



# EATON COUNTY TRIAL COURTS

56<sup>TH</sup> CIRCUIT COURT  
56A DISTRICT COURT  
EATON COUNTY PROBATE COURT

## PERSONNEL POLICY

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## **WELCOME TO THE EATON COUNTY TRIAL COURTS**

This booklet has been prepared to acquaint you with your employment conditions, your benefits, and your responsibilities in connection with your job. It is important that you read and follow the procedures outlined herein.

The purpose of this booklet is to act as a guideline for informational purposes as to the policies, benefits and procedures that the Court intends to utilize. This booklet is not to be construed as creating a contract between the Court and its employees. The procedures, policies and benefits outlined in this booklet may be added to, expanded, modified or deleted, and any such changes shall be solely within the discretion of the Chief Judge. It is the intent of the Chief Judge to provide prior notice of such changes or modifications, if any, to the employees affected. All rights and powers vested in the Court shall not in any way whatsoever be abridged by this booklet.

If situations arise which are not covered in this booklet and require clarification, contact your supervisor, who, in turn, will relay the problem to the appropriate management personnel. These procedures, policies and benefits are subject to change, and an employee must follow any new rules. The fact that these rules may have been applied differently in the past has no effect on their current or future enforcement. An employee cannot rely on custom or prior practice.

No representative of Eaton County Trial Courts, other than the Chief Judge, has any authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the provisions contained herein, and the status of employees is at will and employment may be terminated, with or without cause, at the option of either the Chief Judge or the employee.

Janice K. Cunningham  
Chief Judge, Eaton County Trial Courts

Date: April 27, 2022

## **INTRODUCTION**

The personnel policies and benefits contained herein apply to persons employed by the Eaton County Trial Courts. The individuals working in the Courts are covered by the economic benefits provided in this personnel policy which are determined by the Eaton County Board of Commissioners.

## **ECONOMIC BENEFITS**

### **ARTICLE 1 INSURANCE**

#### **Section 1. Health Insurance Coverage - Current Employees.**

All eligible regular full-time employees (employees regularly scheduled at least thirty (30) hours per week) and eligible family members are eligible to be covered by a health insurance plan, which is currently Blue Cross and Blue Shield of Michigan-Community Blue PPO Plan.

The plan is provided to court employees by Eaton County and their policies govern the plan and benefits. Court employees should consult the Eaton County Policy Handbook for details concerning health insurance, which is incorporated by reference herein. This includes the provisions on Health Insurance, Health Care Savings Program, Optical Coverage, Life Insurance, Disability Plan, Dental Insurance, Flexible Spending Plan, Deferred Compensation, Continuation of Insurance Coverage and Insurance Coverage Changes.

### **ARTICLE 2 FAMILY AND MEDICAL LEAVE**

#### **Section 1. Eligibility.**

The FMLA defines eligible employees as an employee who has (1) completed twelve (12) months of employment, and has worked at least 1250 hours in the past twelve (12) months.

#### **Section 2. Leave Entitlement.**

An employee may request an unpaid leave of absence for a period not to exceed twelve (12) weeks (26 weeks in the case of an eligible service member leave) in any twelve (12) month period measured forward from the date the employee's first FMLA leave begins. The leave may be taken for the following reasons:

- (a) A serious health condition that makes the employee unable to perform the functions of his position;
- (b) In order to care for the employee's spouse, child or parent if the person being cared for has a serious health condition;
- (c) Because of the birth of a child of the employee, and in order to care for the child within twelve (12) months of the child's birth;

- (d) Because of the placement of a child with the employee for adoption or foster care, and in order to care for the child within twelve (12) months of the child's placement.
- (e) Because of qualifying exigencies arising out of the fact that the employee's spouse, child, or parent is on covered active duty or called to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

According to the FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., and overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) "continuing treatment" by a health care provider. For further information on what is considered "continuing treatment," contact the Benefit Specialist in the County Controller's Office.

Unless leave is taken for the employee's own serious health condition or that of his child or spouse, the total leave taken by spouses when both are employed by the Employer is limited to twelve (12) weeks.

Any time off under the County's Short-Term Disability Plan and Workers Compensation is included as part of the twelve (12) weeks allowed under the Family and Medical Leave Act.

### Section 3. Notice Requirements

All requests for FMLA leave must be submitted to the Benefit Specialist in the County Controller's Office. The requests should be in writing, must give the reason for the request and must give the expected duration of the leave.

Employees who want to take FMLA leave ordinarily must provide at least 30 days' notice of the need for leave, if the leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the employer's operations. Employees must provide notice of their need for leave to their Department Head and the Benefit Specialist in the County Controller's Office. An employee's failure to provide notice in accordance with this section may result in denial of FMLA leave.

When leave is taken for the birth of a child or to care for the child within twelve (12) months, and the leave is foreseeable based on the event, the employee must provide not less than thirty (30) days' notice before the leave is to begin. If the date of the birth or leave to begin is not foreseeable, such notice must be as soon as is practicable.

When leave is taken for the employee's own serious health condition, or to care for a seriously-ill spouse, child or parent, and the leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the Court's operations, and must provide not less than thirty (30) days' notice before the date the leave is to begin. If the date of treatment requires leave to begin in less than 30 days, however, the employee must provide such notice as soon as is practicable.



#### Section 4. Medical Certification and Periodic Recertification

When leave is taken for the employee's own serious health condition, or to care for the serious health condition of a spouse, child or parent, the Court may require certification of the serious health condition issued by the health care provider of the employee or of the spouse, child or parent of the employee, as appropriate. This certification must include the date the condition began, its probable duration, appropriate medical facts within the knowledge of the health care provider regarding the condition, and a statement that the employee is unable to perform their job function or is needed to care for the serious health condition of the employee's family member for a specified time.

The Court may require that the employee provide periodic recertifications of the serious health condition on a reasonable basis.

#### Section 5. Second and Third Opinions

The Court may require, at its own expense, if not covered by insurance, a second medical opinion from a health care provider designated by the Court, but not employed on a regular basis by the Court. In the event of a dispute concerning the second certification, the Court may require, at its own expense, if not covered by insurance, a third opinion from a health care provider. The employee and Court must agree on the selection of the third health care provider whose opinion is binding on both parties.

#### Section 6. Intermittent Leave.

If medically necessary, leave for the employee's own serious health condition or to care for a seriously ill spouse, child or parent may be taken intermittently or on a reduced leave schedule.

Unless the Court agrees, leave for the birth or placement of the employee's child, or to care for the child within twelve (12) months of the child's birth or placement, may not be taken intermittently or on a reduced leave schedule.

For leave taken intermittently or on a reduced leave schedule, further certification requirements are as follows:

- (a) When there is planned medical treatment, the certification must include the dates on which treatment is expected and its duration.
- (b) When leave is taken for the employee's own serious health condition, the certification must include a statement of the medical treatment necessary for such leave and its expected duration.
- (c) When leave is taken to care for a seriously ill family member, the certification must include a statement that such leave is necessary for the care of the family member who has a serious health condition or will assist in their recovery, and the expected duration and schedule of the leave. The Employer has the right to and shall require the employee to provide the necessary documentation every 30 days in the event that the initial doctor's statement is not specific.

#### Section 7. Unpaid Leave.

Although the law indicates that an employee is entitled to a twelve (12) week unpaid leave of absence, the Court has the right to, and shall require its employees to use their accumulated sick leave

(where applicable), annual leave, or compensatory time, concurrent with the FMLA leave. However, this does not extend the leave beyond the twelve (12) weeks.

**Section 8. Benefits During Leave.**

The Court shall continue to pay the cost of the Court portion of the health insurance premiums for an eligible employee during the period the employee is on leave for any of the reasons under Subsections 2 (a) – (e) above. The employee shall continue to pay the cost of the employee portion of the health insurance premiums for the length of the unpaid leave. The employee will not accumulate paid sick or annual leave nor be paid for holidays or bereavement leave, which may fall during the period of unpaid leave. If the employee fails to return after the leave has expired due to circumstances within the employee’s control, the Chief Judge may recover from the employee any premiums, which the Court paid to maintain medical coverage during the leave.

**Section 9. Return Rights.**

When the leave is a result of the employee’s own serious health condition, a fitness for duty certification from the employee’s health care provider is require to return to work.

Upon return from a leave taken for a reason listed under Subsection 2 (a) – (e) above, the employee will be returned to his former position or to a position equivalent in pay, benefits, and other terms and conditions of employment. The decision will be at the discretion of the Chief Judge.

**Section 10. Other Employment.**

During the time an employee is off work due to the provisions of the Family and Medical Leave Act, they shall have no other employment.

**ARTICLE 3, 4 & 5 WORKERS' COMPENSATION – RETIREMENT - LONGEVITY**

Court employees should consult the Eaton County Policy Handbook for details concerning Workers’ Compensation, Retirement and Longevity, which is incorporated by reference herein.

**ARTICLE 6 HOLIDAYS**

**Section 1. Recognized Holidays.**

All eligible employees will receive the following twelve (12) paid holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day

Day After Thanksgiving  
Christmas Eve  
Christmas Day  
New Year's Eve

Section 2. Observed Dates.

If the holiday falls on a Saturday, it shall be observed on the preceding Friday. If the holiday falls on Sunday, it shall be observed on the following Monday. If Christmas or New Year's falls on Saturday, Christmas Eve and New Year's Eve will be observed on the preceding Thursday. If Christmas Eve or New Year's Eve falls on a Saturday or a Sunday, the preceding Friday will be observed as a holiday. Otherwise, all holidays will be on the observation date.

Section 3. Holiday Pay.

Regular full-time employees shall be paid at their regular rate of pay for each observed holiday. Regular part-time employees shall be paid at their regular rate of pay for each observed holiday, pro-rated according to their normal work schedule, if scheduled to work on the holiday.

To qualify for holiday pay, an eligible employee must work or be compensated for all of their scheduled hours on their last scheduled day before and their first scheduled day after the holiday unless approved by the Department Head and Court Administrator.

Section 4. Compensation for Holiday Worked.

An employee working on a holiday shall receive their straight time rate for all hours worked, in addition to any holiday pay they might be entitled to under this Article. Holidays shall be deemed hours worked for overtime purposes. Overtime shall not be pyramided.

Section 5. Compensation While on Paid Leave.

When an employee is on vacation, personal leave, or off due to illness, they should not be charged with the time if a holiday occurs during that period if they are compensated for the entire day before and the entire day after the Holiday.

Section 6. Compensation While on Disability Leave.

When an employee is off on a short-term disability leave under the County's Sickness and Accident Insurance, and the leave includes a holiday, the employee shall not be charged with sick leave if they have been continuously supplementing the necessary hours to make up full days since the start of their disability.

**ARTICLE 7 ANNUAL LEAVE**

Section 1. Accrual.

Regular full-time employees shall earn annual leave per the following schedule:



six (6) months of continuous employment, their designated beneficiary shall be paid for the employee's accumulated annual leave.

## **ARTICLE 8 PAID SICK LEAVE**

### **Section 1. Accrual.**

Each regular full-time employee shall earn 3.0 hours of sick leave with pay for each completed 80 hours of service. Hours worked in excess of 80 hours in a biweekly pay period shall not be counted. Regular part-time employees shall earn sick leave on a pro-rated basis. The amount of sick leave earned shall be determined by multiplying the full-time rate by a fraction derived by dividing the actual hours worked or compensated for during a pay period (exclusive of overtime) by 80.

### **Section 2. Accumulation.**

Sick leave shall be credited at the end of the biweekly pay period in which service is completed.

Sick leave shall be considered available for use only in a biweekly pay period following the biweekly pay period in which it is earned.

Employees may accumulate sick leave to a maximum of five hundred (500) hours. Any sick leave hours accumulated in excess of five hundred (500) hours shall be compensated to the employee once a year at their current rate of pay for employees. Such compensation will be made on the first pay day in December.

### **Section 3. Use.**

Employees may use accrued sick leave hours in a minimum of one quarter (0.25) of an hour increments up to eight (8) hours (consistent with the employee's regularly scheduled work hours) provided they have been employed 30 days.

Eligible employees may use accrued paid sick leave for absences due to the following circumstances:

- (a) Mental or physical illness, injury or health condition of the employee or the employee's family member (as defined below), including medical diagnosis, care, treatment, or preventative care;
- (b) Medical care, counseling, relocation, legal services, or court appearances related to domestic violence or sexual assault against the employee or the employee's family member (as defined below); and
- (c) The closure of the employee's place of work or the employee's child's daycare/school due to a public emergency;
- (d) Absences for medical, dental or optical appointments, or pregnancy. Sick leave may also be used for illness of an employee's immediate family members where their attendance is essential to their care.

An employee's family members, for the purposes of use of sick time, shall be defined as the employee's current spouse, child (including biological, adopted, foster, stepchild, or child for whom the employee is the legal guardian), parent (including biological, foster, step, adoptive or legal guardian when the employee was a minor), grandparent, grandchild, and sibling (including biological, foster or adopted).

Employees taking sick leave shall notify their immediate supervisor within the first hour of the employee's work day. Failure to do so may result in loss of pay for the period of absence.

Employees shall provide a doctor's statement when requested by the Department Head or Court Administrator. Falsification of such evidence may result in dismissal of employment.

Employees who have submitted a notice of resignation may not use sick leave within their last two weeks of employment without providing a doctor's statement. Failure to comply with this policy shall result in the loss of pay for the time used.

**Section 4. Pay-Out of Earned Sick Leave Upon Retirement or Death.**

Any employee who retires and is immediately eligible for retirement benefits as defined by the Municipal Employees' Retirement System (MERS) or has twenty-five (25) years of service with Eaton County shall be paid 50% of their unused earned sick days in a lump sum payment upon their retirement. In the event of the death of an employee, the designated beneficiary shall receive 50% payment of their unused earned sick leave in a lump sum payment. The amount of pay for each such hour shall be based on the employee's most recent rate of pay.

**Section 5. Evidence of Fitness.**

The Department Head or the Chief Judge may require that an employee present medical certification of their physical or mental fitness to perform the essential functions of the job, with or without accommodation.

**Section 6. Returning to Work.**

Employees returning to work from an illness may be required by his Department Head to submit a statement from his physician qualifying their ability to return to work.

**ARTICLE 9 BEREAVEMENT LEAVE**

**Section 1. Eligibility.**

All regular full-time and regular part-time employees.

**Section 2. Procedures.**

An employee who wishes to take time off due to the death of an immediate family member, should notify their department head or court administrator as soon as possible. Leaves granted under this section shall commence on or between the date of the death and the date of the funeral or memorial service.

In addition to bereavement leave, an employee may, with their department head's or court administrator's approval, use any accumulated leave time for additional approved time off as necessary. Employees may be required to provide documentation with regards to their bereavement leave, e.g. death certificate, funeral or memorial notice.

Paid bereavement leave will be granted according to the following schedule:

- (a) Employees are allowed up to 5 days off from regularly scheduled hours in the event of the death of the employee's current spouse, child or parent, including legal guardian.
- (b) Employees are allowed up to 3 days off from regularly scheduled hours in the event of death of the employee's sibling, grandparent, grandchild or current in-law.
- (c) Employees are allowed to take the day of the funeral off in order to attend the funeral of all other relatives upon receiving prior approval of the department head or elected official, with such time deducted from the employee's accumulated leave time.
- (d) Employees are allowed up to 4 hours of bereavement leave to attend the funeral of a current employee of the Court within their office, provided such absence from duty will not interfere with normal operations of the office.

#### **ARTICLE 10 MILITARY LEAVE**

The Court abides by the mandatory provisions of Federal and State law regarding re-employment rights of veterans and in granting leaves of absence for active military duty.

#### **ARTICLE 11 JURY DUTY**

Regular full and part-time employees required to appear for jury qualifications or jury service shall be granted leave with regular pay; however, any money earned as a juror, except the money received for mileage (over and above that driven to their normal worksite) and meals, shall be turned over to the Court. Such hours shall not be counted for computing overtime pay. To qualify for jury duty pay, an employee must give immediate notice to their supervisor when notified of their selection by showing their Notice of Jury Duty, and must report for work immediately upon their release from jury service each day.

#### **ARTICLE 12 LEAVE WITHOUT PAY**

##### **Section 1. Disability Leave.**

Upon expiration of all paid time off benefits, an employee may be granted an unpaid leave of absence by the Chief Judge if unable to return to work once their disability (Sickness and Accident Insurance) benefits have expired, because of continued illness, injury or disability due to pregnancy.

Such leave may be for the duration of the illness, injury or pregnancy, but in no event shall total leave exceed one year from the date the employee last performed work before beginning a leave due to medical reasons. If the employee is not able or does not return to work upon expiration of one year from the start of the disability leave, the employee will be terminated from employment with the Court.

Requests for such leave shall be in writing and must be accompanied by a physician's statement certifying the necessity for the leave. The Chief Judge may continue to require updated information during such leaves. Before returning to work, the employee must provide a physician's certificate approving the employee's return to the job. Such leave time shall run concurrently with any entitlement to leave under the Family and Medical Leave Act. Employees will be responsible for full health insurance premium coverage for any disability leave, pursuant to this section, that is beyond the employee's FMLA entitlement.

Section 2. Leave Without Pay.

In addition to the leaves authorized above, a Department Head may authorize leave without pay for an employee for a period of time not to exceed 10 days in any calendar year however all other applicable leave must be exhausted for non-medical circumstances. Such leave may not be authorized to extend a leave under Section 1 of this Article or Article 2, Family and Medical Leave. Leave without pay for a longer period must be approved by the Department Head, but must also be requested in writing to and approved by the Court Administrator. During the time an employee is off of work on an unpaid leave of absence, they shall have no other employment.

**ARTICLE 13 EDUCATIONAL ASSISTANCE POLICY**

Section 1. Reimbursement.

The Court will reimburse an employee for tuition costs and other charges, up to a maximum of \$1,000.00 per calendar year, subject to the availability of funds within the department's budget and that the requested course meets the IRS allowable guidelines. The course(s) must be related to the employee's present position in the Court or be a required course leading to a degree relating to the employee's present position. Reimbursement is for Undergraduate courses only. In order for an employee to be eligible, they must follow the application process that is outlined below. The course(s) must be taken outside of working hours except in the rare instance when it is not offered at such a time.

Section 2. Procedure.

(a) The employee must complete the Tuition Reimbursement Request Form. Forms are available in the County Controller's Office. Prior to enrolling in a course(s), signatures must be secured from the Department Head and the Chief Judge. In order to be reimbursed, the course(s) must be undergraduate courses, taken at an approved school and the employee must receive a passing grade.

(b). After the employee completes the course(s) they must complete the bottom half of the Tuition Reimbursement Request Form and have his Department Head and the Chief Judge approve payment. The reimbursement may include registration fees, tuition, laboratory fees, book costs and supply costs. Reimbursement requests must be supported by an itemized paid receipt(s) and a copy of the grade(s) for the course(s). The completed Tuition Reimbursement



Request Form must be signed by the Department Head and the Chief Judge, who will forward to the Controller's Office for payment after the next regularly scheduled Board meeting.

(c). In the event a Department Head requires an employee to enroll in a course(s) payment can be made in advance, however the same Tuition Reimbursement Request Form must still be completed prior to enrollment.

## **ARTICLE 14 HOURS**

### **Section 1. Courthouse Hours.**

The Offices of the Eaton County Trial Courts shall be open daily for business from 8:00 am to 5:00pm, Monday through Friday, except on the holidays listed in the Holiday section. The Offices of the Eaton County Courthouse shall be set from time to time by Local Administrative Order. The normal work week shall be 40 hours.

### **Section 2. Overtime.**

#### **(a) Non-Exempt Employees**

Overtime shall consist of any and all time assigned by an employee's supervisor to be worked by an employee eligible for overtime in excess of 40 hours worked in the seven (7) consecutive days, Sunday through Saturday subject to the following provisions. Prior approval of overtime is required by an employee's supervisor. Only time worked shall be counted for purposes of computing overtime pay.

Employees working in classifications considered to be non-exempt from the overtime provisions of the Federal Fair Labor Standards Act (FLSA) who are required to work in excess of 40 hours in any one week shall be compensated at the rate of time and one half their regular rate of pay for all such hours. An employee, with the mutual agreement of the Department Head, may take compensatory time off at the rate of time and one half per hour of worked overtime in lieu of overtime pay. Compensatory time off shall be taken at a time mutually agreeable to the Department Head and the employee. Such time cannot accumulate in excess of 160 hours. Overtime must be paid for any time accumulated in excess of 160 hours. Compensation at the rate of time and one half will be paid to employees for compensatory time not taken upon their separation from employment. All employees will be paid in a lump sum payment only and in no event shall an employee be allowed to be carried out on the payroll with their unused compensatory time hours.

A Department Head may within their discretion allow an employee to flex their work schedule as the department's workload demands, provided such adjustment to the work schedule does not interfere with the office's daily business hours contained in Section 1 of this Article. The adjustment to the work schedule should not be made to prevent or eliminate the need for the employee to utilize their accrued sick, vacation or compensatory leave or provide for the employee to receive a benefit that they are not otherwise entitled to within these policies (i.e., Holiday Pay). The permitted flex schedule must be made to maintain the total number of hours (40) of a normal work week as required under the provisions of FLSA and contained in Section

1 of this Article. In the event a Department Head approves an employee to flex their schedule within a week, the daily payroll hours will be recorded to reflect the flex schedule.

(b) Exempt Employees

Employees working in classifications considered to be exempt from the overtime provisions of the Federal Fair Labor Standards Act (FLSA) shall not receive overtime compensation or be eligible for compensatory time off.

A Department Head may authorize a flexible schedule other than that described above in Section 1 when an exempt employee is required by his Supervisor to work more than a normal work day (increments of at least 1 hour), when the work load permits.

Section 3. Lunch Hours and Breaks.

Each full-time employee shall be allowed a 1-hour unpaid lunch break near the middle of their scheduled work shift as determined by the Department Head based on operational needs. Lunch hours may not be used for overtime purposes.

Breaks are generally allowed twice a day with one near the middle of the first 4 hours of the work day and one near the middle of the last 4 hours of the work day. Each break period is not to exceed 15 minutes and will be scheduled by the Department Head. Breaks may not be used for coming in late, leaving early, in conjunction with lunch breaks, or for overtime purposes. They do not accumulate if not taken.

**ARTICLE 15 CLASSIFICATION OF EMPLOYEES**

Section 1. Classification of Employees.

(a) Full Time Employees.

An employee regularly scheduled to work 40 hours per week for a period to exceed 6 months shall be considered a regular, full time employee. Such employees shall be entitled to the benefits listed in this booklet except where otherwise indicated.

(b) Regular Part-Time Employees.

An employee regularly scheduled to work a minimum of 40 hours per pay period, but less than 40 hours per week for a period to exceed 6 months shall be classified as a regular, part-time employee. Such employees shall only be entitled to earn pro-rated annual leave, sick leave, personal leave, bereavement leave and holiday benefits (when the holiday falls on an employee's regularly scheduled workday). If a holiday falls on a day that is not a regularly scheduled workday, an employee will not receive any additional compensation for that day. Department Heads may not give another day off in lieu of that holiday; and shall participate in the retirement system provided the minimum eligibility requirements are met. Regular part-time employees who are regularly scheduled to work 30-39 hours per week are eligible for health insurance benefits.

(c) Temporary Employees.

An employee who is hired for a period of 25 weeks or less in a calendar year, for work that was scheduled for 25 weeks or fewer in the calendar year, working less than 29 hours per week, shall be considered a temporary employee and shall be entitled to wages only with no fringe benefits. If a temporary employee is transferred to a regular status, retroactive requests for any benefit calculations must be requested at the time of transfer by the employee's department head and approved by the Chief Judge.

(d) Intermittent Employees.

An employee who is not regularly scheduled in advance to work a minimum number of 29 hours per week shall be considered an intermittent employee and shall be entitled to wages only with no fringe benefits.

(e) Contract Employees.

In certain instances, as approved by the Chief Judge, an individual may be hired on a contractual basis. The proposed situation must satisfy the definition of the Internal Revenue Service independent contractor relationship.

(f) Seasonal Employees.

Any employee working in a seasonal capacity for any Court Department scheduled 29 hours or less per week, shall be entitled to wages only with no fringe benefits, provided the employee works for 25 weeks or fewer, for a seasonal work assignment that is scheduled to last for 25 weeks or fewer. If a seasonal employee is anticipated to perform work on an assignment in excess of 25 weeks, the seasonal employee shall be eligible for paid sick leave as provided in Article 8.

(g) Other Part-Time Employees.

An employee regularly scheduled in advance to work 19 hours or less per week for a period to exceed 6 months, shall be classified as other part-time employees and shall be entitled to wages only with no fringe benefits.

Section 2. New Employees.

All hiring of new employees will be at the entry level rate except as follows: A department head may hire a new employee at a level within the salary classification with consideration given for years of relevant experience with the prior approval of the County Controller.

Section 3. Returning Employees.

An employee who previously worked part-time or full-time for the Court and returns to part-time or full-time employment will have their seniority reinstated for purposes of longevity and leave accruals.

Section 4. Temporary Retention and Recruiting Premium.

Court employees should consult the Eaton County Policy Handbook for details on the temporary retention and recruiting premium, which is incorporated by reference herein.

**ARTICLE 16 RECLASSIFICATION OF EMPLOYEES**

Section 1. Regular Reclassification.

In order to conform to the budgetary process of the County, reclassification requests should be submitted to the Court Administrator no later than the date of the regularly scheduled February Ways and Means Committee meeting so they may be considered at the regularly scheduled March Ways and Means Committee meeting. Any approved requests will be made effective the following October.

A reclassification request can be submitted by either an employee or a Department Head. A reclassification request submitted by an employee that has not been reviewed by their Department Head will be returned to the Department Head for their review.

Reclassification requests should be submitted only for employees whose job duties have changed substantially since their job description was completed. They should not be viewed as a means of increasing the salary of an employee who is performing well or is at the last step of their salary grade. Once a reclassification request has been submitted, another request may not be submitted for the same position until two reclassification periods have passed.

Any regular reclassification request is not subject to appeal or to the Court Grievance Procedure.

#### Section 2. Special Reclassification.

A reclassification request may be considered at other times during the year, if in the discretion of the Chief Judge, a significant single change has occurred in the employee's job responsibilities; ie: new and different projects undertaken, many more employees added to be supervised, etc.

#### Section 3. Temporary Reclassification.

Any temporary reclassification of any employee must first be approved by the Chief Judge. A temporary reclassification of an employee to a Department Head must be first approved by the Ways and Means Committee.

### **ARTICLE 17 SALARY PLACEMENT**

This Article applies to changes in employee salaries as a result of internal promotion (involving employee) or reclassification (involving a position).

#### Section 1. Promotion.

When an employee is promoted to a higher-level position at a higher pay scale, placement on the new (higher) pay scale will be to the salary step that results in the employee receiving a five percent (5%) increase in salary within the new (higher) classification, unless the increase results in the employee exceeding the top step in the new (higher) classification. In this circumstance, the employee will be placed at the top step of the new (higher) classification.

#### Section 2. Reclassification.

When a position is reclassified through the annual, temporary, or special reclassification process the employee will be compensated at the equivalent annual step within the pay scale of the newly determined classification.

## **ARTICLE 18 INCLEMENT WEATHER**

### **Section 1. Authorization to Close.**

The County may be officially closed by the Controller and Chairperson of the Board of Commissioners due to inclement weather or other acts of God. In the event employees are instructed to return home or not report to work, they will be paid for their regularly scheduled hours.

In accord with Michigan Supreme Court Administrative Order 1998-5 and Local Administrative Order 2022-01J, if the Chief Judge closes the court and releases court employees, but the funding unit does not, the released court employees must use accumulated leave time or take unpaid leave unless a collective bargaining agreement contains provisions to the contrary.

Employees who do not return to work because of continuing inclement weather conditions after the County has been officially reopened must use compensatory time or vacation time in order to be paid.

The decision to close the County will be broadcast on the following local media if possible:

#### **RADIO**

WJIM FM 97.5  
AM 1240  
WFMK FM 99.1  
WITL FM 100.7

#### **TELEVISION**

WILX TV Channel 10

For updated information on delays or closings you can call the inclement weather phone number at the Courthouse, 517-543-4404.

### **Section 2. Compensation While on Paid Leave.**

When an employee is on vacation, or off due to illness, they shall not be charged with the time if an inclement weather day occurs during that period if they are compensated for the entire day before and the entire day after the inclement weather day.

### **Section 3. Outside Work.**

For employees regularly scheduled to work outside, the following inclement weather policy will apply:

- (a) Every employee must report to work every day to be paid unless they have been excused. If in the discretion of the supervisor the weather is too severe to work attempts to identify and assign indoor work will be made. This type of work will be distributed as evenly as possible.
- (b) If an employee reports to work and is sent home because weather is too severe and there is no indoor work to be performed they will be paid for two hours or the actual time worked, whichever is greater.

## **NON - ECONOMIC POLICIES**

### **ARTICLE 19 EMPLOYEE EVALUATION**

There may be regular performance evaluations done on each employee by their immediate supervisor or department head. The evaluation will be completed on forms provided by the Court Administrators Office and then placed in their personnel file in the Court Administrator's Office. These records will then become records of the Court.

### **ARTICLE 20 GRIEVANCE PROCEDURE**

If a grievance arises over the application of these rules and policies in a specific case, an employee shall have the benefit of the following grievance procedure:

**Step 1.** An employee having a grievance shall present it in writing to the Department Head within 5 working days from the date the grievance first arose or should have been known by the employee. Any grievance not timely filed shall be considered null and void. Such grievance shall include time, date, and alleged violation(s) of this policy that is the basis of the grievance, the remedy desired, and the signature of the grievant. The Department Head's written answer shall be given to the employee within 3 working days thereafter. A Department Head does not have the authority to change, alter, or modify any of the provisions contained in this Personnel Policy. The decision of the Department Head shall not act as precedent or bind the Court.

**Step 2.** If the grievance is not satisfactorily adjusted in Step 1, the grievance shall, within 3 working days of the Step 1 answer, be submitted in writing to the Court Administrator. The Court Administrator, Department Head and the affected employee may meet within 5 working days. The Court Administrator shall give a written answer within 3 working days following the meeting if held, or the receipt of the grievance. If the grievance is not satisfactorily adjusted it shall be submitted, within 3 working days thereafter, to Step 3.

**Step 3.** If the grievance is not satisfactorily adjusted in Step 2, the grievance shall, within 3 working days of the Step 1 answer, be submitted in writing to the Chief Judge. The Chief Judge, Court Administrator, Department Head and the affected employee may meet within 5 working days, however, nothing in this policy shall be construed as to mandate such a meeting. The Chief Judge shall give a written answer. The Chief Judge's decision shall be final and binding on all parties.

Any complaint not appealed from a decision in one of the steps above to the next step within the prescribed time limit shall be considered dropped and not subject to further appeal unless the time limit is extended by mutual written agreement.

Failure of the Court to respond to a grievance at Step 1 within the time limits specified, shall be considered a denial of the grievance and the grievance may be processed to the next step, provided the grievance is advanced timely from the last day that the Court's answer was due.

New employees or employees who voluntarily transfer or are promoted to another position, for the first year of their new employment, shall be able to utilize the above grievance procedure.

## **ARTICLE 21   WORK RULES**

### **Section 1. Rules of Conduct.**

All employees serve at the will and pleasure of the Court, and may be terminated with or without cause. All employees are expected not to violate the following rules of conduct as well as the rules and policies previously mentioned. The list is for illustration purposes only and is not intended to be an all-inclusive list of rules of conduct. Further, the list may be added to, modified or supplemented at the sole discretion of the Court. The purpose of these rules is to set forth some rules of conduct, which will result in disciplinary action, including possible discharge. Other type behavior deemed inappropriate can subject an employee to disciplinary action up to and including discharge.

1. Unlawfully manufacturing, distributing, dispensing, possessing, selling or using intoxicants or controlled substances, including but not limited to alcohol, illegal narcotics, recreational and medicinal marijuana, on County property or during working hours.
2. Reporting for work in an intoxicated condition or under the influence of a controlled substance.
3. Operating a County vehicle in an intoxicated condition or under the influence of a controlled substance.
4. Absence without notification or excuse.
5. Absenteeism.
6. Tardiness.
7. Pattern of abuse of leave time.
8. Neglect or failure to satisfactorily perform assigned duties.
9. Violation of a safety rule or safety practice.
10. Misrepresentation on employment application.
11. Falsification or destruction of Court records.
12. Violations of policies outlined in the Personnel Policy.
13. Refusal to perform work assigned to an employee.
14. Interfering with the work of the other employees.
15. Improper use, unauthorized use or destruction of County Property.  
(Includes County vehicles taken home overnight being used for personal reasons).
16. Insubordination.
17. Theft or Financial Irregularities (Embezzlement).
18. Harassment.
19. Fighting.
20. Possessing a firearm on County property, in a County vehicle, or otherwise while the employee is on Court business during working hours unless specifically authorized in conformance with the Security Policy for the County Courthouse adopted by the Courts and the County Board of Commissioners. The Court reserves the right to conduct firearm searches in areas within the employee's control, while the employee is on the County property or during working hours.
21. Possession of fireworks or explosives on County property or during working hours.
22. Abusive language to any supervisor, employee or member of the public.
23. Immoral conduct or indecency on County property.

24. Gambling on County property.
25. Unlawful discrimination or harassment.
26. Inappropriate use of the County electronic mail system.
27. Viewing and use of inappropriate websites.
28. Violation of the County's Acceptable Use Policy.
29. Violation of the County's Email Policy.
30. Violation of the County's Social Media Policy.
31. Violation of the County's Drug Free Workplace Policy.
32. Violation of the County's Workplace Violence Policy.
33. Violation of any and all County or Court Policies, including the Code of Conduct for Trial Court Employees (canons 1-10).
34. Engaging in the use of a cell/mobile phone while operating a motor vehicle on County business that is in motion, unless such mobile phone is equipped and used with a hands-free device. Emergency phone calls are the only exception, such as to summon "9-1-1" or other similar number for emergency assistance.

### Section 2. Inspection of Court Property.

All desks, lockers, filing cabinets, computers and other storage areas provided by the Court remain the property of the Court, even though the Court may permit an employee to lock such a desk, locker, filing cabinet or other storage area. These items are provided by the Court for business purposes and for the convenience of the employees. Employees have no expectation of privacy in the contents of such desks, lockers, filing cabinets, computers, electronic messages (including email and text messages transmitted on County devices or through the County's system) or other storage areas, including property owned by the employee which is used in the work area of the employee on county property, all of which are subject to periodic inspection by the Court. Where practicable, such inspections will be conducted in the presence of a witness.

### Section 3. Dress Code.

Pursuant to the Michigan Code of Judicial Conduct, a judge may require court personnel to be appropriately attired. Employee appearance is a reflection upon the court. Whether or not an employee is in a position with direct public contact, each employee represents the court to the public. A properly attired and groomed individual creates a favorable image for the court and to the public. All employees are encouraged to use common sense, good taste and judgment when it comes to their appearance. Attire, accessories and grooming must be conservative to maintain standards for a professional environment. Such must not attract undue attention, serve as a distraction to others, interfere with job performance, or present a safety hazard to the employee or co-workers.

For employees who serve or may serve in the courtroom or provide presentations to professional organizations, dress should be suitable for the dignity of the court. These employees shall wear business attire: suits, ties, dress shirts/blouses, dress slacks, sport coats, blazers, pantsuits, dresses and skirts.

Business casual is applied to those employees who serve outside the courtroom environment and in fieldwork. Business casual is designated to create a comfortable work environment yet still portray a professional image. In general, business casual attire should be conservative in appearance. Revealing, tight fitting, torn, excessively worn, or dirty clothing is not acceptable. Slogans and graphics should be



avoided. Excessive jewelry and inappropriate hair coloring should be avoided. Body ornamentation should be avoided or covered. The following are guidelines for those wearing business casual attire:

- Dress khaki/twill pants, dress slacks and dress capris are acceptable, while cargo, oversized, tight fitting, gym attire, shorts, and bib overalls are not acceptable.
- Long or short sleeved shirts, blouses and sweaters are acceptable, while sweatshirts, tee-shirts with logos, denim shirts, halter tops, tube tops, spaghetti strap tops, and shirts with letter or figures other than appropriate designer insignia are not acceptable.
- Dress, skirts and dress skorts are acceptable, while mini-skirts, and exposed, backless, or spaghetti strap dresses are not acceptable.
- Dress shoes and boots are acceptable, while gym shoes, flip-flops, slippers and beach shoes are not acceptable.

Department Heads, in consultation with the Court Administrator, will have the authority to interpret this policy for their staff. Differing standards may apply within the same unit, depending upon the types of duties performed. Judges will have interpretation authority of this policy with regard to their staff. Final interpretation of this policy lies with the Chief Judge.

The Court Administrator may consider exceptions for employees who must wear special attire based upon medical condition or for religious reasons. Documentation to support such an exception may be requested by the Court Administrator.

An employee deemed to be dressed inappropriately may be counseled regarding appropriate attire, and may be charged against their annual time in order to return home to change attire. Repeated failure to comply with this policy may lead to progressive disciplinary action.

#### Section 4. Code of Conduct.

A Code of Conduct for Eaton County Trial Court Employees has been adopted in a separate document and is incorporated herein by reference.

## **ARTICLE 22. LAYOFF**

### Section 1. Authorization.

The decision to authorize a layoff shall be determined by the Chief Judge. The Chief Judge shall determine which employee shall be laid off within the Court. During the period of layoff, all benefits shall cease unless otherwise specified in these policies.

Any employee who is laid off shall receive pay for any unused annual leave, compensatory time (non-exempt employees only) and sick leave (if employed 25 years or more only). If an employee is re-called within the one-year maximum period, they shall begin to accumulate annual leave immediately at the rate when laid off, and they shall not be required to complete 6 months of regular continuous paid service to use the annual leave hours. If an employee is re-called within the one-year maximum period, they shall resume use of their unused sick leave and continue to accumulate immediately.

Section 2. Recall.

Employees shall be re-called to their previous department and classification in the reverse order they were laid off, ie: the most recently laid off will be the first to return to work. The right to recall shall cease after a period of time equal to the amount of time the employee has worked full time, or to a maximum of not more than one year from the date of the employee's layoff, whichever is less. If the employee is rehired after such period, they shall be considered a new employee, without seniority.

Section 3. Failure to Respond.

Employees who have been laid off and who, within 5 days after recall notice by certified mail to their last known address shown on the Court's personnel records, fail to respond as directed or decline recall, shall be presumed to have waived their recall rights and shall be deemed to have resigned.

**ARTICLE 23 NEPOTISM POLICY**

Section 1. Immediate Family.

No individual shall be hired in a department if, at the time of their application for employment that potential employee has a member of their immediate family (as an employee, department head, or elected official) working in the same department to which they seek employment. Immediate family shall mean current spouse, child, brother, sister, parents, parents of current spouse, grandparents or grandchildren.

Section 2. Judicial Requirements.

No spouse of a Judge or court administrator shall be employed in any department of the Court.

Section 3. Preferential Consideration.

No individual, not covered in Sections 1 and 2 above, seeking employment shall receive any preferential consideration for employment because of the fact that individual has a relative, by blood or marriage, employed or in an elected County position. All such applications shall be considered for employment strictly on the basis of their qualifications.

**ARTICLE 24 CONFLICT OF INTEREST**

An employee shall not directly or indirectly derive any personal benefit, arising out of or due to their employment or position with the Court, from any person or private entity which does business with the Court.

A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain, including income or benefit, for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of the Court's business dealings, the employee has a financial interest in a matter proposed to be acted upon by the Court, the employee may have a conflict between a personal interest and the public interest of the Court, or there is the potential for a possible appearance of impropriety based upon an employee's personal financial or ownership interests.

The Court expects their employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Court. Business dealing that appear to create a conflict between the interests of the Court and an employee are unacceptable. The Court recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to our business. However, the employees must disclose any possible conflicts so the Court may assess and prevent potential conflicts of interest from arising. The employee should provide written notice of any possible conflict to the Court as soon as practicable upon the creation of the possible conflict. Following receipt of such a notice, the Chief Judge shall determine whether a conflict of interest in violation of this policy exists.

## **ARTICLE 25** **COMMUNICATION WITH PERSONS NOT ASSOCIATED WITH THE COURT**

It is the policy of the Court that no employee shall speak with, provide information or documents to, or otherwise communicate with an attorney, private investigator or other persons not associated with the Court pertaining to inquiries on an existing or potential lawsuit or claim against the Court or any of its employees. Employees contacted by an attorney, private investigator, or other persons not associated with the Court regarding such matters shall advise the attorney, private investigator or other persons not associated with the Court that they are not permitted to discuss it with them without the express written authorization of the Chief Judge. The attorney, private investigator or other persons not associated with the Court shall then be referred to the Chief Judge for information.

This policy does not apply to protected free speech in a matter of “public concern”.

This policy also does not apply to sworn testimony properly obtained through a subpoena or in a properly ordered court deposition.

## **ARTICLE 26** **NON-DISCRIMINATION**

### **Section 1.** **General Statement.**

It is a policy of the Court to provide equal employment opportunities to qualified persons without regard to race, color, religion, sex, age, national origin, height, weight, marital status, sexual orientation, gender identity, disability or any other legally protected status.

### **Section 2.** **Disabilities and Reasonable Accommodations.**

The Court is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA) of 1990 and its amendments the Americans with Disability Act Amendment Act (ADAAA), as well as the Persons with Disabilities Civil Rights Act (PWDCRA). It is the Court’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual’s disability or perceived disability so long as the employee can perform the essential functions of the job.

Consistent with this policy of nondiscrimination, the Court will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the

Court aware of their disability, provided that such accommodation does not constitute an undue hardship on the Court.

Employees with questions should direct those questions to the Court Administrator or the Court's identified ADA coordinator. Employees requiring a reasonable accommodation in order to perform the essential functions of their job, must notify the Court in writing of the need for a reasonable accommodation within 182 days after the date the employee knew or reasonably should have known that accommodation was needed.

The Court is committed to engaging in the interactive process with employees requesting a reasonable accommodation. The Court will make accommodations that do not pose an undue hardship to the Court.

## **ARTICLE 27 HARASSMENT**

### **Section 1. Sexual Harassment.**

Sexual harassment of employees by other employees or elected officials is strictly prohibited.

Sexual harassment is defined as unwanted sexual advances; or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchanged for sexual favors (Quid Pro Quo).
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or the displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly as a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

An employee who believes that they have suffered or witnessed sexual harassment should report the incident in writing to their Department Head immediately. Prior to beginning a formal investigation, a complainant will be required to put their complaint in writing. If their Department Head is unavailable

or if the employee believes it would be inappropriate or uncomfortable to contact that person, they should immediately contact the Court Administrator or Chief Judge in writing regarding the concern. Any report or complaint reported to a Department Head must immediately be given to the Court Administrator and Chief Judge.

If such complaint be against a Judge, report of the incident may be made to the Regional Administrator of the State Court Administrative Office.

The Court will carefully investigate all claims of harassment. To the extent possible, the investigation will be conducted in a manner calculated to protect the privacy of the individuals involved and the confidentiality of the complaint. The Court will not permit or tolerate any form of reprisal or retaliation against an employee or applicant who files a report in the good-faith belief that this policy may have been violated. Retaliating or discriminating against any employee for complaining about harassment is prohibited and shall be treated as a separate violation of this policy.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

#### Section 2. Other Harassment.

The Court is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated.

The term harassment is defined as alarming conduct serving no legitimate purpose; offensive touching; repeated communications made anonymously, telephone excesses; abusive language; words or actions that may terrorize, abuse, harass, annoy, alarm, threaten, insult, taunt, or any other word or action that is likely to cause a violent or disorderly response. The Court does not tolerate harassment of employees, independent contractors or residents for any reason, including but not limited to, race, color, religion, sex, height, weight, age, national origin, handicap, marital or veteran status.

Any employee who believes they have been harassed, or witnesses another employee being harassed, should immediately report the alleged conduct to their Department Head. Prior to beginning a formal investigation, a complainant will be required to put their complaint in writing. In their Department Head is unavailable or if the employee believes it would be inappropriate or uncomfortable to contact that person, they should immediately contact the Court Administrator or Chief Judge in writing regarding the concern. A prompt investigation will be conducted. The Court will carefully investigate all claims of harassment. To the extent possible, the investigation will be conducted in a manner calculated to protect the privacy of the individuals involved and the confidentiality of the complaint.

The Court will not permit or tolerate any form of reprisal or retaliation against an employee or applicant who files a report in good-faith belief that this policy may have been violated. Retaliating or discriminating against an employee for complaining about harassment is prohibited and shall be treated as a separate violation of this policy.

Anyone engaging in unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

## **ARTICLE 28 PHYSICALS**

The Court may require an employee to submit to a job-related physical examination, at the Court's expense, in the event the employee was injured in the course of work, or appears to be otherwise unfit to perform the essential function of the job (i.e. a "fitness for duty" examination).

## **ARTICLE 29 GENDER**

The use of gender-neutral pronouns herein shall refer to all genders.

## **ARTICLE 30 DRUG AND ALCOHOL TESTING**

### **Section 1. Purpose**

The purpose of this policy is to provide all employees who work in the Court with notice of the provisions of the Court's drug and alcohol testing program.

### **Section 2. Policy**

It is the policy of this Court that the critical mission of the Court justifies the maintenance of a drug-free and alcohol-free work environment through the use of a reasonable employee drug testing program. There is sufficient evidence to conclude that the use of controlled substances and alcohol, as well as other forms of drug abuse, will seriously impair and employee's physical and mental health, and thus, job performance. To ensure the integrity of the Court's operations and to preserve public trust and confidence in a drug-free and alcohol-free work environment, the Court will implement a drug and alcohol testing program.

### **Section 3. Definitions.**

1. Employee- Those who work at the Court.
2. Supervisor – Those persons assigned to a position having day-to-day responsibility for supervising subordinates.
3. Drug Test – the compulsory or voluntary production and submission of urine, in accordance with departmental procedures by an employee for chemical analysis to detect prohibited drug usage.
4. Alcohol Test- the compulsory or voluntary production of breath, in accordance with the procedures of this policy by an employee for analysis to detect whether that employee is under the influence of alcohol.

5. Reasonable Suspicion – That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an employee. These facts or inferences would leave the reasonable person to suspect that the employee is or has been using drugs or alcohol while on duty, and/or is under the influence of drugs or alcohol while on duty.
6. Probationary Employee – For the purpose of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the Court as a recently hired employee.
7. MRO (Medical Review Officer) – The medical review officer is a physician knowledgeable in the medial use of prescription drugs and the pharmacology and toxicology of illicit drugs. The MRO will be a licensed physician with knowledge of substance use disorders. The MRO shall have appropriate medical training to interpret and evaluate an employee’s test result in conjunction with their medical history and nay other relevant biomedical information.

Section 4. Procedures/Rules.

1. General Rules – The following rules shall apply to all employees while on and off duty:
  - a. No employee shall illegally possess any controlled substance.
  - b. No employee shall ingest any controlled substance or prescribed substance, expect under the direction of a licensed medical practitioner.
  - c. An employee may possess and use a drug or controlled substance, providing such drug or controlled substance is dispensed to said employee pursuant to a current valid medical prescription in the employee’s name.
    - i. Should the employee’s prescribing physician or pharmacist indicate that the known side effects of the drug make it dangerous for the employee to safely work, the employee shall, prior to their next shift, notify the Department Head or (in the absence of the Department Head) their supervisor, of the known side effects (but not the identity of the medication itself), as indicated by the employees prescribing physician or pharmacist.
  - d. The employee shall, prior to their next shift, advise the Department Head or (in the absence of the Department Head) their supervisor, of the known side effects of such medication (but not the identity of the medication itself), as well as the prescribed period of use, as indicated by the employee’s prescribing physician or pharmacist.
  - e. The Department Head or (in the absence of the Department Head) the employee’s supervisor shall document this information and retain the memorandum for at least ninety (90) days, but in no event longer than the time the employee remains on the medication. A Copy of the memo will be forwarded to the Controller’s Office. This

information shall be confidential, and shall be disclosed only on a “need to know” basis, or as required by law.

- f. No employee shall ingest any prescribed or over-the-counter medications in amounts beyond the recommended dosage.
- g. Any employee who unintentionally ingests, or is made to ingest, a controlled substance shall immediately report the incident to their supervisor so that the appropriate medical steps may be taken to ensure the employee’s health and safety.
- h. Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession of, any controlled substance shall immediately report the facts and circumstance to their supervisor.
- i. Discipline of employees for any violation of this policy shall be in accordance with the due process rights provided in the applicable Department’s Rules and Regulations, policies and procedures, and the applicable collective bargaining agreement. The employee may be immediately relieved of duty pending an investigation at the discretion of the Chief Judge or their designee, when one of the following occurs:
  - i. A refusal to participate;
  - ii. The medical review officer determines that an employee’s drug and/or alcohol test was positive; or
  - iii. Attempt to alter or substitute a urine or breath specimen.

## 2. Applicant Testing

- a. Applicants for employment shall be required to take a drug and alcohol test as a condition of employment during a pre-employment medical examination.
- b. Applicants shall be disqualified from further consideration for employment under the following circumstances:
  - i. Refusal to submit to a required test(s);
  - ii. A confirmed positive drug and/or alcohol test; or
  - iii. Indicating drug and/or alcohol use prohibited by this policy.

- 3. Probationary Employee Testing – All probationary employees shall be required, as a condition of employment, to participate in any unannounced drug tests scheduled for the probationary period. The frequency and timing of such tests shall be determined by the Chief Judge or designee. Probationary employees may be tested prior to completion of the probationary period. A probationary employee shall not be eligible for coverage under the last chance rehabilitation provision set forth in this policy.



4. Employee Testing – Employees will be required to take drug and/or alcohol tests as a condition of continued employment in order to ascertain prohibited drug use, or being under the influence of alcohol, as provided below:
  - i. The Chief Judge or designee may order an employee to take a drug and/or alcohol test upon reasonable suspicion that the employee is or has been using drugs or is under the influence of alcohol. A summary of the facts supporting the order shall be made available to the employee and the Union prior to the actual test, provided that they are a member of the union.
5. Penalty – Violation of any provision of this drug and alcohol testing policy can subject an employee to disciplinary action, including discharge.
6. Collection and Testing Procedures – Testing for drugs and/or alcohol under this policy shall be at the expense of the County of Eaton, and, to the extent practicable, shall be conducted in accordance with 49CFR Part 40, as amended from time to time. No change in State law regarding the possession or use of marijuana shall have any affect upon the application and enforcement of this policy, it being specifically understood that the use, possession (except as part of the discharge of an employee’s job duties), or being under the influence of marijuana shall be considered a violation of this policy notwithstanding any State law permitting the use, possession, or being under the influence of marijuana.
7. Drug and Alcohol Abuse Rehabilitation Program – Employees may voluntarily participate in a drug and/or alcohol rehabilitation program on their own or through the County-sponsored Employee Assistance Program; however, participation shall not prohibit drug and/or alcohol testing under this policy. Such an employee will not be disciplined for a violation of this policy, but may be disciplined for other actions and/or omissions that violate the policies set forth in this handbook and/or department rules and regulations.

### **ARTICLE 31 ADDRESS CHANGES**

An employee shall notify the Employer in writing of any change in name or street address promptly and, in any event, within 5 days after such change has been made. The employee shall enter this change into the County Human Resource employee portal within 5 days of such change. The Employer shall be entitled to rely upon an employee’s last name and street address shown on his record for all purposes involving his employment.

### **ARTICLE 32 TRAVEL ALLOWANCE**

#### **Section 1. Transportation.**

A court vehicle may be available for use by employees when traveling on Court

business. Employees must reserve use of the vehicle by contacting Court Administration. Employees must use the vehicle issued gas card for fueling needs when using the County vehicle. Reimbursement for gasoline and other operating expenses incurred while using the court vehicle will be made only when prior approval has been made by Court Administration and provided that appropriate receipts for all such expenses are submitted with a travel expense voucher.

When the court vehicle is unavailable and an employee is required to drive their own vehicle on court business, reimbursement for mileage will be made based on the current rate set by the County Ways and Means Committee. Mileage accumulations, a brief explanation of the travel and documentation of travel, must be submitted on a travel expense voucher and approved by Court Administration. Reimbursed mileage shall not include the round-trip distance the employee regularly drives from home to work and back home again.

Any travel by common carrier must be at tourist fare rates and receipts submitted in order to be reimbursed.

### Section 2. Meals.

Meals will be reimbursed for travel outside of Eaton County and its adjacent Counties. Meal receipts are not required, however a travel expense voucher must be completed and approved by Court Administration. No alcoholic beverages will be paid for by the Court. See below for more detailed information and exclusions.

Breakfast	\$ 8.00
Lunch	\$10.00
Dinner	<u>\$22.00</u>
	\$40.00 (Including gratuity)

An exception to the above rates may be allowed for meals when traveling in certain areas based on federal per diem rates and must be approved by the Chief Judge.

### Section 3. Conventions, Conferences or Group Functions.

Whenever it becomes necessary for an employee to attend a pre-scheduled convention, conference or group function that is within the State of Michigan but outside Eaton County the following provisions apply:

- a. A request to attend must be made to the Department Head/Administrator prior to registration. Copies of an agenda/schedule, including meals provided and a completed reservation form must be provided. If the documentation is not provided, incomplete, or not made within 2 weeks of the scheduled function, approval will not be made. All registration fees and lodging must be made by court credit card where possible and in coordination with Court Administration.
- b. Meals included in the conference/meeting are not eligible for payment to the employee. The daily allowance will be pro-rated to exclude meals included in the conference.

### Section 4. Out of State Travel.

Any out of state travel for court business must be approved by the Chief Judge. When traveling out of state for a meeting/conference, the most economical means of travel should be utilized. If an

employee chooses to drive out of state, the amount reimbursed will be at the mileage rate or airfare rate, whichever is less.

Section 5. Lodging.

In the event a meeting/conference is held outside of Eaton County or any of its adjacent counties, lodging will be reimbursed at the single room rate at the hotel/conference center where the conference is being held. If an employee chooses to upgrade their accommodations, they will pay the difference from the single room rate.

Section 6. Travel Expenses.

Only travel expenses incurred on behalf of the Court will be reimbursed upon presentation of appropriate receipts. Expenditures for travel insurance, laundry, dry cleaning, personal telephone calls, hotel gratuities and hospitality expenses will not be reimbursed under any circumstances.

Travel expense vouchers and applicable receipts, in accordance with Article 32, must be submitted to the Court Administrator's Office within sixty (30) days from the employee's return to work.

## Employee Acknowledgement

As an employee of the Eaton County Trial Courts, I acknowledge that I have received, read and understand the policies contained within the Eaton County Trial Courts Personnel Policy. I also understand Court employees are responsible for adhering to the policies contained in the Eaton County Policy Handbook (available on the county website) and are covered by the economic benefits provided therein.

I understand electronic copies of the Personnel Policy can be found in my departments H: drive for future reference.

\_\_\_\_\_  
Employee (printed name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature