



CITY OF BERKLEY MICHIGAN

***MERIT SYSTEM
OF
HUMAN RESOURCE MANAGEMENT***

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City Manager***

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CHAPTER 1: MERIT SYSTEM OBJECTIVES

101 PURPOSE OF MERIT SYSTEM

- 101.01 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 thereto or amendments thereof, the provisions of the city charter and applicable state laws, shall govern the conditions of employment for all City employees, administrative officers, and officials, excepting:
- 101.02 Elected officials.
- 101.03 Members of boards and commissions.
- 101.04 Volunteer personnel.
- 101.05 Independent contractors providing services to the City.
- 101.06 Employees covered by collective bargaining agreements.
- 101.07 Permanent part-time, seasonal, and temporary employees except those specific provisions and references as may be made in the Merit System regarding such employees.
- 101.08 The City Manager and the City Attorney.
- 101.09 Any other employee determined to be exempt by the City Council and any employee with an individual employment agreement approved by the City Council.
- 101.10 The Judge, and employees of District Court 45A are excluded from the provisions of the Merit System. However, the Judge may indicate to the City those portions of the Merit System which shall describe the wages, hours and conditions of employment of the employees of the court and the City will provide administrative services regarding same. The City will determine on a case-by-case basis whether administrative services will be provided if a provision is accepted in part or with modifications. This provision will not impact adversely the rights or obligations of either the City or the City Council under the Administrative Order or case law.

102 CITY MANAGER

- 102.01 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 Personnel Management. The administrative procedures, (as they are more specifically described elsewhere in this document), when taken as a whole, shall be directed towards the following objectives:
- 102.02 Employment in the City service shall be attractive as a career.
- 102.03 Appointments and promotions to positions in the classified service shall be made on the basis of merit and fitness.

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- 102.04 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.
- 102.05 Each employee shall be encouraged to render his/her best service to the City in order to attain organizational and community objectives.
- 102.06 These rules and procedures are intended to cover most personnel problems and actions and in no way limit the exclusive right and responsibility of the City to manage its operations in the most effective and efficient manner. Those not specifically covered shall be handled by the City Manager in keeping with the intent of the City Charter and the objectives of these regulations.
- 102.07 The Merit System does not establish a contract of employment. Nor does it change the fact that all employees under the merit system are at ***will employees***.

103 COPIES OF MERIT SYSTEM PROVIDED

- 103.01 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 not only become familiar with its content and purpose, but also guide others in its applications.

104 MERIT SYSTEM REVIEW COMMITTEE

- 104.01 A review committee consisting of one exempt employee and one non-exempt employee shall meet with the City Manager from time to time in order to provide recommendations about proposed amendments or changes to the Merit System and to bring forward legitimate employee concerns about the Merit System's provisions and/or its implementation.
- 104.02 Each year in December, the City Clerk shall conduct a secret ballot election so that exempt and non-exempt employee groups may each determine their representative. Representatives will serve for the following calendar year.

CHAPTER 2: POSITION CLASSIFICATION PLAN

201 PREPARATION OF CLASSIFICATION PLAN

201.01 The City Manager shall prepare a position classification plan including a written definition for each position to be included in the classified service placing in such class those positions which are so similar with respect to difficulty, responsibility and character of work as to require generally the same kind and amount of training and experience for proper performance including a statement of the qualifications for the satisfactory performance of the duties of the position and such other information as may be desirable and pertinent. In making such allocations, he/she shall provide for the uniform application of the classification plan to positions under different City departments.

202 ADMINISTRATION OF THE PLAN

202.01 In order to create any new position which would be within the classified service, the City Manager may study and define the position, allocate it to the proper class, ascertain that adequate funds are available to support the position for the remainder of the fiscal year, and to forward this information to the City Council.

202.02 Except where prohibited by law or the City Charter, the Manager may combine, assign, reassign, divest, or combine the work and responsibilities of any position for reasons of economy and effectiveness, and thereafter shall suitably amend the written position definition and pay classification of the position(s) so affected.

203 RECLASSIFICATION OF EXISTING POSITIONS ^(R- 03-14)

203.01 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. Employees who chose 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. ^(R- 03-14)

203.02 Employees who reject the reclassified position will be paid for any unused, accrued annual 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.

203.03 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. ^(R- 03-14)

CHAPTER 3: PAY PLAN

301 RESPONSIBILITY OF THE CITY MANAGER

301.01 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 EXISTING PAY PLAN

302.01 The Pay Plan in effect on the date of the adoption of the Merit System shall remain in operation until modified as provided by the City Charter and this regulation. It shall be considered a part of this section and have the same force and effect as these regulations.

302.02 The City Manager shall be responsible for interpreting the application of the plan to pay problems.

303 ADMINISTRATION OF THE PAY PLAN

303.01 The City Manager shall recommend any changes to the compensation plan for the consideration of the City Council during the presentation of the annual Budget or at other times as he/she may deem necessary.

303.02 Classes of positions shall be evaluated in terms of their relative difficulty and responsibility and other pertinent factors as determined by the City Manager. The City's financial condition will be considered by the City Manager.

303.03 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 and future potential and value to the City.

303.04 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.

303.05 Generally, a new employee shall be paid the minimum rate of pay for his/her class. Exceptions may be granted upon the approval of the City Manager. Any new employee shall be granted a one step increase upon the satisfactory completion of the probation period.

303.06 When an employee is promoted to a position in a higher class, his/her salary shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee shall be increased to the step immediately above his/her present salary. There shall be no immediate change in the salary rate of an employee who is transferred unless his/her salary is below the approved minimum of the new position. If an employee is transferred to a position in a class having a higher salary range than the class from which he/she has transferred, such change shall be deemed a promotion.

CHAPTER 4: EMPLOYMENT PROCEDURES

401 APPLICATION FORMS

401.01 Applications for positions in the Merit System shall be made on forms provided by the City Manager and must be signed by the person applying.

402 EXAMINATIONS

402.01 Unless the City Manager determines otherwise, all full time positions filled by recruitment from outside the classified service shall 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 their position. All appointments and promotions in the City Service shall be made without regard to age, sex, disability, race, religion or political affiliation, and shall be based on merit and fitness alone. Examinations may be written, oral, or performance tests or any combination of these which may take into consideration such factors as education, experience, aptitude, knowledge, skill, character, or any other qualifications which may enter into the determination of the relative fitness of applicants. Promotional examinations shall be open to all regular employees who meet the necessary 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.

402.02 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. Key administrative officials may receive annual physical examinations at City expense as determined by the City Manager.

403 PROBATIONARY PERIOD AND PURPOSES

- 403.01 The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work for securing the most effective adjustment of a new employee to his/her position, and for rejecting any employee whose performance is unsatisfactory.
- 403.02 The City Manager shall exercise complete authority, discretion, and responsibility at any time during the probationary 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.
- 403.03 The probationary period shall begin immediately upon appointment and shall continue as follows:
- 403.04 Employees shall serve a probationary period of six (6) months for original appointments and for promotional appointments.
- 403.05 Extensions of the above probationary periods not to exceed six (6) months may be granted by the City Manager.
- 403.06 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. The report shall state either:
- 403.07 That the services of the employee are satisfactory and that the employee should continue in his/her position; or
- 403.08 That the services of the employee are not satisfactory and that the employee should not continue in his/her position; or
- 403.09 That the department head wishes an extension of the working test period and will continue the employee in his/her position for an additional period if the extension is granted.
- 403.10 A new employee who does not satisfactorily complete the probationary period may be separated from City employment.
- 403.11 An employee receiving a promotional appointment who does not satisfactorily complete the probationary period, or an employee who voluntarily requests that the probationary period be cancelled, shall be returned to the position and wage he/she held immediately prior to the appointment
- 403.12 When a promotional appointment is terminated or cancelled, any promotions to fill vacancies occurring as a result of the now ended promotion may be cancelled and employees returned to their prior position and wages. Persons hired to fill vacancies occurring as a result of promotions may be laid off.

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403.13 An employee whose employment is terminated, or who is returned to his/her prior position, as a result of the probationary period shall have no recourse to the grievance procedure.

404 PART-TIME, SEASONAL, AND TEMPORARY EMPLOYEES

404.01 A part-time employee is one who works less than full time in an established position with a schedule of 20 hours to 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. ^(R- 03-14)

404.02 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. ^(R- 03-14)

Part-time employees hired after July 1, 2008 are not eligible for paid leave time of any type. However, part-time employees (hired after July 1, 2008) may take time off by submitting a request in writing to the supervisor for approval. Written requests must be submitted in advance. The employee will not be paid for the approved time off. ^(R- 03-14)

Effective December 31, 2013, part time employees hired after July 1, 2008 who have accrued leave hours will no longer be eligible for paid leave time. They will be required to use all accumulated leave hours by June 30, 2014. No additional hours will be earned and the affected employees will not be compensated for unused hours. ^(R- 03-14)

403.03 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. ^(R- 03-14)

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. ^(R- 03-14)

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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. ^(R- 03-14)

404.04 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.*** ^(R- 03-14)

405 LAYOFF

405.01 Employees may be laid off for any of the following reason after consultation with Department Heads: ^(R- 03-14)

- Lack of work.
- Lack of funds
- Other reasons deemed appropriate by the City

406 RECORDS AND REPORTS

406.01 All appointments, separations, and other personnel transactions must be made on forms as designated by the City Manager. Regular attendance reports shall be prepared and submitted by each department of the City as required by the City Manager.

406.02 A Department Head or other official may replace an employee, or change his/her salary or status, only upon prior receipt of the properly completed personnel action form designated and approved by the City Manager, who shall be supplied with the required payroll information needed to examine names, salaries, dates of appointments and other data to enable him 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

501.01 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 their work performance. This includes the preparation of a developmental plan for each employee with substantial employee participation.

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501.02 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

502.01 Evaluations may take place at the sole discretion of the City.

503 EVALUATION PROCEDURES

503.01 Written evaluations shall be made by the immediate supervisor and reviewed with the City Manager.

503.02 The evaluator shall discuss each performance evaluation with the employee being evaluated.

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

503.04 The employee evaluated;

503.05 The employee's supervisor or Department Head;

503.06 The City Manager or his/her representative.

503.07 Or otherwise disclosed as required by Law.

503.08 If for any reason a Department Head shall request an alteration of the performance evaluation form after it has been officially submitted to Personnel, such request shall be in writing and shall set forth fully the reasons for the request. Such request when approved by the City Manager shall become the official performance evaluation.

503.09 The City Manager may demote any classified employee when, in his/her opinion, the employee is incapable of performing adequately the duties of his/her current position but meets the minimum qualifications for an available lower class of position. A written statement of the reasons for such action shall be furnished the employee prior to demotion. If no suitable position is available, the employee may ***be laid off***.

CHAPTER 6: DISCIPLINARY ACTION

601 BASIS FOR DISCIPLINE

601.01 Disciplinary action outlined herein has as its goal employee compliance with a reasonable code of conduct. The following, (although not intended as an exhaustive listing), shall be sufficient, and indicative of, causes for disciplinary action up to and including discharge:

601.02 Being convicted of a felony.

601.03 Insubordination (disobedience).

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- 601.04 Abuse of leave times.
- 601.05 Being absent without leave.
- 601.06 Excessive tardiness.
- 601.07 Abuse, theft, or negligent use of City property.
- 601.08 Giving false statements to supervisors or the public.
- 601.09 Refusing to return to work as directed by the Employer.
- 601.10 Violation of the City Charter, City ordinances, administrative regulations or departmental rules.
- 601.11 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 duties and responsibilities of his/her position.
- 601.12 Any discourteous treatment of the public or of other City employees, officials, or members of the City Council.
- 601.13 Discovery of a false statement in an application which had not been detected previously.
- 601.14 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.
- 601.15 Unauthorized use or attempted use of the employee's position of public authority and trust for purposes of private economic gain or other advantage.
- 601.16 Unauthorized solicitation, or receipt, of gifts of money or other items of value to the employee in exchange for the performance of public responsibilities.
- 601.17 Operating a City vehicle or a private vehicle while on City business in violation of Chapter 11, Sections 1103.02 and 1103.03.
- 601.18 Any discriminatory treatment of others on the basis of sex, race, religion, national origin, disability or creed.
- 601.19 Any other reason which is a similar or equivalent offense.

602 TYPES OF DISCIPLINE

- 602.01 Following are types of progressive disciplinary action which may be invoked against employees of 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.

- 602.02 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.
- 602.03 SUSPENSION: The City Manager may, for disciplinary purposes, suspend without pay any employee under his/her control. Such suspension shall not exceed ten (10) working days for any one offense. Suspensions totaling more than thirty (30) days in any thirty-six (36) successive months shall be deemed a dismissal and be so treated.
- 602.04 DISMISSAL: The City Manager may demote, or dismiss for cause, any employee occupying a position subject hereto when he/she considers that the good of the service shall be served thereby. It shall be the responsibility of the City Manager in any case of demotion or dismissal to give the concerned employee a written statement setting forth in substance the reasons therefore and to file a copy of such statement in the employee's service record.

CHAPTER 7: EMPLOYEE RELATIONS

701 HOURS OF WORK

- 701.01 The normal basic work day for full time employees shall be from 8:30 A.M. to 5:00 P.M. with one (1) hour for lunch. The basic work week shall be five (5) days - Monday through Friday. Department heads who may require a different work day or work week for themselves or other employees within their department may apply for and obtain in writing from the City Manager an approved work schedule. The City Manager may also require different work schedules.

702 ATTENDANCE

- 702.01 Each Department head shall be responsible for the attendance of all persons in his/her department. Leave shall be authorized in units of days and hours only. Leave in fractions of an hour will not be granted.
- 702.02 All departments shall maintain daily attendance records of employees, and shall furnish the City Manager with a biweekly report on employees' attendance with an explanation for all absences.

703 OVERTIME - NON-EXEMPT EMPLOYEES

- 703.01 All employees who are not exempt from the state and federal overtime rules and legislation shall be paid for overtime worked pursuant to law.

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703.02 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.

703.03 Overtime work shall be recorded and paid in increments of fifteen (15) minutes.

704 COMPENSATORY TIME OFF - EXEMPT EMPLOYEES

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

704.02 Supervise others.

704.03 Spend more than 50% of their time managing a department or City operations.

704.04 Use considerable discretion and independent judgment in their work

704.05 The City Manager shall designate which employees are exempt employees, and may change such designation, based upon an analysis of the responsibilities performed and the criteria previously listed.

704.06 Provided City operations are not disrupted, the City Manager may, from time to time, grant compensatory time to exempt employees meeting the following requirements:

704.07 They cover City operations that normally extend beyond the regular 8-hour work day, or as determined by the City Manager.

704.08 They may be authorized in writing, in advance, by the City Manager to do work from time to time that is vital to City operations or meets crucial deadlines or for other similar reasons.

704.09 Except in cases of emergency, accumulated earned compensatory time off must be requested in advance and approved by the City Manager on specifically designated forms.

704.10 Compensatory time off, accumulated at straight time, shall not exceed 120 hours per calendar year and must be used during the year that it is granted. Carry over of no more than 40 hours to the next calendar year may be granted by the City Manager in unusual circumstances, or for the benefit of the City. Under no circumstance shall such compensatory leave time be converted to either straight time or overtime pay.

705 GRIEVANCE PROCEDURE

705.01 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 in accordance with Sections 705.03 through 705.38 to the employee's Departmental Director.

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- 705.02 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 from a decision in one of the steps outlined in the above procedure, shall be deemed settled and not subject to further discussion or appeal.
- 705.03 A written grievance shall contain the following information:
- 705.04 The name of the aggrieved employee.
- 705.05 The date(s) of the events with which the grievance is concerned
- 705.06 Citation of the specific provision(s) of the Merit System allegedly misinterpreted, misapplied, or improperly enforced by the City.
- 705.07 A description of the events which brought about the grievance.
- 705.08 The corrective action requested to be taken by the City.
- 705.09 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.
- 705.10 Written grievances shall be reviewed and resolved in accordance with the following procedure:
- 705.11 The written grievance shall first be submitted to the Departmental Director who shall forward it to the City Manager with the Departmental Director's recommended disposition within seven (7) calendar days of its submission.
- 705.12 The City Manager shall respond, in writing, to the employee, within 21 days of the submission of the grievance.
- 705.13 If the response of the City Manager does not satisfactorily resolve the matter, arbitration shall be initiated within twenty one (21) calendar days of receipt of the City Manager's response by the employee delivering to the City Manager a written notice of intention to arbitrate.
- 705.14 Any of the calendar periods for the submission of grievances or responses may be extended by the written mutual agreement of the employee and the City Manager executed prior to the end of the period sought to be extended.
- 705.15 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 whose 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.

705.16 Should the City not respond within the timeframe the matter is automatically moved to the next step.

706 POLITICAL ACTIVITY

706.01 The rights, obligations, permitted, and not permitted political activities of City employees shall be as recited in Public Act 169 of 1976 as amended.

706.02 City employees may not wear political buttons or other symbols, campaign, or distribute or place political literature on any City property.

CHAPTER 8: EMPLOYEE LEAVES FROM WORK

801 HOLIDAYS

801.01 Paid Holidays for all full time employees in the City service shall be as follows except as noted elsewhere in this chapter:

New Year's Day
Martin Luther King, Jr. Day ^(R-56-10)
President's Day ^(M-30-93)
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day following Thanksgiving
Day before Christmas Day
Christmas Day
Day before New Year's Day

801.02 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 vacation leave shall not be charged against annual leave and the employee shall have an additional day off with pay.

DISPATCHER HOLIDAY TIME ACCRUAL AND PAYOFF

- 801.03 Effective 7/1/2008, dispatchers shall be paid at their straight time regular rate of pay for actual hours worked on a holiday.
- 801.04 On July 1 of each year the City will place 52 holiday hours in a holiday accrual bank for their use for that fiscal year subject to the approval of the City Manager or his/her designee. Effective, January 1 in the same fiscal year, the City will then place an additional 52 hours of holiday time into their holiday bank accrual. This time can only be utilized subject to the approval of the City Manager or his/her designee. The maximum holiday hours that can be accrued in a fiscal year is 104 hours.
- 801.05 In the last pay period of June in the fiscal year that the Holiday pay is earned, the City will payoff to the Dispatcher those Holiday Pay accrual balances that have not been utilized through end of the first pay period of June at their pay rate effective the last pay in June. No holiday pay can be utilized in the last pay period of the fiscal year unless approved by the City Manager.
- 801.06 In the year the dispatcher separates from City employment the dispatcher who separates prior to the last pay period in the fiscal year, the holiday pay will be prorated and paid based upon the number of holiday's that have actually passed prior to the separation date.
- If more holiday days are utilized by a dispatcher than holidays passed in a fiscal year that the dispatcher separates said hours used will in this order reduce the dispatchers accrued annual leave then accrued sick leave balances and then any other balances that may be accrued by the City that is available at separation. If there are no balances available, the dispatchers final check will then be reduced to reimburse the City for those excess holiday days utilized.
- 801.07 The City Manager at his/her discretion and approval 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 dispatchers retirement date or can be paid off at anytime the City Manager deems appropriate.
- 801.08 If a dispatcher separates service to become a Public Safety Officer, the dispatcher will have their holiday pay accrual paid off as outlined in section 801.6 above.

OTHER EMPLOYEE HOLIDAY TIME AND PAYOFF

- 801.09 Effective 7/1/2008, the City Manager and the Department head must pre-approve a non-exempt merit system employee to work a holiday outside of the dispatcher 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.

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801.10 With the exception of the dispatch rank, every effort shall be made by a department head to not schedule an employee to work on a holiday. The employee will be given a day off in the pay period the holiday occurs in lieu of working the holiday.

802 ANNUAL LEAVE

802.01 Annual leave credits must be earned before taken. An employee shall earn vacation credits on the following basis:

<i>Years Service</i>	<i>Hours Per Month</i>
<i>0 to 5 years</i>	<i>7.0</i>
<i>5 to 10 years</i>	<i>10.5</i>
<i>10 to 15 years</i>	<i>14.0</i>
<i>15 to 20 years</i>	<i>16.0</i>
<i>20 and above</i>	<i>18.0</i>

802.02 In addition to the monthly hours credited pursuant to Section 802.10, forty (40) hours shall be credited once each time that an employee completes five (5), ten (10), fifteen (15), and twenty (20) years of continuous employment with the City.^(R-63-93)

802.03 New employees shall not be eligible to use accrued vacation leave credits until they have completed six (6) months probationary service.

802.04 Annual leave may be accumulated 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.

802.05 If the work load 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.

802.06 Annual vacation schedules shall be established by Department Heads. A request for annual leave shall be submitted to the employee's supervisor on forms designated for that purpose. Leave may be taken only after 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.

802.07 In the event of illness during an employee's vacation period, the employee may, at his/her option, charge the sick day to his/her sick leave, provided a doctor's certificate verifies illness.

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802.08 The following leave policy shall govern the months in which an employee is appointed or separated: 1 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 he/she is on the payroll from 0 to 9 work days inclusive.

803 PERSONAL LEAVE

803.01 Each full time employee shall, in addition to his/her regular vacation time, be entitled to 4.0^(R-77-92) additional days off with pay for personal business, provided it is scheduled by the Department Head in such a manner so as not to inconvenience City operations or require compensatory or overtime payments.

803.02 Personal leave hours are given to an 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. ^(R-03-14)

803.03 For new employees, employees hired after July 1, 2008, they will receive two (2) days after six (6) months of employment for the remaining six (6) months and two (2) days for each year thereafter.

804 SICK LEAVE

804.01 Employee's may use accrued sick leave hours only in cases of actual sickness or disability. Sick leave is not an entitlement for use at an employee's discretion and abuse of sick leave may result in disciplinary action. ^(R-03-14)

804.02 Upon completion of the probationary period, each employee will be credited with forty-two (42) sick leave hours. Thereafter, sick leave will be earned at the rate of seven (7) working hours per month. ^(R39-00)

804.03 Upon retirement, an employee shall be paid wages for all accumulated sick leave up to and including 200 hours at 40% his/her base wage rate. For all accumulated sick leave between 200 hours and 520 hours, the employee shall be paid at 60% his/her base wage rate. For all accumulated sick leave between 520 hours and 840 hours, the employee shall be paid at 80% his/her base wage rate. ^(R-03-14)

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. Employees hired after July 1, 2008, are not eligible for payment of unused sick leave hours upon retirement or separation from the City. ^(R-03-14)

804.04 On the first pay period after July 1, each year, an employee shall be paid wages annually at his/her prevailing rate, equal to 100% of all accumulated sick leave held by that employee in excess of 840 hours. ^(R39-00)

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- 804.05 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 employee's illness, injury or disability (diagnosed by a physician) is of such a nature that he/she will be absent from work for an extended period of time, a Department Head, or the City Manager, may waive the daily reporting requirement. ^(R- 03-14)
- 804.06 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. ^(R- 03-14)
- Employees who refuse to provide the required doctor's certification will be placed on leave without pay until the documentation is submitted. ^(R- 03-14)
- 804.07 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 his/her accumulated annual leave. The request must be submitted to the City Manager's Office for consideration. Annual 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. ^(R- 03-14)
- 804.08 Up to twenty-four (24) 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.
- 804.09 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. ^(R39-00)
- 804.10 An employee who is off on sick leave for a period in excess of eighteen (18) months will lose their seniority.
- 804.11 Family Medical Leave Act (FMLA) Leave
- Eligible employees will be granted family and medical leave in accordance with the provisions of the federal Family Medical Leave Act of 1993, (as amended). Under FMLA, eligible employees can receive up to 12 weeks of unpaid, job protected leave. Employees may be compensated during such leave if they have unused accrued hours in sick time or annual leave banks. A City of Berkley Family Medical Leave Act Request form must be submitted to the City Manager's Office for consideration. ^(R- 03-14)

805 BEREAVEMENT (DEATH IN THE FAMILY)

805.01 In case of bereavement (death in the immediate family), a full time employee may be granted to three (3) days of leave time that is not chargeable to sick time, annual 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 granted based on the distance. ^(R-03-14)

Bereavement time off may also be granted to probationary employees. In such cases, newly hired probationary employees may be granted leave without pay. Exceptions may be granted with City Manager approval only. ^(R-03-14)

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

805.03 For purposes of meeting the definition of immediate family member, and applicable to this section only, the City Manager may permit an unmarried employee to substitute their closest friend in place of a spouse. ^(R-68-89)

805.04 Bereavement leave is used solely for the purposes associated with the death of an individual as described in sections 805.02 and 805.03. ^(R-03-14)

805.05 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. ^(R-03-14)

806 MATERNITY LEAVE

806.01 In addition to using any sick leave, vacation leave, or personal leave as may have been accumulated, an employee who leaves City service temporarily to give birth to a child, or adopt a child and provide care for the infant, may be granted an additional leave of absence without pay, if needed, so as to provide a total, when all forms of paid and unpaid leave are added together, of 480 hours absence from work.

806.02 While on unpaid maternity 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.

807 WORKER'S COMPENSATION LEAVE

807.01 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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- 807.02 If an employee is disabled from work 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 his/her full wage for that period of incapacity, not to exceed one week.
- 807.03 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.
- 807.04 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.
- 807.05 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.
- 807.06 To become eligible for injury leave with pay, an employee must immediately report his/her injury to his/her Department Head on prescribed forms and make himself/herself available for first aid treatment.
- 807.07 No employee shall be entitled to his/her 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.
- 807.08 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

- 808.01 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 the position which he/she vacated pursuant to State and Federal law. The provisions of USERRA will apply.

809 EDUCATIONAL LEAVE

- 809.01 A full time permanent employee may be given educational leave with full or partial pay for the purpose of taking courses directly related to his/her work as determined by the appropriate Department Head. Requests for such leave must be approved in advance by the City Manager 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

- 810.01 Employees shall be granted leave with pay for the following reasons and subject to the following restrictions:
- 810.02 Any required appearance before a court on behalf of the City except where the employee is a litigant or defendant.
- 810.03 Participation in short term military training in the Armed Forces Reserve or the National Guard.
- 810.04 Participation in conferences and official meetings which enhance the employee's value to the City and when approved by the City Manager.
- 810.05 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

- 811.01 Employees may be granted leave without pay at the discretion of the City Manager when, in his/her opinion, the service 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 his/her leave without pay, including approved extensions thereto, shall be interpreted as a resignation.

812 ABSENCE WITHOUT LEAVE

- 812.01 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.

CHAPTER 9: HEALTH & WELFARE BENEFITS

901 HOSPITALIZATION - MEDICAL BENEFITS

- 901.01 The City shall provide, at City expense, Blue Cross-Blue Shield, (BC-BS), MVF-1, semiprivate room, hospitalization insurance for each employee and his/her family as well as the Drug Prescription Rider whereby each employee pays the first \$10.00 if purchasing a generic drug and \$20.00 if purchasing a brand name drug per prescription, and the Master Medical Rider^(R-41-03).

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- 901.02 Effective July 1, 1992 or as soon thereafter that an appropriate reopening becomes available from the carrier, the City shall assume only the cost of the BC-BS Preferred Provider Organization, (PPO) alternative form of service delivery coverage for the benefits described in Section 901.01 of this Chapter. ^(R-77-92)
- 901.03 Effective April 1, 2011 or soon thereafter, the City shall assume the cost of Blue Preferred prescription drug coverage benefit for employee and family, as dispensed by a network pharmacy, less co-pay amount of \$5 for generic drugs, \$40 for brand name formulary drugs and \$80 for brand name non-formulary drugs (as defined by the coverage provider for all drugs) triple tiered co-pay program with prior authorization if required. This coverage also includes mail order drug program MOPD 2x drug rider. This coverage is replacing coverage outlined in Article XV Section 901.01. ^(R-08-11)
- 901.04 Effective April 1, 2011 or soon thereafter, the City shall assume only the cost of BC-BS Community Blue Preferred Provider Organization (PPO) Customized Plan Number Three (3) service delivery coverage in place of the benefits described in Section 901.01 and 901.02. ^(R-08-11)

This coverage shall also include a preventative care rider of \$500 per member per calendar year or preventative care as prescribed by federal law whichever is higher in amount. Routine mammogram 100% coverage (RM \$100), Emergency room Co-Pay of \$250 (ET \$250) (if admitted to the hospital through the emergency room the emergency room visit is 100% covered), Office Visit \$30 Co-pay,(OV-\$30), Chiropractic co-pay of \$30, (MT-\$30) and CB MHP2 (Mental Health Parity).

In-Network deductible is \$250 for a single person and \$500 for a two persons or family contract each year. The Out of Network deductible is \$500 for a single person and \$1,000 for a two persons or family contract each year. Deductibles are to be paid by the employee/retiree.

Co-insurance shall be twenty percent (20%) in-network up to a maximum amount of \$1,000 for a single person or \$2,000 for a two person or family contract each year. The out of network co-insurance is \$3,000 for a single person or \$6,000 for a two person or family contract. Co-insurance is to be paid by the employee/retiree.

Co-insurance will be paid by the employee based upon the Blue Cross and Blue Shield of Michigan approved amount.

- 901.05 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.

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- 901.06 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.
- 901.07 Effective 7/1/2008, the City agree to institute with the current insurance carrier an aggressive pursue and then pay method of paying health care claims as defined by the City's insurance carrier. All employees and beneficiaries must abide by all requests of the insurance carrier to verify coverage requests.
- 901.08 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 required by the City.
- 901.09 Hospitalization and other benefits, including the 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.

902 LIFE INSURANCE

- 902.01 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.
- 902.02 A permanent part-time employee meeting the basic requirements for the classification provided in section 404.01, 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 permanent part-time employee hired on or after 7/1/2008 is not eligible for this benefit.

903 DENTAL BENEFITS

- 903.01 The City shall provide, at City expense, dental care insurance for each full time employee and the full time employee's spouse and dependent children as herein further provided.

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903.02 The dental care insurance policy purchased by the City shall provide the following typical services:

Service Benefit Class	Percent of Dentist's Fee Paid	
	By:	
	Insurance	Employee
Class I	100%	0%
Class II	80%	20%
Class III	60%	40%
Orthodontia	50%*	50%

** Up to lifetime maximum established by insurance carrier.*

903.03 The City shall be responsible for processing claims for payment or other administrative activities other than for those responsibilities assigned normally to employers by the insurance carrier.

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

904 OPTICAL BENEFITS

904.01 The City shall provide, at City expense, an optical care program for each full time employee and the full time employee's spouse and dependent children as herein further provided.

904.02 The optical care program shall consist of a reimbursement by the City up to a maximum amount shown in the following schedule in a twenty-four (24) month period for each covered individual described in Section 904.01.

904.03	1997-98	\$300
904.04	2000-01	\$400 ^(R-24-00)
904.05	2007-08	\$450

904.06 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.

904.07 Reimbursements described in Section 901.02 through 904.05 shall be for the following described services:

904.08 Eye examinations by a person licensed by the State of Michigan to perform same.

904.09 Prescription lenses and frames.

904.10 Prescription contact lenses.

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904.11 Reimbursement shall be based upon paid receipts submitted to the City for services or products described in Sections 904.07 through 904.10. ^(R-50-97)

905 CONSOLIDATION OF MARRIED EMPLOYEES COVERAGE

905.01 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 under the health, dental, and optical benefit programs described in this chapter because they are covered under a similar program under their spouse's insurance.

905.02 The payment amount shall be equal to 40% ^(R-68-89) of the annual actual cash savings to the City in reduced premium expense

905.03 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.

905.04 Any 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 coverage's listed below if they wish to obtain an payment in lieu of health care benefit as outlined in Section 905.02.

The payment in lieu of health care includes 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.

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.

Those 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. However, 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.

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) ^(R-39-00)

- 906.01 Employees eligible to receive paid sick leave pursuant to Section 804 shall also receive long term disability (LTD) coverage at City expense, recognizing that with the inception of this benefit the accrual of sick leave hours for eligible employees has been reduced from eight to seven hours per month.
- 906.02 After the expiration of a 90 day elimination period, the LTD benefit shall pay a totally disabled eligible employee 60% of his or her 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 after consultation with employee representatives described in Section 104.
- 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

- 1001.01 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.
- 1001.02 Seasonal, permanent part-time hired after July 1, 2008 and temporary employees, and employees working at least 10 days per month in positions not normally requiring 6 or more months of employment, and all other persons entirely excluded from the provisions of the Merit System, are also excluded from membership in the Municipal Employees Retirement System.
- 1001.03 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.
- 1001.04 Membership of an employee in the retirement system shall commence as of the first day of his/her paid employment, or at such other time as he/she commence meeting the monthly work time criteria on a regularly scheduled basis.

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- 1001.05 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.
- 1001.06 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.^(R-78-91) An employee meeting the following criteria for years of credited service and age shall be eligible to retire with unreduced benefits:^(R-23-01)
- 1001.07 Six (6) years of credited service and sixty (60) years of age.
- 1001.08 Fifteen (15) years of credited service and fifty-five (55) years of age.
- 1001.09 Twenty-five (25) years of credited service at any age.^(R-23-01)
- 1001.10 Regardless of hire date, the components of Final Average Compensation shall be those items outlined under Section 2A (6) of the Municipal Employees' retirement system of Michigan Plan Document.
- 1001.11 Effective for all full time employees hired on or after July 1, 2008, those full time employees 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.
- 1001.12 As provided in, and subject to, the provisions of Section 6 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,^{R-37-00} subject to the following additional provisions:^{R-72-99}
- 1001.13 At the time of requesting the additional service credit, the employee meets the eligibility requirements in Section 12 of the MERS plan document for the vesting benefit program described in Section 1001.06 of this chapter or 1001.11 of this Chapter whatever is applicable.^{R-72-99}
- 1001.14 The City will pay a portion of the cost for not more than twenty-four (24) months of service to be credited pursuant to Section 1001.12. The employee shall pay to MERS an amount determined as follows:^{R-72-99}

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

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 his or her service credit pursuant to the MERS plan document.^{R-72-99}

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1001.15 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. ^{R-72-}
99

1002 LONGEVITY AT RETIREMENT

1002.01 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

1003.01 For a full time employee hired prior to 7/1/05 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:

1003.02 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 health insurance programs, available pursuant to Federal and State legislation;

1003.03 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 his/her dependents.

1003.04 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.

1003.05 Unless unavailable due to the age or place of residence of the retiree, the City may replace traditional coverage with the PPO form of coverage as described in Section 901.02.

1003.06 Dental and optical insurance shall be the same coverage as that provided for current employees to the extent that this coverage is available from the insurance company.

1003.07 The City shall assume the full expense of the dental insurance and optical benefits of the retiree and his/her spouse. The retiree shall be responsible for the expense of any other persons covered by the retiree's insurance.

1003.08 Dental and optical insurance benefits will be limited to persons who have retired on or after June 30, 1985.

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- 1003.09 The City will provide, at City expense and regardless of hire date, life insurance at \$10,000 for all Merit System retirees, (those currently retired as well as future retirees) until they reach age 65, dropping to \$5,000 thereafter.
- 1003.10 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 he/she 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.
- 1003.11 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.
- 1003.12 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.
- 1003.13 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.
- 1003.14 Those eligible Permanent 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 or a health savings account regardless of hire date.
- 1003.15 The City will continue to provide Sponsored Dependent Health Care Coverage within the health care coverage outlined in Sections 1003.01, 1003.11, 1003.12 or 1003.13. The monthly cost of the Sponsored Dependent Health Care Coverage will continue to be 100% borne by the retiree or retiree dependent via payroll deduction or as required by the City.
- 1003.16 The City will institute with Blue Cross and Blue Shield 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.
- 1003.17 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 complimentary health care coverage in conjunction with Sections 1003.01, 1003.11, 1003.12 or 1003.13. The Merit System retiree and/or their surviving spouse must apply for and receive Medicare Part B health care coverage from the Federal government.

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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 Medicare Part B eligible, 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 from the Federal government when required to do so by the Federal government.

- 1003.18 All new Merit System employees hired beginning 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 (R27-07):
- 1003.19 Health Care Savings Accounts Plan Summary: The health savings program is not a health savings account as prescribed by the Internal Revenue Service. This is an Internal Revenue Service Section 115 Trust Program. The post-employment Health Savings Program (HSP) is an employer-sponsored savings account designed for you and 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 while you are an active employee and then once you leave employment with the City, regardless of the reason you leave or the age you leave, you 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 your death, your spouse and/or legal dependent(s) may continue to use the account for tax-free medical expenses.
- 1003.20 Health Care Savings Accounts – Eligibility - Those employees classified as active Merit System Employees by the City of Berkley and hired on or after 7/1/05 and 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 outlined in sections 1003.21 through 1003.32 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.
- 1003.21 Mandatory Eligible Employee Contribution Pre-Tax: The minimum mandatory pre-tax employee contribution is \$10.00 per month. 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 only increase said contribution.
- 1003.22 Non-Mandatory Contribution Post Tax: The participating employee 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.
- 1003.23 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.

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- 1003.24 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.
- 1003.25 Failure to Respond to Withhold: If an employee fails to respond to the notice for withholding, the City will automatically withhold \$10.00/pay pre tax contribution from the employees' bi-weekly payroll paycheck and match said amount as referenced above.
- 1003.26 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 employees account on the date the employee terminates service back to the City of Berkley retiree health funding account at MERS.
- 1003.27 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.
- 1003.28 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.
- 1003.29 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 beneficiary. Failure to designate a beneficiary would result in all dollars in the account to lapse to the City of Berkley.

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Withdrawal for benefits from the account can only be made by the employee or his 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 be followed in determining pre or post tax withdrawals.

- 1003.30 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.
- 1003.31 Retroactivity - Contributions: For those Merit System employees hired on or after 7/1/05 and still employed with the City on 7/1/07, 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 7/1/05 through 6/30/07. This contribution will be subject to all vesting requirements highlighted above. This section will not apply to any employee hired on or after 7/1/07 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.
- 1003.32 Retroactivity – Vesting: For those Merit System employees hired on or after 7/1/05 and still employed with the City on 7/1/07 and not receiving a retiree health care benefit while on active duty, the City will allow the actual time earned between 7/1/05 and 6/30/07 by an eligible employee to count towards vesting in this plan. Any employee hired on or after 7/1/07 will not have any retro activity credited service rights.

1004 PUBLIC SAFETY RETIREMENT SYSTEM ^(R-47-98)

- 1004.01 An employee subject to the Merit System, 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 conditions and provisions as follows:
- 1004.0 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.

1004.03 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

1101.01 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

1102.01 From time to time 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 CITY VEHICLES

1103.01 City Vehicles are assigned by the City Manager to various departments on the basis of need. Each employee using a City vehicle shall observe the following guidelines:

1103.02 Possess a valid driver's license.

1103.03 Obey all traffic laws and operate vehicle in a safe manner.

1103.04 Check the fuel, oil, water and tires for proper levels and correct malfunctions as soon as practical so as not to create further damage to the vehicle. Trucks and vans are to be checked each day prior to usage. Passenger cars are to be checked periodically as needed.

1103.05 Operate vehicles on City business only as authorized by the City Manager or by the employee's supervisor pursuant to policy guidelines established by the City Manager.

1103.06 Violations of above guidelines shall constitute sufficient grounds for employee discipline.

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- 1103.07 Private vehicles may be used for City business upon approval of the City Manager. Reimbursement by the City for use of personal vehicles shall be at the rate designated as the business standard mileage rate as promulgated and periodically revised by the Internal Revenue Service ^(R-23-01) provided such use is authorized on designated forms and providing the employee submits proof of such use which shall consist of vehicle identification and the starting and ending mileage of the vehicle.
- 1103.08 Departmental directors may designate one or more departmental employees as the primary user(s) of a City vehicle during working hours. Supplemental assignments of such vehicle(s) may be made to other employees who may need transportation from time to time to conduct City business. The City Manager may authorize the use of private vehicles if City cars are not available at the times needed.

1105 CONFERENCES AND WORKSHOPS

- 1105.01 Each Administrative Officer may attend no more than one national conference per year and said conference must be specifically related to his/her work as may be 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 with the exception of the Michigan Municipal League conference, which shall essentially be attended by elected officials.

1106 TRAINING AND DEVELOPMENT

- 1106.01 It shall be the responsibility of the City Manager to foster and promote programs of employee training for the purpose of improving the quality of personnel services rendered to the City and of aiding employees to develop themselves for advancement in the service.
- 1106.02 The City Manager shall develop and conduct supervisory and management training and other types of training and employee development programs common to all departments; he/she 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 in developing and utilizing other techniques for increasing employee efficiency in present positions, and in preparing for promotions to higher positions in the City service;
- 1106.03 All Department Heads shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the City Manager, such new practices as appear to be of benefit to the administrative service and to the public.
- 1106.04 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:
- 100 % reimbursement for Grade C and above.

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1107 LONGEVITY

1107.01 Each eligible employee shall be entitled to participate in the City's longevity program which is based on his/her annual salary assuming a regular work year. Longevity shall not be based on any overtime or other special benefits paid. An eligible employee shall be entitled to longevity payments as a percentage of his/her existing salary, payable in his/her first check in December, based upon the years of service and percentage of salary as shown on the following schedule:

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

1107.02 Employees hired on or after September 11, 1984 shall not be covered nor entitled to participate in the City's existing longevity program.

ADDENDUM - DESIGNATED EXEMPT EMPLOYEES

A.100 The following Merit System positions are designated exempt from paid overtime requirements. As provided in section 704.30 of the Merit System. The City Manager from time to time 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 affected employees, and to the members of the Merit System Review Committee established pursuant to section 104.1

- A.201 City Planner
- A.202 Finance Director/City Treasurer
- A.203 Public Safety Director
- A.204 Public Works Director
- A.205 Parks and Recreation Director
- A.206 Public Library Director
- A.207 City Clerk
- A.208 Parks and Recreation Manager