



CITY OF BERKLEY, MICHIGAN

**MERIT SYSTEM OF
HUMAN RESOURCE MANAGEMENT**



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As Adopted with Amendments to Date:

R-22-89	03-06-1989
R-68-89	07-17-1989
R-78-91	07-15-1991
R-137-91	11-18-1991
R-77-92	06-15-1992
R-63-93	06-27-1993
M-30-93	10-04-1993
R-31-95	06-19-1995
R-50-97	08-18-1997
R-47-98	08-17-1998
R-65-99	12-06-1999
R-72-99	12-06-1999
R-24-00	07-01-2000
R-37-00	09-18-2000
R-39-00	10-20-2000
R-23-01	06-18-2001
R-41-03	12-01-2003
R-27-07	05-21-2007
R-33-08	06-16-2008
R-56-10	11-15-2010
R-08-11	02-07-2011
R-03-14	01-06-2014
R-38-16	11-21-2016
M-78-21	12-20-2021



INTRODUCTION

PREFACE

The City of Berkley is a municipal service institution that recognizes its subordination to the people of Berkley. The city shall provide for the public peace, health and safety of persons and property within its jurisdictional limits. The people have a right to expect city officials and employees to serve with integrity and transparency, at all times, while conducting the business of the city. This document provides guidelines for the general management of the city's human resources, it is not intended to address every aspect of human resource management for employees subject to these policies and procedures.

HOURS OF OPERATION

Departmental business hours may vary based on the nature of the work and other legal requirements (including collective bargaining agreements). Changes in department work schedules are approved by the city manager as deemed necessary and when the change is in the best interest of the city. Various employees may also be subject to flexible or remote working schedules as outlined in these Human Resource Management policies, which at times may result in alternative hours of work.

APPEARANCE STANDARDS

Employee attire shall be determined by the type of work performed by the department. Those who work in office environments should dress in a professional manner. Each Department Director shall establish a dress code which shall define appropriate employee attire. The dress code for each department must be approved by the City Manager and may be revised at any time.

EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

The City of Berkley provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, genetic information, height, weight, disability, veteran status, familial status, marital status or any other reason, that is unrelated to the person's ability to perform the duties of a particular job or position, in accordance with applicable federal and state laws. This policy applies to all terms and conditions of employment including recruiting, hiring, placement, promotion, termination, layoff, transfer, leaves of absence, compensation and training.

The City of Berkley expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or veteran status, Improper interference with city employees' ability to perform their job duties may result in discipline up to and including discharge. It is the policy of the City of Berkley to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the policy not to discriminate against qualified individuals with disabilities in regards to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability requests accommodation that can be reasonably accommodated, without creating an undue hardship or causing a direct threat to workplace safety, the individual will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired. The City of Berkley will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City of Berkley. Any questions and/or requests for accommodations should be submitted to the city manager.



CHAPTER 1: MERIT SYSTEM OBJECTIVES

101 PURPOSE OF MERIT SYSTEM

This Merit System gives effect to the intent and requirements of Section 8.14 of Chapter 8 of the Charter of the City of Berkley pertaining to personnel management. The rules and procedures hereinafter set forth, together with any additions, amendments, city Charter provisions and applicable state and federal laws, shall govern the conditions of employment for all city employees, administrative officers, and officials, excluding:

- a) Elected officials.
- b) Members of boards and commissions.
- c) Volunteer personnel.
- d) Independent contractors providing services to the city.
- e) Employees covered by collective bargaining agreements.
- f) City manager and the City Attorney.
- g) Any other employee determined to be exempt by the City Council and any employee with an individual employment agreement approved by the City Council.

101.01 As “at will” employees, Merit System employees serve at the pleasure of the appointing authority and may be removed by the appointing authority with or without cause. The employment relationship is voluntary and subject to termination by the employee or the City of Berkley at will, with or without cause, and with or without notice, at any time. The Merit System shall not be interpreted to be in conflict with or to eliminate or modify, in any way, the employment-at-will status of Berkley city employees.

102 ADMINISTRATION OF THE MERIT SYSTEM OF HUMAN RESOURCE MANAGEMENT

The Merit System is not an employment contract. Pursuant to Section 2.5 of Chapter 2 of the Berkley City Code, the city manager shall establish necessary procedures for the orderly administration of the Merit System of Human Resource Management. The administrative procedures, described in this document, when taken as a whole, shall be directed towards the following objectives:

- a) Establish standards so that appointments and promotions to positions in the classified service are made on the basis of qualifications, merit and fitness.
- b) Provide for consistent administration of city policies and procedures related to employment, performance management and benefits for employees covered by the Merit System of Human Resource Management.
- c) Confirm that all employees covered by the Merit System are “at will” employees.

102.01 A performance rating system shall be provided whereby economy and effectiveness in personal services may be promoted to the mutual benefit of the employees, city officials, taxpayers and all the people of Berkley. Employees are encouraged to render the best service to the city in order to achieve the city’s overall operational objectives.

102.02 These policies and procedures are intended to address most employee issues. In no way shall this document limit the city’s exclusive right and responsibility to manage operations in the most effective and efficient manner. Policies and procedures not specifically covered in this document, shall be addressed by the city manager in keeping with the intent of the city charter and the Merit System objectives.



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103 COPIES OF MERIT SYSTEM PROVIDED

The city manager shall provide copies of the Merit System of Human Resource Management document, including any attachments or exhibits, to the Mayor and City Council, all Merit System employees, department heads, and other administrative officials so they can become familiar with its content and purpose, and apply the policies and procedures accordingly.

104 MERIT SYSTEM REVISIONS

The Merit System of Human Resource Management shall be revised or updated as needed. When evaluation or revisions are warranted, the City Manager shall convene the Merit System Review Committee composed of one Merit employee from each department; each department shall select their own representative by way of secret ballot election. The Merit System Review Committee shall be convened no less than once every five years.

104.01 The Merit System Review Committee shall review the current Merit System of Human Resource Management and offer policy or benefit recommendations for consideration. The City Manager, in collaboration with the Finance Director and Labor Attorney, shall evaluate the recommendations set forth by the committee to determine any legal, administrative, or budgetary concerns. The City Manager shall have the authority to accept the recommendations and submit the revised document to City Council for consideration and adoption during a regular City Council Meeting. Should the City Manager deny any proposed recommendations from the Committee, they shall furnish an official response to the Committee detailing the reasons associated with each denial.

CHAPTER 2: POSITION CLASSIFICATION PLAN

201 PREPARATION OF CLASSIFICATION PLAN

The city manager shall prepare a classification plan that includes written job descriptions for each position in the classified service. The classification plan will group those positions which are similar with respect to difficulty, responsibility and character of work. Job descriptions will document overall objectives of a position, describe the reporting structure, training, skills and experience required for effective performance. This will provide guidance for the uniform administration of titles and compensation of all positions filled by the city, especially when similar positions exist in different departments. The classification plan will be updated periodically as determined by the city manager.

202 ADMINISTRATION OF THE PLAN

In response to changing operational needs, the city manager will determine that a new or different type of position in the classified service is warranted. The city manager may study and define the position, assign it to the proper class and allocate funds to support the position. All requests to add new positions are submitted to City Council for review and approval before the positions are filled.

202.01 Except where prohibited by law or the City Charter, the city manager may combine, assign, reassign, divest, or combine the work and responsibilities of any position based on operational needs or demands. When such actions are taken, the position definition and pay classification for the position(s) will be amended.



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203 RECLASSIFICATION OF EXISTING POSITIONS

The city has the right to reclassify positions and job assignments based on budgetary and other operational demands. When this occurs, employees in the affected positions may accept or reject the reclassified position.

203.01 Employees who choose to reject the reclassified position will be separated from city service and will have no recourse to the grievance procedure. Employees who accept the reclassified position will be subject to the Merit System provisions for the reclassified position title. Employees separated under these circumstances will be paid for any unused, accrued vacation leave hours at the rate of pay for the position before the reclassification became effective. This payment will be processed within 30 days of the status change effective date.

203.02 If employees affected by a position reclassification are eligible and chooses to retire, sick leave banks will be liquidated according to Merit System provisions in effect at the time of retirement. No portion of the sick leave bank will be payable if the transitioned employee is not eligible for retirement from city service.

CHAPTER 3: PAY PLAN

301 RESPONSIBILITY OF THE CITY MANAGER

As provided in Chapter 8, Section 8.1(c), of the city Charter, the city manager, unless another method is provided by law or the city Charter, shall set the salaries or wages of Merit System employees in accordance with budget appropriations. In the exercise of these responsibilities a pay plan shall be developed and administered as more fully described below.

302 COMPENSATION PLAN

Employees who are part of the Merit System shall receive compensation as set forth in Exhibit A to this document.

303 ADMINISTRATION OF THE COMPENSATION PLAN

The city manager shall recommend any changes to the compensation plan for City Council consideration during the presentation of the annual budget or at other times as deemed necessary.

303.01 Classes of positions shall be evaluated in terms of their relative difficulty, responsibility and other pertinent factors as determined by the City manager. The city's financial condition will be considered by the city manager before recommending modifications to the compensation plan.

303.02 With respect to Department heads, Administrative Officers, and other designated exempt employees, the city manager may establish an Executive Salary Schedule wherein annual salary adjustments for such officers will not depend on fixed percentage steps through established ranges, but instead may move at varying rates depending not only on performance, growth and development, but also on contributions to decision making, future potential and value to the city.



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- 303.03** Consistent with the provisions of Chapter 5, Employee Performance and Achievement Evaluation, the salary of each employee shall be reviewed annually. Salary increases will normally be made effective the first pay period of the fiscal year.
- 303.04** Generally, a new employee shall be compensated based on the most current compensation plan. Exceptions may be granted, with city manager approval, based on the new employee's qualifications, experience and skills.

CHAPTER 4: EMPLOYMENT PROCEDURES

- 400** **EMPLOYMENT APPLICATION FORMS**
Employment applications for positions in the Merit System shall be made on forms provided by the city manager. Applicants must submit a completed, signed application to be considered for an open position.
- 401** **EXAMINATIONS**
Unless the city manager determines otherwise, all full-time positions filled by recruitment from outside the classified service may be filled through examination. The city recognizes that certain positions may need to be filled through an individual recruitment process due to the nature of the position duties.
 - 401.01** Examinations will be offered in a format as determined by the city manager and may include a written, oral or performance tests, or any combination, thereof. Other factors such as education, experience, aptitude, knowledge, skill, character, or any other qualifications may also be considered to determine the relative fitness of applicants. Promotional examinations shall be open to all employees who meet the position requirements. In all examinations, candidates will be notified in advance of any minimum requirement on each part of the test in order to receive consideration for appointment.
 - 401.02** Prior to original appointment to the classified service, applicants may be required to undergo a physical examination, at city expense, consistent with the law. Continued employment shall be contingent upon the employee meeting the essential physical requirements for the position. Physical requirements for employment which include a drug screening shall follow the standards outlined in Chapter 7 of this document. Key administrative officials may receive annual physical examinations at city expense as determined by the city manager.
- 402** **PROBATIONARY PERIOD AND PURPOSES**
The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized for the purpose of observing the new employee's work performance and skills; and for rejecting any employee whose performance is unsatisfactory.
 - 402.01** The city manager shall exercise complete authority, discretion, and responsibility at any time during the period to determine whether an employee has demonstrated sufficient achievement in all aspects of the position and to act upon that determination. The city manager's decision on this issue shall be final. The probationary period shall begin immediately upon appointment and shall continue as follows:



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- a) Employees shall serve a probationary period of six (6) months for original appointments and for promotional appointments.
- b) City Manager may grant extensions of the probationary period, not to exceed six (6) months.

402.02 Prior to the expiration of an employee's probationary period, if it has not been previously terminated or cancelled, the department head may submit a written report to the city manager evaluating the performance of the employee. The report shall be in the form designated by the city manager. A copy of the report shall be provided to the employee.

402.03 A new employee who does not satisfactorily complete the probationary period will be separated from city employment.

402.04 An employee receiving a promotional appointment who does not satisfactorily complete the probationary period, will be separated from city employment unless a prior contingency had been agreed to by both parties.

402.05 An employee receiving a promotional appointment who voluntarily requests that the probationary period be cancelled, may be returned to the position and wage held immediately prior to the appointment.

402.06 An employee whose employment is terminated, or who is returned to a prior position due to unsatisfactory completion of the probationary period, shall have no recourse to the grievance procedure.

403 PART-TIME, SEASONAL, AND TEMPORARY EMPLOYEES

A part time employee shall be defined as an employee who works less than full time in an established position with a regular schedule of a maximum of 28 hours per week and is on duty between 48 and 50 weeks per fiscal year. (R-03-14)

Part-time employees are "at will" employees and may be terminated at any time it is determined that such action is in the best interests of the city. An employee so terminated shall have no recourse to the grievance procedure.

403.01 Part-time employees hired before July 1, 2008 will be credited with one (1) hour of paid leave for every thirty hours of paid work for the city. The leave may be used as either sick leave, vacation leave, or personal leave purposes as scheduled. Its use is subject to the respective provisions regarding each type of leave as described in Chapter 8 of the Merit System. A maximum of 70 hours may be accumulated. Unused hours are not eligible for severance pay off when the employee is separated or otherwise terminated from employment.

Part-time employees hired after July 1, 2008 are eligible for paid leave time only as outlined in Chapter 8 of the Merit System.

403.02 Seasonal and temporary employees are those hired for a specified period of time, Seasonal and temporary employees are also "at will" employees and may be terminated at any time the city manager determines that such terminations are in the best interests of the city. An employee so terminated shall have no recourse to the grievance procedure and the city manager's decision is final.



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- a) Seasonal and temporary employees are not eligible for benefits provided for full time employees and will not be paid for holidays during the term of employment. If overtime is authorized, such employees shall be paid for overtime hours worked according to the same process used for full time employees. Overtime is paid for any time worked in excess of an 8-hour day.
- b) Seasonal or temporary employees can work for the City of Berkley for a maximum of 120 working days. Additional time (more than 120 workdays) may be approved by the city manager if deemed in the best interest of the city.

403.03 Part-time, seasonal and temporary employees are not eligible for health care, vision, prescription or dental benefits from the city. Those hired after July 1, 2008 are not eligible for pension or life insurance benefits from the city.

404 LAYOFF

Employees may be laid off for any of the following reason after consultation with Department heads:

- a) Lack of work
- b) Lack of funds
- c) Other reasons deemed appropriate by the city

406 RECORDS AND REPORTS

All appointments, separations and other personnel transactions must be finalized using the Employee Status Change Form as designated by the city manager. Regular attendance reports shall be prepared and submitted by each department as required by the city manager.

406.01 A department head or other official may replace an employee, or change the salary or status, by submitting a properly completed Employee Status Change Form designated and approved by the city manager. The form must include the required payroll information needed to identify names, salaries, dates of appointments, and other data, to determine that all employees listed on a given payroll are in accordance with the provisions of these regulations. Department heads shall examine and certify payroll time sheets for each employee prior to submission for salary payment.

CHAPTER 5: EMPLOYEE PERFORMANCE AND ACHIEVEMENT EVALUATION

501 OBJECTIVE

The city manager shall prepare a system for evaluating the work performance and achievements of all employees. The primary purpose of the employee performance evaluation shall be to inform employees on how well they are doing their work and how they can improve work performance. This includes the preparation of a developmental plan for each employee with substantial employee participation.

501.01 The performance evaluation may also be used in determining salary increases and decreases; as a factor in determining order of layoff; as a basis for training, demotion, transfer or dismissal; and for such other purposes as set forth in these regulations.

502 FREQUENCY OF EVALUATION

Evaluations may take place at the sole discretion of the city.



503 EVALUATION PROCEDURES

Written evaluations shall be made by the immediate supervisor (evaluator) and reviewed with the city manager or the city manager's designee. The evaluator shall discuss each performance evaluation with the employee being evaluated.

503.01 All performance evaluations shall be confidential and be made available only to:

- a) the employee evaluated
- b) the employee's supervisor or department head
- c) the city manager or designee
- d) others as required by law

503.02 If for any reason a department head shall request an alteration of the performance evaluation form after it has been officially submitted to the city manager's office, such request shall be in writing and include the reason(s) for the request. The requested alteration, when approved by the city manager, shall become the official performance evaluation.

503.03 The city manager may demote any classified employee when the employee is incapable of adequately performing the duties of the current position but meets the minimum qualifications of an available position with a lower classification. A written statement of the reasons for such action shall be furnished to the employee prior to demotion. If no suitable position is available, the employee will be laid off.

CHAPTER 6: DISCIPLINARY ACTION

601 CAUSES FOR DISCIPLINE

The following, (although not intended as an exhaustive listing), shall be sufficient, and indicative of, causes for disciplinary action up to and including discharge:

- a) Being convicted of a felony.
- b) Insubordination (disobedience).
- c) Abuse of leave times.
- d) Being absent without leave.
- e) Excessive tardiness.
- f) Abuse, theft or negligent use of city property.
- g) Giving false statements to supervisors or the public.
- h) Refusing to return to work as directed by the Employer.
- i) Violation of the city Charter, city ordinances, administrative regulations or departmental rules.
- j) Self-administered or consenting use of any product, substance, food, beverage, etc., except medicine prescribed by a physician, which renders the employee incapable of performing the job duties and responsibilities during working hours or while conducting business on behalf of the City.
- k) Any discourteous treatment of the public or of other city employees, officials, or members of the City Council.
- l) Discovery of a false statement in an application which had not been detected previously.
- m) Placing members of Council in jeopardy of noncompliance with the terms of the city Charter by acting upon their directions given, or otherwise dealing with them, without proper authorization.



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- n) Unauthorized use or attempted use of the employee's position of public authority and trust for purposes of private economic gain or other advantage.
- o) Unauthorized solicitation or receipt of gifts of money or other items of value to the employee in exchange for the performance of public responsibilities.
- p) Violation of any of the city's policies and directives
- q) Any other reason which is a similar or equivalent offense.

602 TYPES OF DISCIPLINE

Following are types of progressive disciplinary action that may be invoked against employees in the classified service. They may be independently invoked. The level of discipline will depend upon the employee's work record and the severity of the offense. As a result, the employer reserves the right to impose the appropriate level of discipline based on the severity of the offense.

- a) **REPRIMAND:** Each department head shall report any verbal or written reprimand as a part of the employee's service record by the forwarding of a written memorandum to the city manager for inclusion in the employee's file. A copy of such reprimand shall be forwarded to the employee. Such reprimand shall remain a part of the employee's service record for a period of at least one (1) year unless determined otherwise by the city manager. Written reprimands which have been satisfactorily resolved without repeat offenses during its record, shall be removed from the employee's service record no later than two (2) years from initial service to the employee.
- b) **SUSPENSION:** The city manager may, for disciplinary purposes, suspend any city employee without pay. Such suspension shall not exceed ten (10) working days for any one offense. Suspensions totaling more than thirty (30) working days in any thirty-six (36) successive months shall be deemed a dismissal and the employee shall be separated from City service.
- c) **DEMOTION:** The City Manager may demote an employee occupying a position when such action is deemed in the best interest of the City. In any case of demotion, the City Manager shall provide a written statement to the involved employee describing the reasons for such action. A copy of the statement shall be placed in the employee's service record.
- d) **DISMISSAL:** The city manager may dismiss an employee occupying a position when such action is deemed in the best interest of the city. In any case of dismissal, the City Manager, in any case of dismissal, shall provide a written statement to the involved employee describing the reasons for such action. A copy of the statement shall be placed in the employee's service record.

CHAPTER 7: EMPLOYEE RELATIONS

701 HOURS OF WORK

The normal basic work day for full time employees shall be from 8:30 AM. To 5:00 P.M. with one (1) hour for lunch. The basic work week shall be five (5) days, Monday through Friday. The City Manager may modify overall city hours of operation or adjust department work schedules to accommodate temporary or long-term needs.

- a) Department heads may submit written requests to modify the department hours of operation to the City Manager for consideration.
- b) Employees may submit written requests for a flexible working schedule to their respective Department head or, if appropriate, the City Manager. The request should detail the flexible working schedule arrangement and any prescribed expiration or reevaluation.



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- c) Employees may submit written requests for a remote working arrangement to their respective Department head or, if appropriate, the City Manager. The request should detail the remote working arrangement and any prescribed expiration or reevaluation.
- d) Proposed changes in department hours of operation, employee flexible schedules, or remote work arrangements should not be implemented without City Manager approval.

702 ATTENDANCE

Employees are expected to report to work as scheduled. An employee who is unable to report to work shall inform the supervisor immediately. Employees are considered absent without leave when the:

- a) leave was not approved in advance.
- b) employee does not report to work and does not notify the supervisor within one hour of the scheduled start time.
- c) employee does not have a predetermined flexible or remote work schedule outlining their reasons of physical absence.

702.01 Department heads shall maintain department records related to employee attendance. Incidences of excessive absences will be evaluated and addressed on a case-by-case basis. When necessary, disciplinary actions will be initiated by the department head with support from the City Manager.

703 OVERTIME - NON-EXEMPT EMPLOYEES

The City shall comply with all state and federal requirements related to overtime compensation for all non-exempt employees:

- a) Overtime hours shall be recorded using the prescribed area of the employee timesheet and shall be paid in increments of fifteen (15) minutes.
- b) Department heads are responsible for authorizing overtime work in advance.

703.01 Notwithstanding the forty (40) hour work week provision contained in current law regarding when overtime must be paid, a non-exempt employee who works at least 15 minutes in excess of the standard work day for the employee's department or job classification, shall be paid overtime for the time worked, provided such overtime work has been authorized or directed by the appropriate supervisor.

704 EXEMPT EMPLOYEES

Employees who are exempt from overtime pay legislation are paid a salary regardless of the number of hours worked and perform all of the following:

- a) Supervise others.
- b) Spend more than 50% of their time managing a department or city operations.
- c) Use considerable discretion and independent judgment in their work.

704.01 The City Manager shall designate which employees are exempt employees, and may change such designation, based upon analysis of the responsibilities performed and the previously listed activities. Upon any edits of which employees are designated exempt, the City Manager shall amend Addendum 1 of this document and subsequently communicate those edits to City Council and all Merit employees.



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705 COMPENSATORY TIME OFF – NON-EXEMPT EMPLOYEES

Pursuant to Michigan Public Act 337 of 2018, also known as the Improved Workforce Opportunity Wage Act, the City of Berkley shall offer all full-time non-exempt Merit employees the opportunity to earn Compensatory time off in lieu of earning overtime compensation wages.

Any Compensatory time off in lieu of overtime wages must be voluntary by the employee and must be approved by the employee's immediate supervisor or department head prior to working the overtime.

705.01 Compensatory time off shall be accrued at a rate of one and one half (1.5) hours for each 1 hour of overtime worked by the employee. Work completed on Sundays or holidays, with exception to Police Service Aides, shall be accrued at a rate of two (2) hours for each 1 hours of overtime worked by the employee. When Compensatory time is utilized it shall be used at a rate of one hour for every one hour not worked.

705.02 An employee's Compensatory leave time bank balance shall not exceed 240 hours. Any excess past the maximum allowed shall be paid as overtime wages to the employee.

705.03 An employee must be permitted to use Compensatory leave time as requested unless use would be unduly disruptive and would cause detriment to the normal operation of City services.

705.04 Upon separation from City service for any reason, the City shall pay out all earned Compensatory time off at a rate not less than the employee's regular wage rate.

706 GRIEVANCE PROCEDURE

After becoming aware of a dispute concerning the interpretation, application, or enforcement of the Merit System of Human Resource Management, the employee shall present the grievance in writing, to the Department Director, in accordance with the requirements within this section.

706.01 Grievances must relate to the interpretation and application of the Merit System of Human Resource Management and shall be taken up promptly. Any grievance not appealed within specified time limits outlined below shall be deemed settled and not subject to further discussion or appeal.

706.02 A written grievance shall contain the following information:

- a) name of the aggrieved employee.
- b) date(s) of the events with which the grievance is concerned
- c) citation of the specific provision(s) of the Merit System allegedly misinterpreted misapplied, or improperly enforced by the city.
- d) description of the events which brought about the grievance.
- e) corrective action requested to be taken by the city.

706.03 A written grievance must be submitted within twenty-one (21) calendar days of the occurrence or event giving rise to the grievance or, after the aggrieved employee may reasonably be presumed to have knowledge of the matter, Otherwise, no grievance shall be deemed to exist and the decision of the Employer shall be final. Written grievances shall be reviewed and resolved in accordance with the following procedure:



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- 1) The written grievance shall first be submitted to the Departmental Director. Within seven calendar days, the Director will inform the employee of the decision in writing, A copy of the response is also provided to the city manager for information purposes only. If the issue is not resolved, the employee may appeal the decision by submitting a request in writing to the city manager. The appeal must include the information listed in section 705.03, a copy of the Department Director’s response to the initial grievance along with the action requested to be taken by the city manager.
- 2) The city manager shall respond, in writing, to the employee, within 21 days of the submission of the grievance appeal.
- 3) If the city manager’s response does not resolve the matter, arbitration shall be initiated within twenty-one (21) calendar days of receipt of the city manager’s response. Arbitration is initiated when the employee delivers a written notice of intention to arbitrate to the city manager.
- 4) Calendar submission periods for grievances or responses may be extended by the written mutual agreement of the employee and the city manager. This written agreement shall be executed prior to the end of the period sought to be extended.

706.04 Following the employee’s notice of intent to arbitrate, an arbitrator shall be selected in accordance with the rules, regulations and procedures of the American Arbitration Association. The arbitrator’s decision shall be final and binding on both parties. The arbitrator shall not add to, subtract from, change, amend, or modify any portion of the Merit System of Human Resource Management and shall not have the authority to rule on any other matter except that which is at issue between the parties. The expense of such impartial arbitrator shall be shared equally between the employee and the city.

706.05 Should the city fail to respond within the established timeframe, the matter is automatically moved to the next step.

707 **POLITICAL ACTIVITY**

The City shall comply with Public Act 169 of 1976, as amended, as it pertains to the rights and obligations related to City employee involvement in political activities. Employees may not:

- a) Distribute or place political literature or signage on any City property.
- b) Wear political campaign apparel or symbols (e.g. buttons) on City property.

708 **MARIHUANA USE BY MERIT EMPLOYEES**

It is the intent of the City of Berkley to provide a drug-free, safe and secure work environment for all employees and members of the public. To ensure a safe and efficient workplace, the City strictly prohibits the possession, distribution, impairment, and use of medical or recreational marihuana during working hours or on City property, including meal breaks. In consideration of the Michigan Regulation and Taxation of Marihuana Act of 2018, off-duty use of marihuana shall not be prohibited in any applicant or current Merit employee, with exception to employees which are required to meet minimum standards for the U.S. Department of Transportation or Michigan Commission on Law Enforcement Standards requirements.



CHAPTER 8: EMPLOYEE LEAVE TIME

800 PAID TIME OFF

Department Directors must carefully consider employee requests for personal leave, vacation leave or other paid time off. While it is impossible to predict emergencies and other situations that require employees to be off work, department directors and supervisors are responsible for granting employee time off without compromising the quality of city services. Personal and vacation leave requests shall be authorized in units of days and hours only, fractions of an hour shall be reserved only to half hour increments.

801 HOLIDAYS

Paid Holidays for all eligible employees in the city service shall be as follows except as noted elsewhere in this chapter:

New Year's Day	Veteran's Day
Martin Luther King Jr. Day	Thanksgiving Day
President's Day	Day following Thanksgiving
Good Friday	Day before Christmas Day
Memorial Day	Christmas Day
Independence Day	Day before New Year's Day
Labor Day	

801.01 Other days may be declared Holidays by resolution of the City Council. When one of the above Holidays falls on Saturday or Sunday, it may be observed on the preceding Friday or following Monday respectively. Holidays which occur during an approved leave time period shall not be charged against an employee's accrued leave bank. The employee shall have an additional day off with pay.

801.02 All full-time employees shall receive full paid time for all paid holidays. Part-time employees which experience a decrease in working hours as a result of a City holiday shall receive paid time based on the number of hours deficient in comparison to the employee's average number of hours worked from the prior two pay periods.

801.03 APPROVAL FOR HOLIDAY WORK- NON-POLICE SERVICE AID MERIT EMPLOYEES

Every effort shall be made to abstain from scheduling employee work assignments on holidays. Effective July 1, 2008, when necessary, a department Director must pre-approve a non-exempt Merit system employee to work a holiday outside of the police service aide position. If approval is given by both individuals, the non-exempt merit system employee will be paid straight time for the time worked and given 8 hours of holiday pay in addition to their straight time payment.

801.04 HOLIDAY TIME POLICY- POLICE SERVICE AIDE

Effective July 1, 2008, police service aides shall be paid at their straight time regular rate of pay for actual hours worked on a holiday.



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801.05 Police Service Aides shall accrue 12 hours of holiday time for each holiday outlined in section 801 during the pay period in which the holiday occurs. The maximum number of holiday hours that may be accrued in a fiscal year is 104 hours.

801.06 In the last pay period of June in the fiscal year that the holiday pay is earned, the city will compensate the police service aide for those holiday time balances that have not been utilized through the end of the first pay period of June, at the pay rate effective the last pay period in June. No holiday pay can be utilized in the last pay period of the fiscal year unless approved by the city manager.

801.07 The city manager, or their designee, has the option to allow for an accrual of holiday time in lieu of payment in June each year. If this occurs, said time must be utilized prior to the police service aide’s retirement date or can be paid off at any time the city manager deems appropriate.

801.08 If a police service aide separates service to become a Public Safety Officer, the police service aide will have their holiday pay accrual paid off as outlined in section 801.07 above.

802 VACATION LEAVE

Vacation leave is paid time off for employees covered by the Merit System. Vacation leave hours are earned when an employee works at least 10 calendar days in a given month. Vacation leave hours must be earned before they can be used. The following is a summary of how vacation leave is accrued:

Years of Service	Hours Per Month
0 to 5 years	8.0
5 to 10 years	12.0
10 to 15 years	16.0
15 to 20 years	18.0
20 and above	20.0

- a) In addition to the monthly hours noted above, employees will be credited forty (40) hours upon the completion of five (5), ten (10), fifteen (15), and twenty (20) years of continuous employment with the city.

802.01 Vacation leave may be accumulated up to a total number of hours equal to the product of the employee’s current rate of hours credited per month multiplied times twelve (12), plus 80 hours. Employees, on an authorized leave of absence, will not earn additional hours after their accrued vacation leave bank is exhausted.

802.02 If the workload of an employee’s organizational unit makes adherence to the established schedule impractical, vacation leave may be altered or postponed at the discretion of the city manager so that service to the public is not disrupted. In such an instance, the city may, at its discretion, pay the employee or permit an accumulation in excess of the permissible maximum.

802.03 Vacation leave schedules shall be established by department heads. Employees shall submit requests for vacation leave to the supervisor using forms designated for that purpose. Leave may be taken only after



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approval of the department head. Employees having the greatest length of service in their respective classifications shall be given preference over those with less service.

802.04 In the event of illness during an employee's approved leave period, the employee may, use an accrued sick day, provided a doctor's certificate is submitted to the city to verify the illness.

802.05 The following leave policy shall govern the months in which an employee is appointed or separated: one-month accumulation shall be granted if the employee is on the payroll for more than 10 work days, and 1/2-month accumulation shall be granted if the employee is on the payroll from 0 to 9 work days inclusive.

802.06 Upon separation from City service, with exception to separation due to illegal activities, the City shall compensate the employee for all unused vacation leave time at 100 per cent of the employee's hourly rate. Employees who have been employed with the City for less than one year shall be ineligible to receive compensation for unused vacation leave time.

803 PERSONAL LEAVE

Each full-time employee shall, in addition to vacation leave, be entitled to 4.0 additional days off with pay for personal business, provided it is scheduled and approved by the department head in such a manner so as not to inconvenience city operations or require compensatory or overtime payments.

803.01 Personal leave hours are given to eligible employee at the beginning of each Fiscal Year (July 1st) and are to be used before the end of the fiscal year (June 30th). Personal leave hours may not be carried over from one fiscal year into the next. Upon resignation, retirement or dismissal, remaining unused personal leave hours may be used before the last day worked. Employees will not be paid for unused hours after the last day worked.

803.02 Each part-time employee shall be entitled annually to 16.0 hours off with pay for personal business, provided it is scheduled and approved by the department director in such a manner so as not to inconvenience city operations.

804 SICK LEAVE

Employees shall also accrue sick leave starting with from their official hire date as follows:

- a) Full-time employees shall earn sick leave at a rate of eight (8) working hours per month.
- b) Part-time employees shall earn sick leave at a rate of one (1) hour for every thirty-five (35) hours worked. (P.A. 338 of 2018 as Amended)

804.01 Employees may use accrued sick leave hours in cases of actual sickness or disability, or for preventative health medical visits. Sick leave is not an entitlement for use at an employee's discretion and abuse of sick leave may result in disciplinary action. Employees, on an authorized leave of absence, will not earn additional hours after their accrued sick leave bank is exhausted until they have returned from their leave to City service.

804.02 To receive compensation during sick leave, the employee shall notify the department head daily or within one (1) hour after the established department start time. When an illness, injury or disability (diagnosed by a physician) is of such a nature that the employee will be absent from work for an extended period of time, a department head, or the city manager, may waive the daily reporting requirement.



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- 804.03** Unless authorized by the employee's department head, or the city manager, sick leave with pay in excess of three (3) consecutive work days will be granted only when a doctor's certificate is submitted. If the employee requires more than three days to recover from an illness or injury, a return to work date must be provided by the treating physician. An employee may not return to work without this certification. Employees who refuse to provide the required doctor's certification will be placed on leave without pay until the documentation is submitted.
- 804.04** When an employee's earned sick leave is exhausted and the city has received the proper physician documentation, an employee may request an advance of sick leave hours as needed in amount equal to the employee's accumulated vacation leave. The request must be submitted to the city manager's office for consideration, Vacation leave so encumbered may not subsequently be used until such time as the employee's sick leave account is in balance, If the request is not approved, the employee may be placed on leave without pay.
- 804.05** Up to forty (40) hours of sick leave may be used in any fiscal year for absence due to serious illness and/or injury in the employee's family. Sick leave taken pursuant to this section, shall be used only for the purpose of visiting, assisting, or caring for the ill family member.
- 804.06** An employee who is receiving long term disability benefits pursuant to Section 906 may elect to supplement his or her long-term disability benefit by drawing upon any remaining unused accumulated sick leave hours. Such dual payments shall not exceed the regular straight time wage the employee would receive at the time if not disabled.
- 804.07** An employee who is off on sick leave for a period in excess of eighteen (18) months will lose their seniority.
- 804.08** Upon retirement, an employee shall be paid base wages for all unused sick leave as follows:

Unused Hours	Base Wage Paid
1 - 200	40%
201 - 520	60%
521 - 840	80%
841+	100%

Employees who resign or are terminated from city employment with a vested deferred retirement benefit which may be exercised at a later date, shall not be eligible at any time for payment of accumulated sick leave hours.

- 804.09** For employees hired after 2008, an employee shall be paid wages for all unused sick leave at a rate of 25% of the employee's base wage, up to 200 hours. Employees who have been employed with the City for less than one year shall be ineligible to receive compensation for unused sick leave time.
- 804.10** On the first pay period after July 1, each year, an employee shall be paid wages annually at the prevailing rate, equal to 100% of all accumulated sick leave held by that employee in excess of 840 hours.



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805 BEREAVEMENT (DEATH IN THE FAMILY)

In case of bereavement (death in the immediate family), a full time employee may be granted up to three (3) days of leave time that is not chargeable to sick time, vacation or personal leave banks, If the employee must travel out of state to attend the funeral service, a maximum of five (5) leave days may be approved by their immediate supervisor or department head.

805.01 The immediate family shall consist of the employee's spouse or domestic partner, children, mother, father, brothers, sisters, grandparents and grandchildren, and persons of like family relationship to the employee's spouse.

805.02 Bereavement leave is used solely for the purposes associated with the death of an individual as described in sections 805.01.

805.03 Part time employees are not eligible for paid bereavement leave. However, in such cases (death of an immediate family member) part time employees will be granted flexibility in their work schedule as approved by the department.

806 PAID FAMILY LEAVE

The City shall provide paid leave time up to a total of four calendar weeks for approved non-intermittent FMLA Leave eligible uses as approved by the City Manager. Including maternity leave, paternity leave, care for a family member. Approval shall not be unreasonably denied and the employee shall not be required to use vacation, sick or other accrued time to be paid. In order to qualify for the paid leave matching, the leave time requested must meet FMLA eligibility standards and must be requested and approved prior to the start of leave.

- a) The employee shall complete a form provided by the City Manager's Office.
- b) Upon approval being granted, the City Manager shall forward the approved leave matching form to the Finance department and the employee. The form shall indicate the number of weeks of the employee's leave banks to be utilized and subsequently the number of weeks the City shall provide as paid time off.
- c) Leave time may be used on a rolling, twelve month basis as opposed to a calendar year.

806.01 While on Paid Family Leave, an employee's fringe benefits shall be continued in force. However, should the employee terminate employment prior to, or within three (3) months following a return to work, the employee shall reimburse the city for any out-of-pocket fringe benefit expenses incurred during the unpaid portion of the leave period. Should the employee terminate employment prior to, or within six (6) months following a return to work, the employee shall reimburse the city for 50 per cent of the total paid time off provided by the City for the parental leave. This policy may be waived with extenuating circumstance as approved by the City Manager.

807 WORKER'S COMPENSATION LEAVE

The city shall comply with the provisions of the Workers Compensation Act; the definitions contained therein and the provisions thereof shall control all benefits paid to an employee.



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- 807.01** If an employee is disabled as defined in the Workers Compensation Act and is incapacitated from earning full wages for a period of less than one week, the employee shall be paid by the city the full wage for that period of incapacity, not to exceed one week.
- 807.02** If the incapacity continues for two weeks or longer and Workers Compensation is computed from the date of injury, then the employee shall reimburse the city in such amount that the total payment by Workers compensation and city supplement shall exceed the employee's after-tax weekly wage.
- 807.03** An employee, entitled to worker's compensation benefits, shall receive from the city, a sum of money which, together with the weekly Workers Compensation Benefits, shall equal that employee's weekly after-tax wage immediately prior to becoming eligible for Worker's Compensation Benefits. This supplemental benefit shall not continue beyond 26 weeks.
- 807.04** An employee may elect to use accumulated sick leave to supplement weekly compensation benefits to assure payment of employees full after-tax weekly wage beginning with the 27th week of disability.
- 807.05** To become eligible for injury leave with pay, an employee must immediately report the injury to the department head on prescribed forms and obtain first aid or other medical treatment as deemed appropriate.
- 807.06** No employee shall be entitled to regular compensation for absence from duty on account of injuries, if said injuries were not job incurred. Such absence from duty will be considered as sick leave and will be governed by the rules pertaining to sick leave.
- 807.07** The terms and provisions of this chapter regarding worker's compensation benefits shall not be construed as preventing the city from initiating proceedings for the duty disability retirement of an employee at any time that the city determines that the employee may so qualify under the terms of the Municipal Employees Retirement System.
- 808** **MILITARY LEAVE**
Any permanent employee who leaves city service to join the military forces of the United States during the time of war or other national emergency may be entitled to be restored to that position in accordance with the provisions of Uniformed Services Employment and Reemployment Rights Act.
- 809** **EDUCATIONAL LEAVE**
A full-time permanent employee may be given educational leave with full or partial pay for the purpose of taking courses directly related to the employee's job duties as determined by the department head. The city manager must approve requests for such leave in advance and they may not exceed a total of twenty (20) days or one hundred sixty (160) hours in any one calendar year, provided that funds are available for such leave.
- 810** **OTHER LEAVE WITH PAY**
Employees shall be granted leave with pay for the following reasons and subject to the following restrictions:
a) Any required appearance before a court on behalf of the city in their official capacity.
b) Participation in short term military training in the Armed Forces Reserve or National Guard.



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- c) Participation in conferences and official meetings which enhance the employee's value to the city and when approved by the city manager.
- d) Jury Duty, if the employee returns to the city any fee received for serving on jury duty other than reimbursements for meals and travel expenses.

811 LEAVE WITHOUT PAY

Employees may be granted leave without pay at the discretion of the city manager when, the city would benefit from such leave. Such approval shall be granted only after consideration of the needs of the city service, the service record of the employee, and the relevancy of the request to the needs of the city. The term of the leave shall be established at the time it is authorized, but may be extended upon the approval of the city manager. Failure of an employee to return to duty upon the expiration of such leave without pay, including approved extensions thereto, shall be interpreted as a resignation.

812 ABSENCE WITHOUT LEAVE

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject for disciplinary action. Any employee who is absent for two consecutive days without leave shall be deemed to have resigned.

813 FAMILY MEDICAL LEAVE ACT

It shall be the policy of the city to comply with all regulations required pursuant to the federal Family Medical Leave Act, (FMLA), 29 U.S.C. Section 2601 et seq. The city has adopted a policy and procedure specific to leave rights granted in accordance with FMLA. Notices required by the FMLA shall be posted in conspicuous places in all departments. All new employees of the city shall be advised of their rights under the FMLA.

814 ADMINISTRATIVE LEAVE

In order to effectively oversee the functions of the city there may be instances where an employee is placed on paid leave by action of the city manager. This shall be categorized as Administrative Leave. Leaves under this provision shall be under the strict decision of the city manager and could be caused by, but not limited to instances of internal investigations, physical or mental stress or the result of an active investigation based on other provisions of this document. Administrative Leave shall be paid leave and will not impair an employee's rights to fringe benefits.

815 PAYOUT OF LEAVE UPON EMPLOYEE DEATH

Upon the death of an employee, the City shall payout 100% of all unused leave time (vacation, personal, and sick) at the employee's regular rate to the employee's beneficiaries as outlined in the employee's MERS documents.

816 SHORT TERM DISABILITY

The City shall establish a Short-Term Disability program that shall provide for thirteen (13) weeks of wage loss at seventy (70%) percent of base wages. Employees are permitted to use leave time to supplement their paid leave to 100% of base wages. Benefits would be payable on the 1st day of a non-work injury or the 8th day of a sickness for a maximum of 13 weeks. The plan shall be subject to the plan offerings and provider guidelines.



CHAPTER 9: HEALTH CARE, DENTAL & VISION BENEFITS

901 HOSPITALIZATION - MEDICAL BENEFITS

Employees of the City of Berkley who are covered by the Merit System shall receive health care benefits equivalent to that provided of Members of Berkley Chapter of the Michigan Association of Public Employees under their current collective bargaining agreement. The benefits are outlined in Exhibit B of this document.

901.01 The city may purchase medical and hospitalization insurance coverage from an insurance carrier other than Blue Cross-Blue Shield provided the coverage remains comparable to the current coverage with Blue Cross. If an alternative insurance carrier is selected, said carrier shall not be a Health Maintenance Organization. The city will provide advance notice and opportunity for comment prior to instituting any such change in coverage.

901.02 SUPPLEMENTAL HEALTH CARE COVERAGE FOR RETIREES

For employees hired prior to July 1, 2005, upon retirement at age sixty-five (65) the city will place the retiree and eligible beneficiary onto the city's complimentary health care coverage for city Merit System pensioners. The city will not place the retiree or eligible beneficiary on the city's complimentary health care coverage if the retiree or the retiree beneficiary can prove that they are ineligible for Medicare benefits. The retiree is required to forward a copy of their Medicare card highlighting eligibility for both sections of Medicare commonly known as Part A and Part B to the city at the time the retiree and retiree beneficiary sign up for the Medicare Part B program. All costs related to the Medicare Part B program shall be borne exclusively by the Merit System retiree and or the eligible Merit System retiree/beneficiary. The Federal Medicare program shall then become the primary health care provider for the retiree and eligible retiree beneficiary and the city shall become the secondary healthcare provider. Qualifying employees or retirees may request additional information on coverage from the City's finance department for the most up-to-date coverage details.

901.03 The city will continue the current practice of an aggressive pursue and then pay method for paying health care claims as defined by the city's insurance carrier. This will facilitate the appropriate coordination of benefits when an employee and non-employee spouse both have health care coverage. All employees and beneficiaries must provide all requests for information from the city and the city's insurance carrier to verify secondary health care coverage.

901.04 The city will continue to provide sponsored dependent health care coverage with 100% of the monthly cost to be borne by the employee and paid by the employee monthly via payroll deduction or as the city requires.

901.05 Hospitalization and other benefits, including the prescription drug card, received by full time members of the Merit System shall be determined by the City Council and may be changed from time to time.

901.06 The city will comply with all provisions of the Patient Protection and Affordable Care Act {Public Law 111-148 of the 11th Congress, 42 USC18001}. As such, Health Insurance Plans may be subject to change in order to remain in compliance with same and avoid penalties. The city may reopen the Collective Bargaining Agreement to address Patient Protection and Affordable Care Act Issues.



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902 LIFE INSURANCE

The city shall provide, at city expense, group life insurance for each full time employee in accordance with a schedule determined by the city manager based upon salary ranges, but not less than \$10,000, nor more than that allowed in any employee contractual agreement.

902.01 A part time employee hired prior to July 1, 2008, meeting the basic requirements for the classification provided in section 403, and who works a sufficient number of hours per week to meet the enrollment criteria established by the insurance carrier, shall be provided group life insurance at city expense in the amount of \$10,000. Any part time employee hired on or after 7/1/2008 is not eligible for this benefit.

903 DENTAL BENEFITS

The city shall provide, at the city's expense, dental care insurance for each full time employee, spouse and dependent children in the amount of \$1,750.

903.01 The dental care insurance policy purchased by the city shall provide the following typical services:

Service Benefit Class	% Paid by Insurance	% Paid by Employee
Class I	100	0
Class II	80	20
Class III	60	40
Class IV - Orthodontia	50*	50

**Up to lifetime maximum per person of \$1000 with no age limit.*

903.02 The city shall not be responsible for processing claims for payment or other administrative activities other than for those responsibilities assigned normally to employers by the insurance carrier.

903.03 The city reserves the right to self-insure at a lower level of benefit at its discretion.

904 OPTICAL BENEFITS

The city shall provide, at the city's expense, an optical care program for each full time employee, spouse and dependent children. The optical care program shall consist of a reimbursement by the city up to a maximum of \$700.00 in a twenty-four (24) month period for each covered individual as described in this paragraph.

904.01 The maximum reimbursement amount shall be based upon the schedule in effect on the date of the first reimbursable service for a covered employee or dependent in each twenty-four (24) month period for the following services:

- Eye examinations by a person licensed by the State of Michigan to perform same.
- Prescription lenses and frames.
- Prescription contact lenses.

Reimbursement shall be based upon paid receipts submitted to the carrier for rendered services or products as described in this section.

905 CONSOLIDATION OF MARRIED EMPLOYEES COVERAGE

The city shall make an annual shared expense savings payment to those Merit System employees who are eligible for health, dental and optical benefit program but choose not to be covered by the city's benefit



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programs. In order to be eligible for health care opt-out, the employee requesting the opt-out must have health care coverage and be covered by an entity other than the City of Berkley. Further, no payout will be made if both spouses are employed by the City of Berkley or if one of them received healthcare as a City of Berkley retiree.

Married city employees are eligible for the shared expense payment provided one spouse is both employed and covered by a health care program from a non-City of Berkley employer. In compliance with federal regulations, when both spouses are employed by the City of Berkley, the couple is not eligible to opt out of health care coverage. The married couple will be covered by a single health care policy and neither spouse is eligible for opt out payments for health care coverage.

- 905.01** The payment amount shall be equal to 40% of the annual actual cash savings to the city in reduced premium expense.
- 905.02** Payment amounts shall be computed and paid once per year in July, but may be delayed if rate information from the respective carriers for the fiscal year commencing July 1st is not available. An employee who receives payment may not subsequently receive city coverage for the balance of the fiscal year, unless a change in marital status occurs which makes continued coverage under a spouse's policy no longer available.
- 905.03** New hires employed on or after 7/1/2008, and any other active employee who did not receive a payment in lieu of health care as outlined in Section 905.02 in July 2008, must in fiscal year 2008 and in the future relinquish all City of Berkley health care coverages listed below if they wish to obtain a payment in lieu of health care benefit as outlined in Section 905.01. Payment in lieu of health care requires the employee to relinquish their active employee or retiree health care coverage, currently including Blue Cross and Blue Shield coverage, master medical coverage and prescription coverage.
- 905.04** Vision and dental benefits are excluded from the payment in lieu of health care calculation and payment. However, the city at any time, can require that this coverage be relinquished and then be included in the payment in lieu of health care calculation.
- 905.05** Active employees who received a payment in lieu of health care in July of 2008 will be memorialized by the Finance Department and said list will be forwarded to the city manager. Those listed will not have to relinquish their retirement health care contract but will have to relinquish an active employee health care contract to receive a payment in lieu of health care as outlined in Section 905.02.
 - a) Once the active employee becomes a retiree, or the active employee gives up the retiree health care contract and accepts an active employee health care contract said employee will no longer be eligible for a payment in lieu of health care unless the active employee has relinquished the active employee health care coverage with the city.
 - b) All retirees are excluded from the payment in lieu of health care program. An active employee cannot have a retiree health care contract and active health care contract at the same time.

906 LONG TERM DISABILITY BENEFIT (LTD)

Employees eligible to receive paid sick leave pursuant to Section 804 shall also receive long term disability (LTD) coverage at city expense.



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- 906.02** After the expiration of a 90-day elimination period, the LTD benefit shall pay a totally disabled eligible employee 60% of their basic monthly earnings. Additional definitions, terms and conditions shall be as provided in the coverage document for the specific LTD program selected by the city and as determined by the carrier.
- 906.03** A totally disabled employee receiving LTD benefit payments shall continue to receive the health and welfare benefits described in Sections 901 through 905, but shall not be credited with any additions to the paid leave times described in Chapter 8. If an employee retires, and continues to receive a full, or reduced, LTD benefit the employee shall receive health and welfare benefits provided to retired employees as described in Sections 1002 and 1003. An employee who works, and receives partial disability LTD payments shall receive such benefits as would normally accrue to an able-bodied person doing the same work with the same work schedule.

CHAPTER 10: PENSIONS – RETIREMENT

1001 MUNICIPAL EMPLOYEES RETIREMENT SYSTEM (MERS)

All employees of the city who are regularly scheduled and required to work at least 10 days per calendar month, shall become members of the retirement system created pursuant to the Michigan Municipal Employees Retirement Act of 1984, (MERS), including any amendments thereto which may be, or have been, enacted from time to time.

- 1001.01** Seasonal and temporary employees, part time employees hired after July 1, 2008, and all other persons entirely excluded from the provisions of the Merit System, are also excluded from membership in the Municipal Employees Retirement System.
- 1001.02** For the purposes of this Chapter, a day of work shall consist of a minimum of seven hours at work (excluding lunch breaks), or paid leave from work, or a combination thereof, in any one (1) calendar day.
- 1001.03** Membership of an employee in the retirement system shall commence as of the first day of paid employment, or at such other time as the employee meets the monthly work time criteria on a regularly scheduled basis.
- 1001.04** The terms and conditions of participation in the (MERS) retirement system, and qualification to receive benefits there under, shall be subject to the provisions of the act, and to the rules, procedures, and decisions of the retirement board, established pursuant to the act to manage, administer, and operate the MERS retirement system. An employee may not use the grievance procedure contained in this Merit System to settle any dispute regarding any matter which is the responsibility of the retirement board under the act.
- 1001.05** The benefit program for all eligible Merit System employees who retire on or after January 1, 1992 shall be Plan B-4, with termination of membership vesting Benefit Program V6. An employee meeting the following criteria for years of credited service and age shall be eligible to retire with unreduced benefits:
- a) Six (6) years of credited service and sixty (60) years of age.
 - b) Fifteen (15) years of credited service and fifty-five (55) years of age.
 - c) Twenty-five (25) years of credited service at any age.
 - d) Regardless of hire date, the components of Final Average Compensation shall be those items outlined in the Municipal Employees' retirement system of Michigan Plan Document.



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1001.06 All full time employees hired on or after July 1, 2008, will be eligible for a B-3 with 55/25 and age 60 with 10 years of service. Final Average Compensation will be FAC-3.

1001.07 All full time employees hired on or after January 1, 2022 will be eligible for a Defined Contribution Plus Plan established with MERS. Under the Defined Contribution Plus Plan, the employee shall contribute 4% of base wages and the City shall will contribute a 4% match plus an additional 6% for a total of 10% City contribution of the employee's base wages to the plan. Vesting in the Defined Contribution Plus Plan shall be six (6) years.

1001.08 As provided in, and subject to, the provisions of the MERS Plan Document, an employee may receive additional length of service credit for retirement purposes for service in the employ of certain governmental units other than the City of Berkley, and full time previous City of Berkley service not currently credited, subject to the following additional provisions:

- a) At the time of requesting the additional service credit, the employee meets the eligibility requirements as described in the MERS Plan Document for the vesting benefits.
- b) The city will pay a portion of the cost for not more than twenty-four (24) months of service to be credited according to Section 1001.05(b). The employee shall pay to MERS an amount determined as follows:

$$\text{Employee payment to MERS} = \frac{\text{MERS reportable wages for prior 12 months}}{12} \times .05 \times \text{Number of months to be credited}$$

- c) The city shall be responsible for the portion of the total cost not paid by the employee. The employee shall be responsible for the entire cost of any additional service greater than 24 months that the employee may wish, and be eligible, to add to the service credit pursuant to the MERS Plan Document.
- d) The city will be responsible for one required valuation of cost per eligible employee to add additional service credit. The employee shall be responsible for any additional valuations that may be required when less than all eligible prior service is added at any given time.

1002 LONGEVITY AT RETIREMENT

An employee whose application for regular or disability retirement has been approved by the Municipal Employees Retirement System, and who separates from city employment for the purpose of receiving said retirement in the next following month, shall at the time of separation be entitled to receive a prorated longevity payment based upon the number of days from the most recent November 30th to the last day of employment.

1003 HEALTH AND WELFARE BENEFITS FOR RETIREES

Full time employees hired prior to July 1, 2005, who is retired from city employment who has applied for, and not been denied, or who is receiving, regular retirement or disability payments pursuant to the provisions of the Municipal Employees Retirement System, shall be eligible to receive hospitalization insurance coverage while said retirement payments continue to be paid to the employee or the employee's surviving spouse. This insurance coverage shall be:

- a) The same, unless unavailable from the insurance carrier, as that provided at the time to non-retired Merit System employees, excluding benefits under Medicare or similar plan available pursuant to Federal and State legislation;



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- b) Paid for by the city on behalf of the former employee and/or spouse who shall be responsible for payment, when required by the city, for any coverage for their eligible dependents.
- c) Terminated if the city is unable to correspond with the employee for lack of a current mailing address, or the employee fails to meet the financial obligation to the city under this program.
- d) Replaced with a PPO form of coverage as described in Section 901.02, when traditional coverage is unavailable due to the age or place of residence of the retiree.

1003.01 Dental and optical insurance shall be the same coverage as provided for current employees to the extent that this coverage is available from the insurance company.

- a) The city shall assume the full expense of the dental insurance and optical benefits for the retiree and spouse. The retiree shall be responsible for the expense of any other persons covered by the retiree's insurance.
- b) Dental and optical insurance benefits will be limited to persons who have retired on or after June 30, 1985.

1003.02 The city will provide life insurance worth \$10,000, for all Merit System retirees, (currently retired and future retirees), regardless of hire date, until they reach age 65. After age 65, the amount will be \$5,000 thereafter.

1003.03 An employee who terminates city employment with a vested deferred retirement benefit which may be exercised at a later date shall be eligible only for those benefits and allowances specifically provided in the Municipal Employees Retirement System itself, and is not eligible at any time for any supplemental benefits (such as health care, dental, optical, prescription or life insurance) for retirees or beneficiaries provided under the Merit System.

1003.04 For purposes of this section and eligibility to receive the benefits described herein, the term, "surviving spouse" shall also mean the spouse of a person who at the time of his or her death was an employee of the city with twenty (20) years or more of service to the city as a full time employee.

1003.05 Benefits paid by the city under Section 1003 of this Chapter 10, for coverage afforded a "spouse" or "surviving spouse" are limited to those persons who are, or were, married to an employee covered under the Merit System as of the employee's last day of employment with the city prior to terminating employment and immediately commencing receipt of the retirement benefits of the pension system described in Section 1001 of this Chapter.

1003.06 A person who marries a former employee, or the surviving spouse of a former employee after the employee commenced retirement shall be eligible, if accepted by the provider, to receive the same coverage as a spouse. The cost of such coverage shall be paid by the former employee or the surviving spouse.

1003.07 Those part time employees who are eligible to earn a pension benefit from the city are at all times ineligible for any health care benefit including dental, prescription and vision coverage and a health savings account regardless of hire date.

1003.08 The city will continue to provide Sponsored Dependent Health Care Coverage as outlined in Sections 1003, 1003.10, 1003.11 or 1003.12. The monthly cost of the Sponsored Dependent Health Care Coverage will



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continue to be 100% borne by the retiree or retiree dependent via payroll deduction or as required by the city.

- 1003.09** The city will institute an aggressive pursue and pay method of paying health care claims as defined by the city's insurance carrier. All retirees and beneficiaries must abide by all requests of the insurance carrier to verify coverage requests.
- 1003.10** When a Merit System retiree or their surviving spouse turn age 65, the City of Berkley will place the retiree or surviving spouse on the city health care coverage in conjunction with Sections 1003, or 1003.08. The Merit System retiree and/or their surviving spouse must apply for and receive Medicare Part B health care coverage from the Federal government. The retiree and surviving spouse must submit a copy of their Medicare Card highlighting coverage to the city for verification. If the Merit System retiree or surviving spouse are not eligible for Medicare Part B, the city will maintain their health care coverage at the same level of benefit prior to turning age 65. Failure to purchase Medicare Part B is not criteria to keep a retiree or surviving spouse at the same level of health benefit prior to turning age 65 and the city will still move the retiree or surviving spouse on to the city's complimentary health care coverage if the retiree or surviving spouse fails to obtain the Medicare Part B insurance coverage as required by the Federal government.
- 1003.11** All Merit System employees hired after July 1, 2005 will be eligible to receive the following in lieu of a defined benefit health care benefit program that included dental, vision and prescription coverage:
- a) Health Care Savings Accounts Plan Summary: The health savings program is not a health savings account as prescribed by the Internal Revenue Service. It is an Internal Revenue Service Section 115 Trust Program. The post-employment Health Savings Program (HSP) is an employer-sponsored savings account designed for an employee, your spouse and/or legal dependents to set aside money to cover the cost of post-employment health care. Under the program, pre or post tax contributions are made by an active employee. When city employment has ended, regardless of the reason or age, the individual may be reimbursed for healthcare related expenses (i.e. insurance premiums, doctor co-pays, COBRA, drug co-pays, many over-the-counter medications, etc.). In the event of death, the eligible spouse and/or legal dependent(s) may continue to use the account for tax-free medical expenses.
 - b) Health Care Savings Account Eligibility: Active Merit System Employees hired on or after July 1, 2005 and who are not currently receiving a retiree health care package from the City of Berkley will be able to establish and maintain a health savings account as the outlined in sections 1003.14 through 1003.25 through a third-party vendor chosen and approved by the City of Berkley in lieu of health, dental, vision and drug card benefits at their retirement.
- 1003.12** Mandatory Pre-tax Contribution to Eligible Employees: The minimum mandatory pre-tax contribution is \$50.00 per month for all Merit employees hired after September 11, 2015. There is no maximum amount of employee pre-tax contribution. Once a pre-tax contribution is selected, the employee may never decrease the original pre-tax contribution but may increase said contribution.
- 1003.13** Non-Mandatory Contribution Post Tax: Eligible employees can also elect to contribute on a post-tax basis any amount the employee wishes to contribute to their account. This contribution can go up or go down on a periodic basis without penalty.



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1003.14 Change of Benefit Periods: The city will provide at least two time periods within a fiscal year to allow for adjustment of pre and post-tax contributions.

1003.15 Employer Contributions on Pre and Post Tax Contributions: The city will match \$2.00 for everyone \$1.00 dollar of contribution made by the employee up to a maximum of \$100 employer contribution per month. This will be done in lieu of a health care insurance, vision, dental and drug plan at retirement. The employee can contribute as much as they wish within Internal Revenue Service guidelines. However, the maximum city contribution placed into the employees account per month will be \$100.00. The employee may not at this time deposit lump sum distributions paid by the city into this account.

Effective January 1, 2022, all employees will contribute 1% of their base wage to their retiree health savings account. This contribution will be matched by the City at a rate of 4% of the same employee's base wage.

1003.16 Failure to Respond to Withhold: If an employee fails to respond to the notice for withholding, the city will automatically withhold \$10.00/pay pretax contribution from the employees' bi-weekly payroll paycheck and match said amount as referenced above.

1003.17 Interest Earned/Vesting: The employee contribution and earned interest on the employee contribution will vest with the employee from the first deposit. The employer contribution along with earned interest on the employer contribution will be credited to the employee monthly, however, the employer amount contributed and corresponding interest earned will not vest with the employee until the employee has completed their sixth (6) year or (72 months) of employment service with the City of Berkley. Termination of employment for any reason by the employee will result in the benefits paid to be portable however, the employee cannot have the employer contribution and related interest unless said employee has completed six (6) years of service or (72 Months) with the City of Berkley only. If the employee leaves city service for any reason prior to vesting, the employer contribution along with earned interest on the employer contribution will be transferred from the employee's account on the date the employee terminates service back to the City of Berkley retiree health funding account at MERS.

1003.18 Credited Service: Purchase of Generic Time, Military time, or Public Act 88 of 1961 reciprocal retirement time cannot be utilized in vesting for the employer contribution. Only actual service time earned at the City of Berkley can be utilized to accrue the City of Berkley employer contribution.

1003.19 Third Party Program Administrator: The Health Savings Program Account will be maintained and serviced by the Municipal Employees Retirement System (MERS) as selected by the City of Berkley and approved by the Mayor and City Council. Fees to be paid to MERS shall be reflected in the interest earnings rates earned by MERS and all accounts shall be credited interest net of MERS fees. MERS will be required to report to the City of Berkley and the employee at least quarterly, amounts contributed by the employee, employer and interest earned on the account by employee and employer.

1003.20 Withdrawal: Withdrawals from the account can only be made when the employee and beneficiary receive a monthly pension benefit from the PSO Pension System or the employee terminates city service prior to vesting in a City of Berkley pension benefit. The employees' Health Savings Plan account may require a beneficiary designation and if the employee should expire, the account will immediately belong to the designated



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beneficiary. Failure to designate a beneficiary would result in all dollars in the account to lapse to the City of Berkley.

Withdrawal of benefits from the account can only be made by the employee or their beneficiary at the time of retirement or leaving of city service. Withdrawals must meet Internal Revenue Service guidelines for health savings accounts in order to be a tax free distribution. Withdrawals from the account for non-medical benefit as determined by the Internal Revenue Service will be a taxable distribution to the employee. In all cases of withdrawal, MERS/Internal Revenue Service rules will apply when determining pre or post tax withdrawals.

1003.21 Plan Amendment: This plan can be amended at any time to meet Internal Revenue Service, Municipal Employees Retirement System, City Council or any other rule changes that may occur.

1003.22 Retroactivity - Contributions: For those Merit System employees hired on or after July 1, 2005 and still employed with the city on July 1, 2007, the city will make a one-time employer contribution of \$150.00 into each eligible individuals' account for each month and prorated month the employee has worked for the city for the time period of July 1, 2005 through June 30, 2007. This contribution is subject to all vesting requirements highlighted above. This section will not apply to any employee hired on or after July 1, 2007 or any Merit System employee who is currently receiving a City of Berkley retiree health care package in lieu of a regular employee health care package either from the city Merit System or other City of Berkley Union contract.

1003.23 Retroactivity - Vesting: For those Merit System employees hired on or after July 1, 2005 and still employed with the city on July 1, 2007 and not receiving a retiree health care benefit while on active duty, the city will allow the actual time earned between July 1, 2005 and June 30, 2007 to count towards vesting in this plan for eligible employees. Any employee hired on or after July 1, 2007 is not eligible for retro activity credited service rights.

1004 PUBLIC SAFETY RETIREMENT SYSTEM

Any Merit System employee, who by reason of his or her duties must by law be a member of the City of Berkley Public Safety Retirement System, shall receive the retirement benefits and be subject to the following conditions and provisions described in this section.

1004.01 To the extent permitted by law, retirement and directly related benefits shall be the same, pursuant to Public Act 345 of 1937 as amended to date, (Act 345), as would apply if the employee was a member of the Berkley Public Safety Command Officers Association as described in the agreement with that collective bargaining unit. This includes by way of illustration, but is not limited to:

- a) Subject to the administration and direction of the Berkley Public Safety Retirement System Board.
- b) Retirement benefit based upon age, credited service and multiplier.
- c) Three-year final average compensation.
- d) Employee contribution via deduction.
- e) Limitation of pension to eighty-five percent, (85%), of average base wage.
- f) Duty, non-duty, and post retirement surviving spouse benefits.
- g) Benefit vesting.
- h) Annuity withdrawal.
- i) Post-retirement health care coverage for retiree and spouse.



1004.02 In addition to the forgoing, an employee who retires under the provisions of this section shall receive an immediate post retirement adjustment as permitted pursuant to Section 6d of Act 345, so as to adjust the retirement benefit to the same amount that would be paid under like conditions of age, compensation and service to a member of the Berkley Public Safety Command Officers Association retiring at the same time.

CHAPTER 11: OTHER PROGRAMS AND BENEFITS

1101 EXPENSE REIMBURSEMENT

Each employee shall be entitled to recover actual out-of-pocket expenses which may occur from time to time while on official city business, subject to such rules and guidelines as may be specified by the city manager.

1102 MOVING EXPENSES

The city manager may find it necessary to recruit key personnel from outside the South Oakland County Metropolitan area which could involve the payment of up to 100% of actual moving expenses. Such costs shall be determined and approved by City Council prior to making such relocation payment.

1103 CONFERENCES AND WORKSHOPS

Each administrative officer may attend national conferences when said conferences are specifically related to work assignments as determined by the city manager. Local workshop and conference attendance in the state of Michigan shall be permitted for training purposes within the constraints of the adopted budget. Employees and elected officials are expected to comply with the city's travel policy and submit the required forms.

1104 TRAINING AND DEVELOPMENT

It shall be the responsibility of the city manager to foster and promote training programs aimed at improving the quality of services rendered by the city and supporting employee development.

1104.01 The city manager shall develop, conduct or make available, supervisory, management and other types of training and employee development programs common to all departments. The city manager shall establish standards of performance and procedures for evaluating employee efficiency and shall assist department heads in developing and conducting training to meet the specific needs of their departments and for the purpose of increasing employee efficiency and preparing for promotions to higher positions in the city service.

1104.02 Department heads are expected to be informed of the current standard of practice in their particular field and shall initiate, with the approval of the city manager, such new practices that will benefit service delivery to the public.

1104.03 All full-time employees may receive full or partial payment for the purpose of taking courses directly related to their work as determined by the city manager, including the cost of books required by the university or college in accordance with the following tuition reimbursement schedule when approved based on budget constraints. Eligible employees may receive up to 100% reimbursement when a grade "C" and above is earned.



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1105 LONGEVITY

Employees hired before September 11, 1984 shall be entitled to participate in the City’s longevity program which is based on the employee’s annual salary. Longevity shall not be based on any overtime or other special benefits. Employees hired on or after September 11, 1984 are not eligible to participate in the City’s existing longevity program. Longevity payments are calculated as a percentage of the eligible employee’s existing salary, payable in the first paycheck in December, based upon the years of service and percentage of salary as shown on the following schedule:

Number of Full Consecutive Years Completed As of Nov. 30th	Longevity Payment Percentages
3 years	1%
5 years	2%
10 years	4%
15 years	6%
20 years	8%
25 years	10%

ADDENDUM - DESIGNATED EXEMPT EMPLOYEES

A.100 The following Merit System positions are designated exempt from paid overtime requirements.

- a) Community Development Director
- b) City Clerk
- c) Facility Manager
- d) Finance Director
- e) Treasurer
- f) Director - Parks and Recreation
- g) Director - Public Library
- h) Director - Public Safety
- i) Director - Public Works
- j) Chief Innovation Officer
- k) Downtown Development Authority Executive Director

As provided in Chapter 2 of the Merit System. The city manager may add to or delete positions from the list of designated exempt employees based upon analysis of the relevant facts. When positions are added or deleted, copies of the revision will be provided to all city employees.