

City of Lansing



PERSONNEL RULES FOR EXECUTIVE MANAGEMENT PLAN EMPLOYEES

Final Revision 12-7-11

EXECUTIVE MANAGEMENT PLAN POLICIES

In order to assure that the City of Lansing (the "City") is consistent and equitable in the treatment of all employees, the City has personnel policies and rules covering employees. The general employee policies and rules, however, are not appropriate in many cases for managerial level personnel. To recognize this fact and to provide policy parameters relative to managerial/policy level employees, these policies are hereby established.

These Personnel Rules for the Executive Management Plan Employees (the "Rules") are hereby approved by the Mayor and shall be effective as of January 1, 2006. These Rules are approved and shall be implemented, pursuant to Lansing City Charter, Article 4, §4-102.1, as made and promulgated by the Chief Personnel and Training Officer, under the authority of Lansing City Charter, Article 6, §6-102.1 and the Lansing Code of Ordinances, §286.01. These Rules are intended to replace, and are hereby substituted for, the City of Lansing Personnel Rules for the Executive Management Plan Employees in existence prior to the effective date hereof.

Executive Plan

The Executive Plan shall consist of managerial employees including the Mayor's Executive Assistant/Chief of Staff Deputy Chief of Staff, all department heads and Charter defined division heads appointed by the Mayor, who have major mandated policy level responsibilities. This shall be defined as the responsibility effectively to recommend significant policy, to participate in public level policy deliberation, or to act independently in negotiations with external parties.

Upon creation of any new position, reorganization of existing operation or significant change in level of responsibility, the position shall be reassessed to determine whether it is properly a part of the Executive Plan or of the Exempt Classified Plan, pursuant to the above criteria. The Mayor in consultation with appropriate staff shall make such decision.

EXECUTIVE PLAN/MANAGEMENT RULES

Purpose and Application of the Rules

The Rules will serve as the basis for consistent implementation of policy regarding regulations that are a part of employment with the City of Lansing for the Executive Management Plan employees. The Rules contained in this handbook represent the basic rights and responsibilities of City employees appointed by the Mayor, pursuant to the Charter.

For purposes of the Rules, the appointing authority for positions covered herein shall be the Mayor for all department heads, the Treasurer and Assessor.

These Rules may be amended, changed or terminated at any time upon recommendation of the Mayor.

If any provision of these Rules is held invalid under existing or future legislation or by court order, the remaining provisions shall not be affected thereby.

GENERAL CITY POLICIES

A. Equal Employment Opportunity Policy

The City of Lansing recognizes that, as a public employer, it has a special responsibility to adhere not only to the letter of the law, but also to its spirit and to assure fair participation in the City governmental work force by all segments of the population.

Equal employment opportunity will be assured in the City of Lansing municipal personnel system and affirmative action in its administration.

The City of Lansing's Equal Opportunity Policy prohibits any department, agent or employee for and on behalf of the City to discriminate against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspects of personnel administration on the basis of race, color, religion, national origin, age, height, weight, marital status, political orientation, gender, sexual orientation, arrest record, handicap or for any cause not reasonably related to the accomplishment of legitimate governmental purpose. The City shall take affirmative action for the recruitment, hiring and advancement of members or groups under represented at any level of City employment, as set forth in the City of Lansing's Affirmative Action Plan. (A copy of the City of Lansing's Affirmative Action Plan is available from the Human Relations and Community Services Department.)

B. Sexual Harassment Policy

Sexual harassment is a form of discrimination, which is prohibited and will not be tolerated. No person shall be subject to sexual harassment by another employee in seeking employment or during the course of employment in City service. In instances where an employee is found in violation of this policy, appropriate corrective action will be taken, including but not limited to, the use of disciplinary procedures such as written reprimands, suspension, and/or termination depending upon the severity of the act. (A copy of the City of Lansing's Sexual Harassment Policy and Procedures Concerning Sexual Harassment Complaints is available from the Human Relations and Community Services Department.)

C. Reasonable Accommodation Policy

The City's goal in regard to disabled employees is to ensure insofar as possible that no employee must leave the City's work force solely by reason of acquired disability. It is the policy of the City to comply with all applicable federal, state, and local laws and regulations regarding disability and reasonable accommodation. Nothing in these Rules shall be read to the contrary. The City of Lansing will assist individuals who become disabled while employees of the City to maintain their employment by exploring the following options:

1. A return to work at the same job;
2. A return to work at the same job with accommodations;
3. A return to work at a different job;
4. A return to work at a different job with accommodations.

The City of Lansing will work with appropriate medical and rehabilitation personnel to assure that individuals who return to work do so at minimum risk to their health and a maximum utilization of their work skills and abilities.

It is not the intent of the City of Lansing to weaken or otherwise detract from the existing affirmative action policy and outline of the City relative to individuals with disabilities as a protected group. It is, in fact, the intent of the City to strengthen the affirmative action commitment especially as it relates to individuals who become disabled during the course of their employment with the City.

In accordance with Section 504 of the 1973 Rehabilitation Act and Michigan Public Act 220, as amended, and the Americans with Disabilities Act (ADA), the City of Lansing is committed to the provision of reasonable accommodation for all employees requiring such accommodation in order to perform their essential job responsibilities. This policy of reasonable accommodation also extends to all applicants with disabilities seeking employment with the City of Lansing and applies not only to selection and placement, but also to recruitment, training, promotion, and reassignment, where possible. (Copies of the City of Lansing's "Reasonable Accommodation Policy, Procedures and Guidelines" are available from the Department of Human Resources.)

D. Drug Free Workplace

The City of Lansing adopted a "Policy and Procedures for Providing a Drug Free Workplace Environment" to implement the requirements of the federal "Drug Free Workplace Act." The City's policy recognizes that substance abuse is a serious problem that may affect the health and work performance of its employees and is dangerous for user and non-user alike.

The policy provides for a drug free awareness program; a substance abuse awareness and education program; voluntary and confidential participation in rehabilitation programs; access to community resources, as well as the City's Employee Assistance Program and enforcement of violations through the use of disciplinary procedures found in applicable Personnel Rules and/or the City's General Requirements.

The City of Lansing's "Policy and Procedures for Providing a Drug Free Workplace Environment" clearly defines the responsibilities of all employees and requires employees to understand and be familiar with the policy to ensure that the City's workplace is drug free. Violation of the City's policy may be grounds for discipline up to and including discharge. (A copy of the City of Lansing's Policy and Procedures for Providing a Drug Free Workplace Environment is available from the Department of Human Resources.)

E. Termination of Employment Policy

Except as otherwise provided by these Rules or the City of Lansing Charter or Code of Ordinances, the employment relationship between the City and employees covered by these Rules may be terminated by either party. If an employee resigns, such resignation may be

withdrawn only at the discretion of the Mayor or appointing authority. Employees are requested to give 30 days notice prior to last work date.

Upon termination of employment with the City, an employee will be scheduled for an exit interview. At that time, an employee is responsible for surrendering identification cards and any other City property such as keys, basement access cards or equipment issued to the employee while employed by the City. At the time of employment, the employee may authorize deductions from his/her last paycheck to compensate the City for items not returned upon separation from City service.

MANAGEMENT RIGHTS

The City of Lansing retains all management rights not expressly waived in this document

The City, on its own behalf and on behalf of its electors, hereby retains and reserves unto itself, without limitation, all powers, rights authority, duties and responsibilities conferred upon and vested in it by the laws and the Constitution of the State of Michigan and of the United States, the City Charter, the Lansing Code and any modifications made thereto. Further, all rights which ordinarily vest in and are exercised by employers, except as are specifically relinquished herein, are reserved to and remain vested in the City, including, but without limit, by the generality of the foregoing, the right (a) to manage its affairs, efficiently and economically, including the determination of quantity and quality of services to be rendered, the control of materials, tools and equipment to be used, and the discontinuance of any services, material of methods of operations; (b) to introduce new equipment, methods, machinery or processes, change or eliminate existing equipment and institute technological changes and, where practicable, to train existing employees on new equipment or machinery and to decide on materials, supplies, equipment and tools to be purchased; (c) to determine the number, location and type of facilities and installations; (d) to determine the size of the work force and increase or decrease its size; (e) to hire, assign and layoff employees, to reduce the work week or work day; (f) to direct the work force, assign work and determine the number of employees assigned to operations; (g) to establish, change, combine or discontinue job classifications and prescribe and assign job duties, content and classification, and to establish wage rates for any new or changed classifications; (h) to determine lunch, rest periods and clean-up times, the starting and quitting time and the number of hours to be worked; (i) to establish work schedules; (j) to adopt, revise and enforce reasonable work rules and general requirements and to carry out cost and general improvement programs; (k) to transfer, promote and demote employees from one classification or department to another except that demotion shall not be utilized for the purpose of disciplining an employee; (l) to select employees for promotion or transfer to supervisory or other positions, and to determine the qualifications and competency of employees to perform available work.

These rules may be amended, changed or terminated at any time by the Mayor, upon the recommendation of the Chief Personnel and Training Officer.

EMPLOYEE RESPONSIBILITIES

A. Work Standards and General Requirements

Employees of the City of Lansing are required to adhere to the regulations contained within the Ethics Ordinance. General Requirements are applicable to all City of Lansing employees, except those covered by Fraternal Order of Police or International Association of Fire Fighter Agreements. The reason for establishing these requirements is not to restrict the rights of anyone, but to define the rights of all and ensure cooperation and a reasonable standard of productivity and professionalism.

It is an employee's responsibility to understand the intent and scope of these City work rules and related departmental guidelines and requirements.

Employees who violate any General Requirement ("GR") subject themselves to formal disciplinary action, which may range from written reprimand through discharge, with or without a disciplinary layoff. The specific type of disciplinary action taken in each instance depends on the nature of the employee's offense, the circumstances and the manner, in which it was committed, as well as his/her disciplinary and work records. The General Requirements are as follows:

- GR – 1 Employees are required to report on time for work.
- GR – 2 Unexcused absences are prohibited.
- GR – 3 Excessive absenteeism is prohibited.
- GR – 4 Insubordination is prohibited.
- GR – 5 Traffic in and/or the consumption of and/or anyone suffering from the immediate or after effects of dangerous drugs or alcohol while at work is prohibited.
- GR – 6 Misappropriation or unauthorized use of city money, property, equipment or supplies is prohibited.
- GR – 7 Gambling on city time or property, during lunch or rest breaks is prohibited.
- GR – 8 Inefficient, careless, inactive or unproductive work is prohibited.
- GR – 9 Falsification of city records is prohibited.
- GR – 10 Fighting, threatening or being disrespectful to other city employees or members of the public are prohibited.

- GR – 11 Unsafe acts which endanger the person or property or himself/herself or others is prohibited.
- GR – 12 Improper personal conduct is prohibited.
- GR – 13 Employees are not permitted, under any circumstances, to carry or have in their possession weapons, while either on city property or during work hours.

B. Absences

All employees are expected to maintain good attendance records. An absence of three (3) consecutive workdays without notification to the appointing authority shall be considered a voluntary termination.

All absences shall be charged to accrued vacation leave, personal leave or accrued sick leave, whichever is appropriate or mandated by the Family Medical Leave Act (FMLA). However, when no accrued leave time is available, unpaid leave may be granted subject to the approval of the appointing authority.

In cases of exceptional need, donation of leave time up to a maximum of sixty (60) days may be granted to an employee who has exhausted his/her leave time by other employees. Donations must be documented in writing by the donating employee and are subject to the approval of the appointing authority and the Director of Human Resources. Executive Management Plan Employees may also donate sick leave to any City of Lansing employee, if allowed by applicable collective bargaining units. Such donations will not be counted as sick leave occurrences.

TERMS OF EMPLOYMENT

A. Employment Contract

The Mayor shall develop and implement an employment contract for all members of the Executive Management Plan subject to the City Charter, ordinances, policies and these Personnel Rules.

B. Performance Evaluations

Employees are evaluated by the appointing authority on an annual basis. Merit increases, as warranted, may be granted on an annual basis until the employee reaches the top of their salary range. In no case shall an employee be paid a salary of more than the maximum salary of their position classification.

At the time of evaluation, the appointing authority will discuss with the employee the areas in which the employee is doing well and those areas that need improvement. The employee's signature on the evaluation indicates neither agreement nor disagreement with the contents, but

only that such areas have been discussed. The employee may respond, in writing, to their evaluation. A copy of the evaluation and any response shall be retained in the employee's personnel file. Performance evaluations are confidential and only authorized personnel shall have access to them, except as otherwise provided by federal, state or local law.

CLASSIFICATION ADMINISTRATION

A. Classification Plan

The City of Lansing establishes and maintains a system for the evaluation and classification of all full-time positions covered by these Rules. The Classification Plan is designed to classify and compensate all positions according to their major characteristics, so that similar duties and responsibilities of various positions are recognized and will be fairly and equitably compensated.

The Mayor has the authority to set the salaries, within the Hay Classification System, for the employees covered by these Rules. The Personnel Department has the authority to set classifications and make reclassifications within the Hay Classification System for the employees covered by these Rules. The Personnel Department investigates the requirements of the positions and makes recommendations based on criteria established for City classifications. Although the City supports the development of job skills and competence, the acquisition of additional employment credentials does not, by itself, lead to subsequent reclassifications.

All requests for reclassification of existing positions or classifications for new positions are referred to the Department of Human Resources through the appointing authority. A description of the procedures for classification review may be obtained from the Department of Human Resources.

B. Working Out of Classification

In special circumstances requiring immediate action, it may be necessary for an employee to be assigned work at a higher classification and compensated at a rate of pay within the range of that higher classification.

Assignments out of classification are intended to be temporary in nature and for the purpose of filling the position while seeking a suitable replacement. An out of classification assignment shall not exceed one year, unless the appointing authority documents an emergency need to continue the temporary assignment or an inability to fill the position with a qualified applicant.

An employee working out of classification may be considered, along with other applicants, for the vacant position. The employee, by virtue of this temporary assignment, is not guaranteed permanent placement.

Compensation guidelines for out-of-classification work assignments are determined by the Mayor.

COMPENSATION ADMINISTRATION

A. General Provisions

The salary set for a classification shall be called the salary range, whether the salary consists of a single rate or a series of salary rates. The City of Lansing Classification and Compensation Manual established in conformity with the Hay Classification System, provides specific salary information for classifications covered by these Rules.

Employees at the date of hire shall be compensated at a rate of pay determined by the Mayor for their classification and are eligible to receive merit pay increases determined by the Mayor. All such increases are based upon the employee's achievement on meeting the performance objectives set for the position.

Depending on experience and education, the appointing authority may establish through the Department of Human Resources the placement of a new employee at a rate of pay which falls within the salary range of the classification level to which the individual is assigned up to the top of the range which is commensurate with the new or promoted employee's experience and education. Such placement shall be contingent on budgetary appropriation being available.

B. FLSA

Employees covered herein are considered to be exempt from the overtime regulations of the Fair Labor Standards Act (exempt employees by definition).

FILLING OF VACANCIES

The appointing authority for positions covered by the Executive Management Plan Rules is the Mayor.

The Mayor, in consultation with the Director of Human Resources will determine the selection process to fill a vacant Executive Management classification position. It is the objective of the City to employ a highly qualified person for each vacancy based on established requirements for the job. Employees of the City of Lansing may be given consideration for promotional vacancies that occur for which they are qualified. The Department of Human Resources shall advise the candidate selected of the appropriate personnel processing and hiring procedures.

LEAVE OF ABSENCE

All requests for leaves of absence must be made in writing to the appointing authority and are subject to final approval by the Director of Human Resources.

A. Military Service - Leave of Absence

The City of Lansing shall comply with the Uniform Service Employment and the Reemployment Rights Act regarding any employees who are called into active duty.

B. Military Reserve - Leave of Absence

Regular employees who are members, with active status, of an armed force reserve unit shall, at his/her request, be granted a leave of absence. The City will pay only the difference between the employee's regular pay and military pay for a period not to exceed ten (10) days per year. Employees may, at their option, charge additional reserve leave time against their earned vacation leave. Requests for military reserve leave of absence must be accompanied by written orders from the commander of that armed forces reserve unit, indicating report and return dates of the training period. Employees who decide to become active members of an armed forces reserve unit must advise their department head of this decision in writing.

C. Jury Duty - or Witness Service

An employee shall be given an excused absence with pay for the period of working time lost when called to serve on jury duty or when required to serve as a witness as a result of being served with a subpoena for a job-related matter. At the discretion of the appointing authority, an employee subpoenaed as a witness in a non-job related matter may be excused with pay. The employee must give the appointing authority prompt notice of any call for jury duty or witness service and, thereafter, provide evidence of jury duty service or witness service and of the payment received for it.

D. Family Medical Leave Act

Employees who have worked for a total of twelve (12) months and, at least 1,250 hours over the previous twelve (12) months, are eligible to receive up to a total of twelve (12) work weeks of unpaid leave during any 12-month period, as mandated by the Family and Medical Leave Act (FMLA) of 1993 (29 CFR), Title 29, Chapter V, Subchapter C, Part 925. Eligible employees will be granted FMLA in cases of need, such as a serious health condition of the employee, family member, or birth or placement of a child for adoption or foster care. Information regarding FMLA is available in the Department of Human Resources.

E. Personal Leave of Absence

If a need exists that is not covered by or extends beyond a Family Medical Leave Act entitlement, employees may be granted a leave of absence without pay in cases of need, such as serious illness or disability of the employee or family member, care of newborn, or settlement of an estate. All such leaves of absence shall be granted at the discretion of the appointing authority

for thirty (30) days. The Director of Human Resources may grant leaves in increments of up to thirty (30) consecutive calendar days, the total of which will not exceed one year. Further extensions may be granted at the discretion of the Director of Human Resources and appointing authority.

The following will govern employee fringe benefit coverage while on approved leave of absence:

1. For a period not to exceed ninety (90) days employees will receive health, life, and dental coverage and will accrue seniority.
2. After ninety (90) days, but not longer than one year from the date of the original leave request, employees may continue insurance benefits at their own expense and will not accrue seniority. Payment for insurance benefits shall be made to the Finance Department at such time as he/she requires.
3. During a leave of absence employees shall not accrue vacation or sick leave.

SAFETY RULES

The City of Lansing has established safety rules for all employees. Adherence to the rules is required to ensure safe and healthy working conditions. Employees shall observe fire and safety rules and safe work practices. A complete copy of the safety procedures governing the operations of the City may be obtained from the Safety and Worker's Compensation Office, Department of Human Resources.

Any incident in which an employee is injured must be reported within twenty-four (24) hours, to the appointing authority and the Safety and Worker's Compensation Office in the Department of Human Resources. Failure to report an injury or damage to City property within the appropriate time period could subject the employee to discipline.

Operating vehicles or equipment without possession of a valid driver's license or authorization consistent with city or state laws is prohibited.

The appointing authority must be informed of any use of prescription medication, which could generate side effects resulting in a potential safety hazard to any person or property.

ABSENCES DUE TO WEATHER CONDITIONS

A. Non-Emergency

In the event of heavy snow or other adverse weather conditions which do not constitute an emergency as declared by the Mayor requiring the general closure of City facilities:

1. Employees are required to report to work.

2. Employees who are, nevertheless, unable to report to work because of heavy snow conditions or other adverse weather conditions will be allowed to utilize vacation or personal leave for the period of time that they are unable to report to work.
3. Employees who elect not to utilize personal leave, or vacation time may be granted an excused absence without pay for the applicable period.

B. Emergency

In the event of heavy snow or other adverse weather conditions which do constitute an emergency as declared by the Mayor requiring the general closure of City facilities:

1. Employees reporting and authorized to work shall be paid for the hours worked and receive an equal number of hours off at a later date. Employees who do not work shall be paid for the day as an "Administrative Leave Day" which will not be charged against any leave balance.
2. Employees, who are required to work on such days which constitute an emergency requiring the general closure of City facilities, shall receive one hour of additional vacation leave for each hour worked up to eight hours.

PERSONNEL FILE

The City shall maintain one official personnel file for each employee, which shall be located in the Department of Human Resources. Any document not placed in an employee's official personnel file within six (6) months of its preparation or receipt by the City may not be used by the City for any purpose. Upon a (2) two-day notice to the Department of Human Resources, any employee shall have a right to review his/her personnel file.

It is the responsibility of each employee, whether on or off the active payroll to keep the City advised of his/her correct mailing address and telephone number.

In the case of an employee on the City's active payroll, notice of change of address or telephone number shall be considered to have been properly given, only if the employee makes the change on the form available in and filed with the Department of Human Resources.

In the case of an employee who is off the City's active payroll (such as those on lay-off, leave of absence, vacation, etc.), notice of change of address or telephone number shall be considered to have been properly given, only if the employee follows the procedure above, or gives notice by registered or receipt mail addressed to:

Director of Human Resources
City Hall, Fourth Floor
124 W. Michigan Avenue
Lansing, MI 48933

The City shall be entitled to rely on the last address and telephone number furnished to it by the employee, and the City shall have no responsibility to the employee for consequences arising from the employee's failure to give notice of change of address or telephone number in line with the above.

FRINGE BENEFITS

(Subject to Revision by the Mayor)

Fringe benefits provided to Executive Management Plan Employees shall be in accordance with provisions provided to other city employees, as determined by the Mayor in consultation with the Director of Human Resources. The city will furnish current copies of fringe benefits to all full-time regular employees covered under these rules.

It will include the following:

- Health Insurance
- Dental Insurance
- Life Insurance
- Longevity Bonus
- Vacation
- Sick Leave
- Personal Leave Days
- Holidays
- Bereavement Time
- Education and Training
- Parking/Transportation Subsidy
- Deferred Compensation
- Classification/Compensation
- Retirement

Compensation and classification shall be established through job content evaluation and wage line administration, pursuant to the City's adopted Classification/Compensation Plan. Subsequent increases in compensation levels for the Executive Management Plan Employees shall be determined by the Mayor in accordance with Performance Evaluations. Cost of Living increases in compensation may be automatically provided by the Mayor consistent with levels and dates provided to other city employees.

**ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL RULES FOR EXECUTIVE
MANAGEMENT PLAN EMPLOYEES**

I hereby acknowledge receipt of the Personnel Rules for Executive Management Plan Employees (the "Rules").

I understand these rules shall govern my employment relationship with the City of Lansing.

Name: _____
(Print)

Date: _____

Name: _____
(Signature)

Date: _____

Witness: _____

Date: _____

Revised – 5/4/07