i. Develop job descriptions for all Township positions
- ii. Update job descriptions as needed, and review the accuracy and currency of all job descriptions at least once every three years
- iii. Recruit applicants for position vacancies
- iv. Provide all new employees with a current copy of the Township personnel policies and procedures manual
- v. Monitor changes in state and federal law that impact Township personnel practices
- vi. Recommend to the Board necessary changes in Personnel Manual, and provide all employees with copies of amendments to the Personnel Manual
- vii. Provide interpretations of the Township Personnel Manual and policies and procedures when requested by department heads or employees. The interpretation of the Supervisor shall be considered final, unless an appeal of the interpretation is filed with the Township Board.
- viii. Recommend appropriate pay grade or compensation for all employees, subject to Board policies and appropriations
- ix. Authorize department heads to impose employee sanctions that exceed the severity of a verbal or written warning
- x. Develop and implement a standard employee evaluation program for use by department heads in periodically evaluating the performance of employees under their supervision
- xi. Authorize employee extended leave pursuant to the Township Personnel Manual and policies and procedures
- xii. Monitor Township and union compliance with collective bargaining agreements
- xiii. Conduct exit interviews of all terminating employees following a voluntary separation from Township employment

5.3 Collective Bargaining

The Township Board delegates to the Supervisor, or designee, the authority to represent the Township Board in collective bargaining negotiating sessions. Prior to beginning negotiations, the Township Board may meet in closed session as permitted under the Open Meetings Act to develop negotiation strategy regarding wages, hours, and conditions of employment. Any proposed agreement shall be brought to the Township Board for its ratification or rejection.

5.4 Personnel Manual; Policies and Procedures

The Township Board shall develop, periodically update, and implement a Personnel Manual and employment policies and procedures to establish rules for employee conduct and guide the Board or its designated personnel officer, employee supervisors and managers in the implementation of all employee workplace issues.

The provisions of the Personnel Manual and Board policies and procedures may be changed at the sole discretion of the Township Board. Township Board members, officials and employees may submit any suggested changes or additions to these policies and procedures to the Township Board.

The Township Board shall also develop and periodically update an employee handbook to answer employees' questions and to advise of Township policies.

The provisions of the employee handbook may be changed at the sole discretion of the Township Board. Employees may submit any suggested changes or additions to these policies and procedures to the Township Board and/or Supervisor.

5.5 Authorized Work Force

The Township Board shall determine the number of employees assigned to the various Township offices.

The following procedure shall be used to authorize new positions:

- i. A department head shall discuss the need for the new position with the Supervisor.
- ii. If the Supervisor agrees that the proposed position should be recommended to the Board, the department head shall submit a draft job description and written position justification to the supervisor who may approve, modify or reject the draft job description or position justification.
- iii. If the Supervisor does not agree to recommend creating the proposed position, the department head may appeal the decision to the Township Board. The Board may concur with the recommendation of the Supervisor, or may approve creating the new position and direct the supervisor to develop a job description for the position.
- iv. The Township Board may accept or reject the implementation of the new position. The Board shall not create any new position without prior adoption of any necessary budget amendments.

5.6 Independent Contractors

The Township Board may hire independent contractors to provide specialized or requested services on a project or as-needed basis. The following is required of all independent contractors:

- i. A written contract between the Township and the contractor
- ii. A federal identification number or Social Security number, if a sole proprietor
- iii. Proof of liability and worker's compensation insurance
- iv. A completed W-9 form
- v. Evidence of a business (e.g., business card or current advertisement)

5.7 Volunteers

The Township Board may utilize volunteers to provide services for civic, charitable or humanitarian reasons without promise, expectation, or receipt of compensation for the services rendered. Township volunteers may be reimbursed for nominal expenses, such as: mileage, reasonable expenses incurred, other, at the expense reimbursement rates and

expense reimbursement policies adopted by the Township Board – with advanced Supervisor approval.

5.8 Equal Opportunity Employment

The Township is an equal opportunity employer and shall employ, promote, and transfer all employees and job applicants without regard on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, weight, height, marital status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit-based factors. These protections extend to all management practices and decisions, including recruitment and hiring, appraisal systems, promotions, training, and career development programs. Consistent with these obligations, the Township also provides reasonable accommodations to employees and applicants with disabilities and for sincerely held religious beliefs, observances, and practices, as required by law.

Township employees and applicants are also protected against retaliation. Consistent with state and federal laws, acts of retaliation against an employee who engages in protected activity, such as reporting discrimination or harassment or participating in an investigation, whistleblowing, or the exercise of any appeal or grievance right provided by law will *not* be tolerated at the Township. The Township will take prompt action when a Township employee, agent of the Township, or non-employee is found to have engaged in discrimination, retaliation, or harassment (including sexual harassment).

5.9 Employee Selection

The Township shall employ, promote, and transfer all employees and job applicants on the basis of merit, qualifications and competence in compliance with all applicable employment laws.

The Supervisor, or designee, shall utilize the following procedures in filling any vacant employment positions:

- i. A notice of position vacancy shall be developed based on the current job description and discussions with the department head. The posting shall provide the position title, brief description, education and experience requirements, current pay grade, application deadline, and the Township's Equal Employment Opportunity policy.
- ii. The position vacancy notice shall be published on Township website, other websites, in local newspaper(s), in applicable trade journal(s), other.
- iii. The applications or resumés submitted will be reviewed by the department head, and a list of qualified candidates will be developed.
- iv. Interviews will be conducted with the department head's participation. Any additional screening procedures, such as employment testing, shall require prior Board approval. At least three non-related references shall be contacted.
- v. The Supervisor shall select the candidate who best meets the job prerequisites for education, experience and management style, if appropriate.
- vi. The selected candidate shall be submitted to the Township Board. The Board may schedule an interview with the candidate at a Board meeting.
- vii. Following Board concurrence, the candidate will be offered the position, pending the satisfactory completion of a physical examination, drug screen, and background check, as bona fide qualified requirements for the position.

5.10 Employment of Relatives

The Township permits the employment of qualified relatives of officials and employees.

For purposes of this policy, "relative" is defined as the following: A spouse, domestic partner, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

The Township Board shall responsible for, and will exercise sound business judgment in, the placement of related employees in accordance with the following guidelines:

Relatives are permitted to work in the same facility, provided no direct reporting or supervisory/management relationship exists. No employee is permitted to work within the chain of command or supervision of a relative such that one relative's work responsibilities, salary, discipline or career progress could be influenced by the other relative.

No relatives are permitted to work in the same department or any other positions in which the Board believes an inherent conflict of interest may exist.

Employees who marry while employed are treated in accordance with these guidelines. If, in the opinion of the Board a conflict or apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practical time.

An applicant for Township employment shall notify the Township on the application for employment, and a current employee, shall notify the Board in writing if a relationship identified in this policy exists.

5.11 Employee Classification

Each employee will be assigned to a particular job with its corresponding job description, pay grade assignment (if applicable), pay range, and classification as follows: Exempt or Nonexempt; Full-time, Part-time, Temporary or Seasonal.

5.12 Employee Compensation

The Board shall establish an equitable compensation system for Township employees. The Board shall determine a pay range for all Township positions. The Township shall use a compensation system that will determine the value of all jobs based on the skills, knowledge and behaviors required. The system will be designed to maintain control over compensation costs and to be objective and non-discriminatory in application and practice.

If the Township assigns salaries on an employee-by-employee basis: each employee shall be entitled to the annual salary or hourly wage determined by the Board and as appropriated in the Township budget.

5.13 Benefits

The Board, in its sole discretion, will determine employment benefits that may be provided to Township officials or employees. Board members, officials, department heads or employees may submit suggested changes or additions to the benefits to the Board and/or Supervisor.

5.14 Employee Supervision

Department heads shall provide direction to employees in a manner that complies with the provisions of the Township's Personnel Manual, Township policies and procedures, employee handbook, as well as all federal and state laws, and Township policies and ordinances.

5.15 Employee Recognition

Department heads shall bring advise the Township Board of any conduct of merit by any Township employee, volunteer or appointed official that deserves recognition. The Township Board, at its discretion, shall recognize meritorious conduct through the adoption of a resolution of tribute.

5.16 Employee Safety

The Township shall provide a workplace free from recognized hazards that may cause or are likely to cause death or serious physical harm to employees. The Township shall provide an effective safety management program that includes both leadership and employee involvement, will conduct worksite analysis, and will provide employee training as necessary.

The Supervisor is hereby appointed as the Township Safety Officer. It shall be the duty of the Safety Officer to assess the general working conditions of the Township on a continual basis. Any conditions that create a safety hazard shall be corrected immediately. The Safety Officer shall report to the Township Board any unsafe condition that will require a modification of any Board-adopted policy or procedure or the expenditure of funds exceeding \$6,800 to eliminate that condition.

5.17 Non-Retaliation

The Township shall not tolerate retaliation against any employee or other person who, in good faith, reports a violation or perceived violation of Township policies, or retaliation against any employee or other person who participates in any investigation as a witness or otherwise. Retaliation is a serious violation of this policy and is subject to discipline up to and including discharge. An employee must promptly report any acts of retaliation to his or her department head or to the Township Supervisor and/or the members of the Township Board. (See also, Section No. 5.8.)

5.18 Payroll

The Township shall comply with Michigan wage and hour laws that regulate the method of payment of wages, the payment of wages upon termination of employment, allowable deductions, income tax withholding and payment of employment taxes, wage garnishments, recordkeeping and maintenance of payroll records.

5.19 Payment on Termination

An employee who voluntarily terminates employment will be paid all wages earned and due as soon as the amount can be determined, or at the latest, on the next regularly scheduled payday. Discharged employees will be paid as soon as the correct amount is determined, or within four days of termination, as practical.

5.20 Timecards

All completed timecards for non-exempt employees shall be submitted to the Clerk on the day following the end of each pay period. Timecards will be signed by both the individual employee and the employee's department head.

5.21 Deductions and Withholdings

The Township shall comply with federal and state laws regarding income tax and Social Security deductions. All voluntary deductions shall be authorized in writing. The Clerk shall be notified at least ten (10) days prior to the end of the pay period of any changes in voluntary deductions or withholding allowances desired by an individual employee.

The Township shall make appropriate deductions to satisfy any court orders for garnishments or for child or spousal support orders.

5.22 Payroll Changes

A payroll change order or other documentation shall be used to make any employee changes (e.g., setting or changing compensation, and deductions or withholdings) or to add a new employee to payroll. A payroll change order or other documentation must be signed by the Clerk and Treasurer.

A new employee change order shall also be accompanied by the following:

- i. New Hire Reporting Form

- ii. I-9 Form
- iii. W-4 Form
- iv. Direct deposit authorization and any other voluntary deduction forms

5.23 Pay Advances

Pay advances shall not be authorized under any circumstances.

5.24 Payroll Problems

Employees shall immediately notify the Township Clerk of any problems or errors on their paychecks. A written account of the problem and its resolution shall be created by the Clerk.

5.25 Personnel Recordkeeping- Personnel Files

The Township Clerk shall maintain a permanent personnel record of each Township employee. The personnel records shall be kept complete and accurate in compliance with federal and state laws and any applicable general record retention schedules adopted by the State of Michigan.

Each employee's personnel file shall contain the following:

- i. Personnel data, including full name, Social Security number, current address, resumé or application submitted and physical examination (if required)
- ii. Performance evaluations
- iii. Use of authorized leaves
- iv. Commendations or disciplinary actions
- v. Tax withholding information
- vi. Beneficiary information
- vii. Record of positions held
- viii. Insurance carrier and pension records

A personnel file shall **not** include:

- i. Employee references supplied to an employer if the identity of the person making the reference would be disclosed.
- ii. Materials relating to the employer's staff planning with respect to more than one employee, including salary increases, management bonus plans, promotions and job assignments.
- iii. Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved.
- iv. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- v. Information that is kept separately from other records and that relates to an investigation of the employee by the employer regarding criminal activity that may result in loss or damage to the employer's property or disruption of the employer's business operation.
- vi. Records limited to grievance investigations that are kept separately and are not used for the purposes provided in this subdivision.
- vii. Records kept by an executive, administrative or professional employee that are kept in the sole possession of the maker of the record, and are not accessible

or shared with other persons. But a record concerning an occurrence or fact about an employee may be entered into a personnel record if entered not more than six months after the date of the occurrence or the date the fact becomes known.

5.26 Employee Access to Personnel File

Upon written request that describes the personnel record, any employee may examine the contents of his or her personnel file under the supervision of the Clerk, Supervisor or designee. If an employee demonstrates that he/she is unable to review his/her personnel record at the Township, then the Township, upon that employee's written request, shall mail a copy of the requested record to the employee.

An employee may obtain a copy of the information or part of the information contained in the employee's personnel record. The Township may charge a fee for providing a copy of information contained in the personnel record. The fee shall be limited to the actual incremental cost of duplicating the information.

If there is a disagreement with information contained in a personnel record, removal or correction of that information may be mutually agreed upon by the Township and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position. The statement shall not exceed 5 sheets of 8-1/2-inch by 11-inch paper and shall be included when the information is divulged to a third party and as long as the original information is a part of the file. If either the Township or employee knowingly places in the personnel record information which is false, then the Township or employee, whichever is appropriate, shall have remedy through legal action to have that information expunged.

5.27 Employer Access to Personnel Files

The Supervisor, Clerk and Treasurer shall be allowed to view any personnel file when necessary within the scope of their authority and responsibility. Confidential information contained in a personnel file shall be released to others only with written authorization of the employee.

The contents of an employee's personnel file shall not be removed from the Township offices by anyone. The contents of the employee personnel files shall be considered confidential pursuant to Michigan law.

5.28 Release of Personnel Records to a Third Party

The Clerk or Supervisor shall review an employee or former employee's personnel record before releasing information to a third party and, except when the release is ordered in a legal action or arbitration to a party in that legal action or arbitration, shall delete disciplinary reports, letters of reprimand or other records of disciplinary action that are more than four (4) years old. When notice is required by law, the Clerk shall provide written notice to an employee or former employee of a release of the employee's personnel records.

5.29 Freedom of Information Requests for Personnel Records

Copies of documents contained in the personnel files that are requested pursuant to the Freedom of Information Act may be released only after information that is exempt from FOIA disclosure that may be contained on the document is redacted (deleted or edited out). The FOIA coordinator may contact the Township attorney for advice in responding to a FOIA request involving personnel records.

Adopted _____
Torch Lake Township
Board of Trustees