16th Judicial Circuit, 42nd Judicial District, and Macomb County Probate Courts

Human Resources Policies

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INTRODUCTION AND SCOPE

To you who are joining us at the 16th Judicial Circuit, 42nd Judicial District, and Macomb County Probate Courts for the State of Michigan (hereafter collectively referenced as "Court"), a sincere welcome. To those of you have been with us through the years, our thanks for your cooperation which has contributed to the Court's success serving the community. We believe that each one of us contributes directly to the Court's growth and success, and we hope you take pride in being a member of our team.

Pursuant to MCR 8.110(C)(3)(d), it is the responsibility of the Chief Judge to supervise the performance of all court personnel, with authority to hire, discipline, or discharge such personnel, with the exception of a judge's secretary and law clerk, if any.

Except as superseded by State law or by collective bargaining agreements, these HR Policies apply to all persons employed by the Court. The Judges of the Sixteenth Circuit Court, the Macomb County Probate Court, and the 42nd District Court are not subject to HR Policies. The employees of the above named Elected Officials are subject to the provisions of these HR Policies. The Elected Officials are obligated to abide by, and enforce, the provisions of these HR Policies as they relate to the employees under their jurisdiction.

The Court reserves and retains, solely and exclusively, all rights to manage and operate its affairs; the constitutional and/or statutory rights, duties and obligations of the Court shall in no way be abridged by the terms of these HR Policies.

PURPOSE AND INTENT

It is the purpose and intent of these HR Policies to inform Court employees about policies and rules pertinent to their employment and to assist employees in being successful and productive. These HR Policies should not be construed as creating a contract between the Court and any of its employees. The interpretation and operation of these HR Policies and benefits noted herein are within the sole discretion of the Court. The HR Policies outlined in this document may be added to, expanded, reduced, deleted or otherwise modified by the Court at any time, with or without notice. Any such modifications shall be within the sole discretion of the Chief Judge. These HR Policies supersede all prior HR/Personnel Policies.

An employee cannot rely upon custom or prior practice. The fact that HR Policies may have been applied differently in the past does not affect their current or future enforcement.

Any employee found to be in violation of an HR Policy will be subject to disciplinary action up to and including discharge. These HR Policies and their enforcement are a directed effort to correct deficiencies and promote an efficient and effective workforce.

SECTION 1: EMPLOYMENT

CONFIDENTIAL INFORMATION

Employment with the Court carries with it an obligation to maintain the appropriate level of confidentiality, even after the employee leaves the Court's employ. An employee shall not disclose or use for his/her benefit or the benefit of any other person or business, any proprietary, business, financial, or other confidential information which he/she has acquired during his/her employment with the Court. Employees shall not use confidential information in any way other than as an employee of the Court and as necessary to further the Court's interests. "Confidential information" means information or material which is not generally available to or used by others and is defined on a departmental basis.

Employees shall not discuss Court or County confidential information with anyone who does not work for the Court or County, and shall not discuss transactions with anyone who does not have a direct association with the transaction. If an employee is questioned by someone outside the Court, County or the department, and there is a concern about the appropriateness of providing certain information, the request should be referred to his/her supervisor or Elected Official/Department Head.

Employees are not permitted to remove or make copies of any Court or County records, reports, documents or confidential information without management approval.

Computer passwords are highly confidential and as such, employees must take precautions to safeguard any password information. If another method of accessing a computer system is used, such as an ID badge or swipe card, use shall be restricted to the identified individual.

Confidential information shall, at all times, remain the property of the Court. The Court retains the right to access, examine or disclose any material prepared, stored or transmitted on its computer systems or maintained in desks, offices or any other Court property. Upon termination of any relationship with the Court, an employee shall surrender all confidential information in his/her possession to the Court.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

DISABILITY ACCOMMODATION

The Michigan Persons with Disabilities Civil Rights Act and the Federal Americans with Disabilities Act imposes certain requirements on the Court. If an employee qualifies under these Acts, the Court will make reasonable accommodations to disabled and/or handicapped employees, if such accommodation does not impose an undue hardship on the Court. Medical certification of disability and identification of job restrictions shall be required. Accommodation requests will be processed and a determination will be made based on Federal and State guidelines.

Employees desiring to make a request for an accommodation shall notify the Elected Official/Department Head, Human Resources and Labor Relations or the Office of Corporation Counsel.

If notice is received by the Elected Official/Department Head, he/she shall notify Human Resources and Labor Relations as soon as possible.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

DISCIPLINARY ACTION

Disciplinary action is intended to be corrective in nature, so that if imposed, it would cause an employee to improve job performance and/or workplace conduct to a level that will meet and/or exceed expectations.

Disciplinary action may include a verbal reprimand, written reprimand, suspension without pay, demotion and/or discharge. The Court is not obligated to follow progressive discipline and will consider each matter on a case-by-case basis. Any Elected Official/Department Head contemplating disciplinary action involving a written reprimand, suspension without pay, demotion and/or discharge shall consult with the Chief Judge and/or the Court Administrator and may involve Human Resources and Labor Relations in such deliberation.

Approved:

Chief Judge

December 13, 2017
Updated: 02/28/2022

Date

DISCIPLINARY ACTION APPEAL PROCESS

ELIGIBILITY AND PROCEDURE:

The disciplinary action appeal process is available to regular full-time and budgeted part-time non-union employees who have completed their initial probationary period and shall only apply to disciplinary action resulting in an unpaid disciplinary suspension or discharge. This Policy shall not apply to an employee employed in a position designated as "at will". If an eligible employee wishes to have such disciplinary action modified or rescinded from his/her employment record, said employee must utilize the following procedure:

STEP 1 APPEAL: If an eligible employee wishes to appeal a disciplinary action under this policy, the employee shall do so in writing to the Human Resources and Labor Relations Department within ten (10) working days of the date of the disciplinary action. The written appeal shall include the employee's name, department, classification, the action that is being appealed, the reason(s) why the employee feels the disciplinary action was not justified, and the desired resolution.

Upon receipt of such an appeal, the Director of Human Resources and Labor Relations or designee shall review the merits of the appeal and shall sustain, overrule or mitigate the disciplinary action. The decision shall be in writing and sent to the affected employee and Elected Official/Department Head; and, it shall be made within ten (10) working days of the completion of the review process. If a claim of appeal is made against the Director of Human Resources and Labor Relations, Corporation Counsel shall review the matter under this Policy. The decision of the Director of Human Resources and Labor Relations or Corporation Counsel shall be final and binding unless the disciplinary action involves discharge.

STEP 2 APPEAL: If the decision of the Director of Human Resources and Labor Relations or Corporation Counsel at Step 1 regarding discharge is unacceptable to the affected employee, the decision may be appealed by the employee. The employee may elect to have his/her appeal heard by an Arbitrator. The appeal must be submitted in writing to the Director of Human Resources and Labor Relations within ten (10) working days of the receipt of the Step 1 determination.

POLICY: DISCIPLINARY ACTION APPEAL PROCESS
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Upon receipt of such appeal, the Director of Human Resources and Labor Relations shall arrange to have an Arbitrator selected to hear the appeal at Step 2 according to the procedures of the Federal Mediation and Conciliation Service.

AUTHORITY OF ARBITRATOR: The authority of the Arbitrator shall be limited to sustaining or overruling the disciplinary action. The Arbitrator shall apply the just cause standard in his/her decision. The decision of the Arbitrator shall be final and binding on the employee and on the Court. There shall be no appeal from any such decision unless such decision shall extend beyond the limits of the authority herein conferred to the Arbitrator. The Arbitrator shall have no authority to modify, amend or rescind a policy, procedure or practice that has been established.

FEES AND EXPENSES: The fees and expenses of the Arbitrator and the Federal Mediation and Conciliation Service shall be shared equally by the employee and by the County. Counsel may represent the employee at the Arbitration hearing; however, the fees and expenses of said Counsel shall be the obligation of the employee.

Approved:

Chief Judge

Tuesday, February 10, 2015
Updated: 02/28/2022

Date

DISCRIMINATION AND HARASSMENT

Macomb County is committed to a workplace free from workplace discrimination and harassment. All employees will be treated in a fair and respectful manner.

DISCRIMINATION:

It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions or to use evaluative standards in employment if that treatment is, in whole or in part, on the basis of the person's religion, race, color, national origin, age, height, weight, familial status, marital status, sex, sexual orientation or gender identity.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

HARASSMENT:

The Court/County prohibits harassment of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of the Court/County.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

> Verbal Harassment: This form of harassment includes comments that are offensive or unwelcome regarding a person's religion, race, color, national origin, age, height, weight, familial status, marital status, sex, sexual orientation or gender identity, including slurs, epithets and negative stereotyping.
>
> Nonverbal Harassment: This form of harassment includes distribution, display or discussion of any written or graphic material, including the use of technology or social media, that ridicules, denigrates, insults, or shows hostility or disrespect toward an individual or group because of religion, race, color, national origin, age, height, weight, familial status, marital status, sex, sexual orientation or gender identity, including slurs, epithets and negative stereotyping.

Sexual Harassment: Sexual harassment is a form of sexual discrimination.

Federal and State authorities provide that sexual harassment consists of unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct is unlawful where:

1. Submission to the conduct is either an explicit or implicit term or condition of employment; or

2. Submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or

3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive environment.

Quid Pro Quo ("this for that"): This form of harassment generally results from an employment decision based upon the employee's acceptance or rejection of unwelcome sexual advances or requests for sexual favors but can also result from unwelcome conduct that is of a religious nature.

Hostile Work Environment: This form of harassment is the use of unwelcome conduct of supervisors, co-workers, customers or anyone else the victim interacts with on the job, and the unwelcome conduct results in the workplace atmosphere as intimidating, hostile, or offensive.

Workplace Bullying: This form of harassment includes ~~is~~ the use of inappropriately aggressive or insulting conduct or comments, which when viewed objectively, may cause an employee against whom such conduct or comments are directed to be humiliated or intimidated.

DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE:

Employees who feel they have been victims of discrimination or harassment should bring such matters to the attention of their supervisor, Elected Official/Department Head or Human Resources and Labor Relations. It is the Policy of the County to treat all such complaints seriously. Retaliation against an employee bringing a complaint to the attention of management of the County is strictly prohibited. All employees are expected to comply with this Policy and must cooperate fully with Human Resources and Labor Relations and any investigation of a reported violation.

POLICY: DISCRIMINATION AND HARASSMENT
Page 3

False allegations can have a serious effect on innocent individuals. The County expects that all employees will act responsibly to establish an appropriate work environment.

Approved:

Chief Judge

Approved: April 18th, 2017
Revised: December 13th, 2017
Date

DRESS CODE POLICY

Introduction

Your appearance and personal hygiene at the Macomb County Circuit Court and Probate Court should always reflect the highest standards of professionalism. You should always be well- groomed and your attire should be appropriate to your position as an employee of the Court.

Everyone must wear appropriate clothing to provide a professional appearance to the public, even employees who do not meet with the public. A professional appearance throughout the week, including casual days, must be maintained.

No dress code can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you are uncertain whether your choice of clothing is acceptable, please ask your supervisor in advance of wearing the item to work. Reasonable accommodations will be made for employees' religious beliefs consistent with the court's business necessity to present a professional appearance to the public.

If clothing fails to meet the standards set forth, as determined by the employee's supervisor, the employee will be asked not to wear the inappropriate item to work again. If the problem reoccurs, the employee may be sent home without pay to change clothes and will receive a written warning for the offense. Progressive disciplinary action will be applied if dress code violations continue.

Dress Code

Employees are expected to dress neatly and avoid any apparel that may not be in keeping with good business taste and safety standards. Employees are expected to dress in business or business-casual attire.

Examples of acceptable business or business-casual attire for women include: dresses, suits, skirts, blouses, sweaters, dress pants, and conservative khaki or chino-style pants. Sleeveless tops are permissible unless the straps narrow towards the neck. Capri and cropped pants

are permitted as long as they are business appropriate. For men, examples of acceptable office attire include: suits, dress shirts and ties, slacks, button-down shirts, polos, sweaters and khaki-style pants.

Unacceptable clothing includes, but is not limited to: sweatpants, jogging suits, leggings, hooded tops, fleece apparel, flannel apparel, tank tops, tube tops, spaghetti-strap tops, halter tops, shirts that reveal the midriff, t-shirts, shorts, skorts, short skirts or dresses (more than 2 inches above the knee), jeans, and sheer clothing. Clothing that is revealing, distracting or provocative is not acceptable. Additionally, clothing that has words, logos or pictures is unacceptable except as specifically allowed for on casual days.

Personal Hygiene

Good personal hygiene is expected of at all times. While by no means exhaustive, the following are illustrative of what good hygiene habits include: bathe or shower regularly; maintain good dental hygiene; keep nails clean and trimmed; and avoid obtrusive body odors. Further, as a courtesy to coworkers, perfumes, colognes and body lotions should be unobtrusive as well.

Shoes & Footwear

Acceptable footwear includes, but is not limited to: dress shoes, loafers, boots, flats, dress heels/sandals and leather deck-type shoes. Unacceptable footwear includes, but is not limited to: athletic shoes, flip-flops, Crocs, hiking books, and slippers. An employee may request an exemption from this requirement if the employee provides a doctor's statement indicating the necessity of wearing certain shoes for health reasons.

Hats & Head-Coverings

Hats are not appropriate in the office. Head covers that are required for religious purposes or to honor cultural tradition are allowed.

Jewelry, Tattoos, Body Piercings & Makeup

Jewelry and makeup should be in good taste and professionally

appropriate. Tattoos and/or body piercings that could be offensive, disturbing or distracting to the public should be covered and must be non-conspicuous. Management reserves the right to ask an employee to remove or cover anything that is deemed inappropriate for viewing by customers and other employees.

Casual Days

Employees who choose to dress casually on casual days must contribute to the program or charity designated by the court in order to participate. On casual days, employees are still expected to dress in a manner that does not compromise professionalism.

While appropriate casual wear includes conservative jeans, casual knit shirts, denim shirts, chino-style pants and capri pants, the inappropriate examples of clothing listed above remain in effect with the following exceptions: shirts with logos may be worn on casual days, but the picture, writing or logo must be no larger than the palm of one's hand and tennis/athletic shoes are permissible.

Employees may dress more casually on casual days unless it is expected that they will be in the courtroom. On some occasions, the demands of a particular position may require professional attire even on a casual day. Employees who are not scheduled to be in the courtroom, but may be called in unexpectedly, must still bring appropriate courtroom attire to work.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

DRIVER SAFETY

OVERVIEW:

An authorized driver of a County vehicle or an employee driving a privately owned vehicle while conducting County business has certain privileges. When driving a County vehicle, or using a privately owned vehicle for County business, each employee must operate the vehicle in a safe and lawful manner, properly maintain the vehicle at all times and follow this Policy as outlined below. Certain employees, for example, drivers of some County vehicles or employees otherwise covered by Federal and State regulations, are subject to special rules regarding vehicle operation and use. In the event any provision of this Policy is less strict than these special rules, the special rules shall govern for these employees.

OBLIGATION FOR OPERATORS OF VEHICLES:

The following guidelines apply to employees while operating either County owned or privately owned vehicles for County business:

1. The employee shall have a valid Michigan operator's license, current vehicle registration, certificate of Michigan auto no-fault insurance and have the same in his/her possession while operating a vehicle.

2. The employee shall not drive while under the influence of alcoholic beverages, controlled substances, or any medication that adversely affects his/her ability to drive safely.

3. The employee shall abide by all rules, regulations and laws of the State of Michigan Department of Transportation guidelines and Michigan Motor Vehicle Code, as well as any rules and procedures adopted by the County of Macomb.

4. The employee must report, to his/her supervisor, any and all automobile accidents while on County business immediately after the accident. An employee involved in an on-the-job accident/injury requiring a clinic or emergency room visit, will be subject to drug and alcohol testing immediately following the accident/injury. In cases where the employee is taken to the Emergency Room, the employee must follow-up with the County's clinic as soon as the employee is able.

    a. In the event that the operator of the vehicle is incapacitated due to injuries, the Elected Official/Department Head shall report said incident to Macomb County Human Resources and Labor Relations.

b. An incident report must be completed within twenty-four (24) hours.

c. If property damage and/or bodily injuries were involved, a copy of a police report, if one is available, shall be submitted with said report.

5. Before driving a County owned vehicle or personal vehicle on County business, each employee shall complete a "County Vehicle Use Form" and/or a "Personal Vehicle Use Form".

USE OF COUNTY OWNED VEHICLES:

1. County vehicles are to be used only for County business. Use of County vehicles for personal business is prohibited.

2. Elected Officials and Department Heads who are assigned County owned vehicles may utilize these vehicles to and from their home. Other County employees may drive County vehicles assigned to them for travel to and from their home only after receiving Elected Official/Department Head approval.

3. Vehicles not taken home will be parked at County locations designated for overnight storage as directed.

4. Employees on vacation, personal leave or extended sick leave will park their County vehicles on County property as directed.

5. County vehicles driven home are to be legally parked.

USE OF PRIVATELY OWNED VEHICLES FOR COUNTY BUSINESS:

1. Any employee of the County using his/her own personally owned vehicle on County business shall maintain the vehicle in a safe operating condition.

2. The operator of said personally owned vehicle must ensure that the vehicle is properly titled, insured and licensed for operation in the State of Michigan.

TRANSPORTATION OF COUNTY'S CLIENTS:

Macomb County clients shall not be transported in vehicles other than those owned by the County unless specifically authorized by the Elected Official/Department Head. Clients are defined as persons who are receiving services from the County and are under the care, custody or control of the County.

DRIVING CRITERIA:

The following is the driving record criteria for employees being considered for promotions and candidates being considered for employment when driving is an essential function of his/her job:

1. An employee or a candidate for hire must possess a valid Michigan driver's license and a certificate of Michigan no-fault insurance, or such alternative as determined by Human Resources and Labor Relations.

2. An employee or a candidate for hire shall not have more than four (4) moving violations in the most recent two (2) year period.

3. An employee or a candidate for hire shall not have been cited by the State of Michigan for Unsatisfactory Driving Record (UDR) in the most recent two (2) year period.

4. An employee or a candidate for hire shall not have more than one driving conviction related to alcohol or controlled substances, or reckless driving in the most recent seven (7) year period.

Approved:

Chief Judge

Approved: April 18th, 2017
Revised: December 13th, 2017
Date

DRUG & ALCOHOL TESTING POLICY

The Court is committed to providing a safe and productive workplace free from the impacts of drugs and alcohol. This Policy applies to all employees. Certain employees, for example, drivers of some Court or County vehicles or employees otherwise covered by Federal and State regulations, are subject to special rules regarding the use of drugs and alcohol and the Court's obligation to test for such use. In the event any provision of this Policy is less strict than these special rules, the special rules shall govern for these employees. Employees who have a valid Medical Marijuana Program card are not exempt from this Policy.

Drug and alcohol testing will be administered on the following basis:

Reasonable suspicion: An employee shall submit to a drug and alcohol test if there is reasonable suspicion that the employee in question is under the influence, impaired, or otherwise affected by the use of an unauthorized prescription or non-prescription drug, illegal drug, controlled substance, and/or alcohol.

Post-accident: An employee involved in an on-the-job accident/injury requiring a clinic or emergency room visit, will be subject to drug and alcohol testing immediately following the accident/injury. In cases where the employee is taken to the Emergency Room, the employee must follow up with the Court/County's clinic as soon as the employee is able.

When an employee is directed to submit to a drug and alcohol test, the Court will notify the employee of the results as soon as possible after receiving the results from the clinic and/or laboratory. The Court shall treat the refusal to submit to the drug and alcohol test or comply with a Medical Review Officer (MRO) as a positive drug test.

Positive drug test: A drug and/or alcohol test that indicates the employee had a positive marker for one of the drugs screened and/or a blood alcohol level of .04 or greater.

Medical Review Officer: A positive test result will be reviewed by a Medical Review Officer (MRO) before being reported to Human Resources and Labor Relations. Because a positive test result may be the result of a lawfully prescribed medication or ingestion of lawful substances, the employee will be provided an opportunity to discuss and provide evidence of prescription to the MRO. The employee shall comply with all requirements of the MRO.

An employee who voluntarily discloses a problem with controlled substances or alcohol cannot be disciplined for such disclosure alone, however, if the disclosure is subsequent to an event that subjects the employee to discipline, discipline may still be imposed for the inappropriate action or inaction.

After receiving an employee's voluntary disclosure, the Court shall permit the employee an immediate leave of absence to obtain medical treatment or to participate in a rehabilitation program.

After receiving an employee's voluntary disclosure, the employee will be removed from the duties of the position until the employee submits to and passes a follow-up drug and alcohol test.

The Court may also require the employee to submit to further follow-up testing as a condition of continuing employment or returning to work.

Disciplinary action for violations of this Policy shall be as follows:

1. Immediate termination for any employee in a position subject to Department of Transportation guidelines.

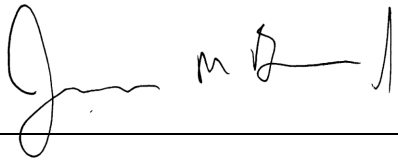
2. For all other employees:

   First offense will result in a ten (10) work day disciplinary suspension coupled with referral to the Employee Assistance Program, and future random drug/alcohol testing. Such discipline shall be imposed under "last chance" guidelines.

   Second offense will result in termination of employment and shall not be subject to the disciplinary action appeal process.

It is the intent of this Policy to ensure that employees suffering from alcohol or drug dependency will not have their job security and promotional opportunities jeopardized solely by a request for help. Satisfactory job performance is still mandatory, and an employee has the primary responsibility for seeking help and for maintaining a treatment program as necessary. An employee seeking treatment, either from a physician or through an Employee Assistance Program, will not avoid disciplinary action if he or she does not meet satisfactory job performance standards or other conditions of employment.

Approved:



Chief Judge

January 1st, 2017
Updated: 02/28/2022

Date

DRUG-FREE WORKPLACE

The Federal Drug-Free Workplace Act of 1988 imposes certain requirements on the Court and its employees as recipients of Federal grant funds. The Court supports the purpose and goals of the Act and by this Policy, makes clear its intention to comply with this Act and to continue making efforts to ensure a drug-free workplace. Therefore, it is the Policy of the Court that any unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the work place is strictly prohibited. This includes the misuse or abuse of prescription drugs.

Any site where work is conducted is declared a drug-free workplace. Employees cannot, for any reason, manufacture, distribute, dispense, possess, or use any illegal and/or non-prescribed controlled substance. Such controlled substances include those identified in Schedules I through V of the United States Controlled Substances Act, 11 USC 812, and include by way of example, Narcotics (heroin, morphine, etc) Cannabis (marijuana, hashish), Stimulants (cocaine, crack, amphetamines, etc.), Depressants (tranquilizers, etc), Hallucinogens (PCP, LSD, XTC, etc.).

All employees of the Court must abide by the terms of this Policy and must notify their Elected Official/Department Head or Human Resources and Labor Relations of any criminal drug statute conviction no later than five (5) days after such conviction.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

Electronic Recording

Unauthorized electronic recording of employees leads to employee distrust and negatively impacts morale. For this reason, an employee, contractor or vendor may not record the conversation of another employee, contractor, vendor or the public without his/her full knowledge and consent.

Under this policy, an employee, contractor or vendor has the right to refuse to be recorded by another employee, contractor or vendor if he/she clearly expresses this right either verbally or in writing. The County reserves the right, with notice, to record meetings that could result in disciplinary action.

This policy does not apply to electronic surveillance/recording that is used for security purposes, recording for valid law enforcement purposes or for meetings designated by the County as an "Open Meeting". This policy is not intended to infringe upon a County employee's right to engage in protected concerted activity.

Chief Judge

Approved: December 13, 2017

EMPLOYMENT RECORDS

Each employee's personnel file is the property of the Court and maintained in Human Resources and Labor Relations and includes: records pertaining to employment, application materials, salary history, benefit information, disciplinary action and all other pertinent employment information. The Bullard-Plawecki Employee Right-to-Know Act ("the Act") ensures an employees' right to access their own personnel file.

Any employee may review their personnel file in the presence of the Director of Human Resources and Labor Relations or designee. This review will be at reasonable intervals, generally not more than two (2) times in a calendar year, during normal hours of operation. An employee may request and obtain a copy of information contained in their personnel file, at the approved cost of duplicating such material, except for those items exempted by the Act.

When an employee changes their name, marital status, dependent status, telephone number, address, tax exemptions, benefit information (within 30 days of qualifying event), etc., they must contact Human Resources and Labor Relations as soon as possible so that the necessary process can be completed and the change implemented. It is the employee's responsibility to keep Human Resources and Labor Relations informed regarding changes in employee information. Failure to promptly notify Human Resources and Labor Relations with updated information may result in loss, denial or delay of benefits or privileges, as well as the repayment of eligible costs.

Approved:

Chief Judge

Approved: February 10, 2015
Revised: September 1st, 2022
Date

EMPLOYMENT RELATIONSHIP

Court employees are employed under a just cause standard, except as otherwise provided by County Charter, State law, or defined by the Court as "at-will" in an authorized job description by the Chief Judge. The employment of an "at-will" employee may be terminated at any time, with or without cause and with or without notice.

Authority to enter into, modify or amend an employment agreement and related terms of employment is vested exclusively with the Chief Judge.

Approved:

Chief Judge

January 1st, 2017
Updated: 02/28/2022

Date

EMPLOYMENT STATUS

Full-Time Employees: Full-time employees are budgeted and regularly scheduled to work 30 hours or more per week. Such full-time employees shall receive benefits as described by Human Resources Policy.

Part-Time Employees: Part-time employees are budgeted and regularly scheduled to work less than 30 hours per week. Part-time employees do not receive any benefits, except those required by law and/or the Macomb County Retirement Ordinance.

Temporary Employees: Temporary employees may be full-time or part-time, and are employed in a position for a specific limited duration. Temporary employees do not receive any benefits, except those required by law. Compensation for temporary employees shall be established at the minimum hourly rate of the salary schedule for the affected classification or other rate within an established salary range as authorized by the Court Administrator and/or Chief Judge.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

EQUAL EMPLOYMENT OPPORTUNITY

This Policy affirms the Court's commitment to provide Equal Employment Opportunity to all individuals, regardless of race, color, gender, religion, national origin, age, disability, height or weight, or sexual orientation in accordance with applicable State and/or Federal law. This Policy applies to recruitment, hiring, training, promotion, salary decisions, work environment, as well as other terms and conditions of employment.

As such, all employees and applicants are protected from coercion, intimidation, harassment, retaliation or discrimination based on membership in a classification identified above in performing their duties or providing services under State and/or Federal law.

Any individual doing business with or on Macomb County property is expected to conduct themselves in a manner that will promote a work environment free from illegal discrimination or harassment.

COMPLAINT PROCEDURE

Employees, applicants or contractors who feel they have been discriminated against because of their race, color, gender, religion, national origin, age, disability, height or weight, or sexual orientation, in accordance with applicable State and/or Federal law, may submit a complaint according to this procedure. Complaints will be investigated and resolved to the extent information is provided.

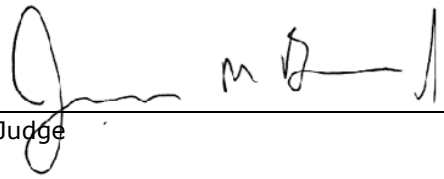
Employees, applicants or contractors who feel they have been a victim of discrimination must bring such matters to the attention of a supervisor, Elected Official/Department Head or Human Resources and Labor Relations. If the matter is brought to a supervisor or Elected Official/Department Head, they shall notify Human Resources and Labor Relations as soon as possible. Human Resources and Labor Relations shall conduct an investigation regarding such complaints.

It is the Policy of the Court to treat all such complaints seriously. Retaliation against an employee bringing a complaint to the attention of management of the Court is strictly prohibited. All employees are expected to comply with this Policy and must cooperate fully with Human Resources and Labor Relations and any investigation of a reported violation.

False allegations can have a serious effect on innocent individuals. The Court expects that all employees will act responsibly to establish an appropriate work environment. Employees determined to file a false allegation may be subject to disciplinary action.

Questions or concerns regarding treatment under this Policy may be directed to a supervisor, Elected Official/Department Head or Human Resources and Labor Relations.

Approved:



Chief Judge

Tuesday, February 10, 2015
Updated: 02/28/2022

Date

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Health related medical information is primarily maintained by insurance carriers and contracted third party providers that provide medical plan coverage and administrative services to Court/County employees and retirees. Macomb County does maintain limited protected health information (PHI) that relates to enrollment and health insurance premium costs.

The County will use or disclose your health information only as permitted by law, policy or contract. The County will only use or disclose health information for another purpose, when specifically authorized by an employee or retiree.

Court/County employees and retirees have several rights regarding health information that the County maintains, outlined as follows:

The right to inspect and copy your health information:
Employees and retirees have the right to inspect and copy health information maintained by the County. Requested copies of information may incur a reasonable charge to cover expenses associated with the request. Any denial of a request will be explained in writing.

The right to amend incorrect or incomplete health information:
Employees and retirees may request a correction of health information, in writing with the reason for the correction. If the request for correction is authorized, the County will take reasonable steps to inform others of the correction. Any denial of a request will be explained in writing.

The right to an accounting of disclosures:
Employees and retirees may request an accounting of disclosures. This is a list of certain disclosures of your health information that the County has made to third parties. The request should specify a time period of no longer than six (6) years and may not include dates before April 14, 2003. The County will provide one list per twelve (12) month period free of charge. There may be a charge for additional lists.

The right to request restrictions on uses and disclosures:

Employees and retirees have the right to request a restriction on how the County uses or discloses health information to third parties for medical treatment, payment of medical claims, or management of health care operations. The County is not required to agree to such restrictions.

The right to a paper copy of this notice:

Employees and retirees may obtain a copy of this Policy.

The County is required by HIPAA to do the following:

- To maintain the privacy and security of your PHI.
- To notify you if a breach occurs that may have compromised the privacy or security of your PHI.
- To provide you a copy of this Policy.
- To not use or share your PHI other than as described here unless you tell us we can in writing.

Change to this Policy

This Policy may be amended at any time and any new Policy provisions will be effective for all health information that are maintained.

Complaints

Employees and retirees may file a complaint if there is an allegation that privacy rights have been violated. You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to, 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775 or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/. The County will not retaliate against any employee or retiree in any way for filing a complaint.

You may also file a complaint or request information in writing to either:

Human Resources and Labor Relations
1 S. Main Street, 6th Floor
Mount Clemens, MI 48043

Corporation Counsel
1 S. Main Street, 8th Floor
Mount Clemens, MI 48043

Approved:

Chief Judge

January 1st, 2017
Date

HOURS OF OPERATION

WORK DAY:

Court offices hours of operation may vary, however, the Court's hours of operation are generally 8:00 a.m. to 4:30 p.m., Monday through Friday. In addition, departments may create extended hours in order to meet the needs of the department with permission of the Chief Judge.

MEAL AND REST PERIODS:

Full-time employees that work seven and one-half (7.5) hours per day, five (5) days per week, shall have a one-hour unpaid meal period each workday. Full-time employees who work eight (8) hours per day, five (5) days per week shall have a one-half hour paid meal period.

Full-time employees shall normally have two (2) fifteen (15) minute paid rest periods, one during the first half of the shift and one during the second half of that shift. The times at which these rest periods are taken is subject to the discretion of the Department Head in order to ensure effective department operations.

Part-time employees are not eligible for paid meal and rest periods.

Employees shall not accrue, accumulate or be paid for meal and rest periods not taken.

WORK WEEK:

The normal work week is five days of work in a seven day period.

The Court reserves the right to establish or alter hours of operation at its sole discretion.

Approved:

Chief Judge

Tuesday, February 10, 2015
Updated: 02/28/2022

Date

LAW ENFORCEMENT INVESTIGATIONS AND CONTACTS

Whenever an Elected Official/Department Head or an employee of the Court is contacted by a Federal, State or local law enforcement agency for any reason, including inquiries concerning a Court employee, a Court department, an investigation of a crime that may have been committed on Court or County property, or a request to review or copy records, it is the obligation of the Elected Official/Department Head and/or employee having knowledge of same, to do the following:

Upon being contacted by a law enforcement agency, the employee shall immediately, before responding, contact their Elected Official/Department Head/designee who will contact the Court Administrator and/or Chief Judge to report the contact.

Either the Chief Judge, the Court Administrator, or the Elected Official/Department Head (as determined appropriate by the Chief Judge) shall speak to one of the attorneys on staff. The Elected Official/Department Head will be advised on how to proceed with the law enforcement agency. In the event no attorney is available for consultation, unless unusual circumstances exist, the Elected Official/Department Head should not speak to the law enforcement agency, but should instead refer all inquiries to the County's Corporation Counsel.

The Elected Official/Department Head shall follow the directives of Corporation Counsel, including making a written report to Corporation Counsel, if requested to do so.

In the event that the employee contacted by a law enforcement agency is the focus of the criminal investigation, the employee must immediately report to the Court Administrator that such contact has been made. This Policy applies only to contacts made with employees in the scope and course of their duties for the Court, and employees are not to contact Corporation Counsel regarding personal legal issues.

Approved:

Chief Judge

Approved: February 10, 2015
Revised: September 1st, 2022
Date

NEW POSITIONS AND CLASSIFICATION CHANGES

Any request to create a new position or classification, change the classification of an existing position or request a salary adjustment, must be submitted in writing with the reasons for such request to the Chief Judge or designee. Court Administration will review the request and formulate a recommendation in conjunction with the Macomb County Human Resources and Labor Relations Department, Finance Department, and Office of County Executive, if necessary.

If the request is approved by Finance and the Human Resources and Labor Relations Director, the change will be made within position control. However, the final determination regarding any requested change shall be within the sole authority of the Chief Judge.

Approved:

Chief Judge

Tuesday, February 10, 2015
Revised: April 26th, 2022

Date

PERFORMANCE EVALUATION

Performance evaluations can be an important tool in any employment relationship. They can provide feedback to an employee, identify performance that is meeting or exceeding expectations and can assist management and the employee in identifying areas of improvement. However, performance evaluations lose all effectiveness if used as a disciplinary measure and court departments are expressly prohibited from using them in this manner.

Due to the complexity and varying degrees of effectiveness of implementing a legitimate performance evaluation system, there is no countywide system for measurement. Individual departments are authorized to use them and they must be developed and administered using objective criteria for success within the specific department's standards and needs.

Approved:

Chief Judge

Tuesday, February 10, 2015
Revised: April 26th, 2022

Date

PROBATIONARY PERIOD

A probationary period is a continuation of the Recruitment and Selection process and is intended to ensure that an employee is capable of fulfilling the requirements of the position.

A full-time employee newly hired into the County is considered a probationary employee for the first six (6) months of employment from the date of hire.

A part-time employee newly hired into the County is considered a probationary employee for the first nine (9) months of employment from the date of hire.

If it is determined that a newly hired employee is not capable of successfully fulfilling the requirements of the position, the employee shall be terminated without the right of appeal or statement of cause.

A current employee of the County who has a change in classification, is considered a probationary employee for the first four (4) months from the date of change in classification.

If within the four (4) month probationary period it is determined that an employee who had a classification change is not capable of successfully fulfilling the requirements of the position, the employee will be terminated without the right of appeal or statement of cause. An exception may be made with the Elected Official/Department Head approval(s), as well as union approval where applicable.

This Policy does not apply to an employee in a position that is designated as "at will".

Approved:

Chief Judge

Approved: April 18th, 2017
Revised: September 1st, 2022
Date

QUALIFICATIONS, LICENSURES, CERTIFICATIONS AND CREDENTIALS

It is the responsibility of each employee, in relation to their classification, to maintain necessary qualifications, licensures, certifications and credentials, as required by the Court, by law, or by regulation. All required qualifications, licensures, certifications and credentials must be verified by the Human Resources and Labor Relations Department at the time of hire with copies of such maintained in each employee's personnel file.

If an employee has a required qualification, licensure, certification or credential that has expired, or has been revoked or suspended, that employee must notify their supervisor immediately. Failure to do so may result in discipline, up to and including discharge.

Approved:

Chief Judge

Approved:Tuesday, February 10, 2015
Revised: September 1st, 2022
Date

REASONABLE ACCOMMODATIONS UNDER PREGNANT WORKERS FAIRNESS ACT (PWFA)

The Court is committed to providing a supportive workplace for all employees. In compliance with the Pregnant Worker's Fairness Act (PWFA), Macomb County and the Court will provide reasonable accommodations to employees with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the Court's operations. The purpose of this policy is to provide employees with a general description of their PWFA rights.

A. Request: An employee may request temporary accommodation due to pregnancy, childbirth or a related medical condition. An employee must submit the Pregnancy Accommodations Request Form to the Human Resources and Labor Relations (HRLR) Department. Each request for an accommodation will be considered on a case-by-case basis. Employees are encouraged to collaborate with their department to identify suitable accommodations that meet their needs without causing undue hardship.

For the following temporary accommodations, a medical certification from a healthcare provider is not required:

- Frequent, longer, or flexible restroom breaks
- Modification of food or drink policies
- Allow for sitting or more frequent sitting
- Limit lifting or eliminate lifting
- Provide reasonable break time to express breast milk
- Access to a private location to express breast milk
- Temporary modification of a uniform or dress code, or providing safety equipment that fits

For the following temporary accommodations, a medical certification from a healthcare provider is required:

- Temporary restructuring of position
- Modifying a work schedule
- Job reassignment
- Changing a workstation
- Providing equipment
- Temporary transfer to a less strenuous or hazardous position
- Flexibility for pre-natal visits
- Other accommodations

The request for an accommodation must include an explanation of why the employee requires the accommodation.

Upon receipt of the request for accommodation, HRLR will contact the employee to discuss the request. HRLR and the employee will discuss the particular needs and the ways in which the employee's needs can be met reasonably and effectively. This discussion is intended to be an open and thorough exchange of ideas.

HRLR will review the accommodation request with the Courts and determine the reasonableness of the accommodation and ensure it will not create an undue hardship for the department. A decision will be made after considering the nature of the accommodation, the business needs of the department, the needs of other employees, the department's operations, and the department's resources.

If the accommodation is determined to be unreasonable, HRLR or the Courts will work collaboratively with the employee to explore alternative options. While the employee may be warranted to an accommodation, an employee's requested accommodation or preferred accommodation may not be feasible.

The PWFA also prohibits an employer from forcing an employee to accept an accommodation, without engaging in the interactive process, and prohibits an employer from requiring an employee to take leave if there is another accommodation that does not cause an undue hardship that will allow the employee to stay on the job.

B. Notification Process:

1. HRLR will notify employees using the Pregnancy Accommodation Request Form indicating if the request is approved, modified or denied.

2. Modification of Accommodation: If the employee's accommodation needs to be changed or extended during their pregnancy, they must notify HRLR to discuss modification of their current accommodation or to begin the process of requesting a new accommodation.

C. Retaliation, Harassment or Adverse Action is Prohibited: Retaliation, harassment or adverse action for requesting or being granted an accommodation is prohibited. If an employee believes they are the subject of retaliation, harassment, or adverse action based on an accommodation or request for accommodation they should inform the Human Resources and Labor Relations Department as soon as possible.

Chief Judge

Approved: April 18, 2025

RECRUITMENT AND SELECTION

POLICY STATEMENT:

The Court is an equal opportunity employer that is committed to a fair and equitable recruitment process in order to hire the most suitable applicant for vacant budgeted positions based upon a full and complete analysis of qualifications. Background checks are conducted in order to promote a safe work environment and to ensure the character and fitness of potential employees. The Court also provides additional preference to external applicants who are qualifying United States Veterans during the interview process. This policy is applicable to all positions, except as provided by statute, court rule, or positions identified as "Executive" by Human Resources and Labor Relations.

RECRUITMENT AND SELECTION ADMINISTRATION:

The process for filling positions is as follows:

- The Department Head/Elected Official will make a request to fill a vacant budgeted position to Macomb County Human Resources and Labor Relations.
- Human Resources and Labor Relations and Finance will review the request as it relates to position control and budget authorization.
- If authorized, Human Resources and Labor Relations, in conjunction with the Chief Judge or designee, will create, review and where necessary modify the job description and distribute the job posting and interview process materials.
- Positions will be posted for a minimum of five (5) working days, unless otherwise authorized by Human Resources and Labor Relations or an applicable collective bargaining agreement.
- All applications must be submitted through the Human Resources and Labor Relations established applicant tracking system within the posting period.
- Only applicants meeting the minimum qualifications before the closing date of the posting, will be considered.
- Human Resources and Labor Relations will review the applications and qualifications for each posting to determine if each applicant meets the minimum qualifications of the position.
-

- Human Resources and Labor Relations will then select the most qualified applicants based upon measurable screening criteria, unless otherwise specified by an applicable collective bargaining agreement and forward those applicants to the department's selection committee member(s) for interview selection. The selection committee will consist of at least two (2) representatives, as determined by the Department Head/Elected Official, one of which is a representative of Human Resources and Labor Relations.

- The most suitable applicants will be determined through an interview process which may also consist of supplemental interviews, questionnaires and/or exercises, as has been authorized by the Court Administrator or the Chief Judge.

- The applicants will be scored by each member of the selection committee using a matrix that evaluates core competencies. All selection materials must be returned to and maintained by Human Resources and Labor Relations. Human Resources and Labor Relations will provide the cumulative interview score for each applicant to the hiring department.

- Based upon the results of the interview process, the Department Head/Elected Official recommends an applicant for hire and requests placement within the salary range for review and approval by the Chief Judge.

- If it is determined that there are no suitable applicants for the position after the interview process, the Department may make a request to Human Resources and Labor Relations to select additional qualified applicants for interview, based upon measurable screening criteria, or re-post the position.

- Human Resources and Labor Relations will facilitate and complete the recruitment and selection process, which includes a proper background check of the recommended applicant.

- Human Resources and Labor Relations will communicate the status of the position to those who submitted an application.

Approved:

Chief Judge

Approved: January 1st, 2017
Revised: September 1st, 2022
Revised: November 29th, 2023
Date

REMOTE WORK

Policy Statement

The Chief Judge may permit certain positions to work remotely. The opportunity for employees to work remotely is an employer option, not an employee right. Departments across the Court may implement remote work as an option for eligible positions based on operational needs and be uniformly applied.

Reason for Policy

This policy has been designed to help supervisors and employees understand the remote work environment and their associated rights and responsibilities. This policy provides a general framework for employees working remotely. Remote work can benefit both employees and departments by providing a better work-life balance. Other benefits include:

- Increased ability to function during an emergency
- Increased productivity
- Efficient use of Court/County resources, including office space
- Recruitment and retention of highly qualified employees
- Greater flexibility for employees and departments
- Improved employee morale and job satisfaction
- Reduced employee absenteeism
- Reduced employee commute time and costs

Worksite Definitions

"Traditional worksite" refers to any County owned or controlled facility.

"Remote worksite" refers to the employee's home or Department-approved location.

"Field worksite" refers to any worksite where the employee is assigned to perform the essential functions of their job other than the traditional or remote worksite.

Management Guidelines

Each supervisor, with the approval of the Chief Judge, or their designee, will be responsible for designating positions which will be authorized for remote work. Remote work is an arrangement between an individual employee and their supervisor. Remote work must not be used as a reward or revoked as a punishment. The sole determinant should be the position's ability to accomplish its tasks remotely.

Departments who authorize remote work for positions are responsible for the following:

1. Establishing expectations for and monitoring of employee performance
2. Identifying eligible positions suitable for remote work
3. Identifying eligible employees (see "Employee Participation in Remote Work")
4. Determining if equipment will be provided to the employee (see "Equipment and Supplies")
5. Establishing how the employee will maintain regular contact with office coworkers and management
6. Determining how the department will handle restricted access materials, security issues, and taking electronic or paper records from the traditional worksite (see "Security and Access to Information")
7. Ensuring practices are consistent and compliant with all County policies
8. Communicating remote work expectations to employees
9. Ensuring individual work schedules and reporting for non-exempt employees are in compliance with the Fair Labor Standard Act (FLSA)
10. Each employee request to work remotely will be considered in relation to the department's operating needs

Employee Participation in Remote Work

Offering the opportunity to work remotely is an employer option and not an employee right. Management may eliminate the option of a position to work remotely without cause.

The employee must adhere to all policies, rules, and regulations of the County while working remotely. Further, an employee must have the willingness of their supervisor to perform the necessary supervisory responsibilities required for remote workers. The employee agrees not to

conduct personal business or any unauthorized external (non-County) business during working hours (See Worksite and Hours of Operation). Additionally, the employee must ensure personal obligations during work hours will not hinder work performance.

Employees must use discretion when scheduling the location of business meetings with internal or external clients, customers or colleagues while working remotely.

Conditions of Employment

The employee's conditions of employment remain the same as for non-remote employees. Employee salary, benefits, and employer-sponsored insurance coverage will not change as a result of working remotely.

Worksite and Hours of Operation

The Chief Judge, or their designee, must define the type of worksite and hours of operation for the participants, thus (1) reducing Macomb County's exposure to risk, (2) facilitating proper supervision of remote workers, and (3) ensuring work is conducted in a productive and safe environment.

Any arrangement regarding working hours must adhere to the provisions of the Fair Labor Standards Act (FLSA).

Immediate supervisors can direct employees to report to their traditional worksite instead of their remote or field worksite. Whenever possible, employees who are directed to report to their traditional worksite, should be notified by the end of the work day prior to the day they are to report. In such cases, travel time to the traditional worksite is treated as regular commuting time and is not counted as hours worked.

If an employee is working in their remote or field worksite during the workday and they are directed to report to their traditional worksite, the time traveling from the employee's remote or field worksite to the traditional worksite must be treated as "job site" to "job site" travel, and the employee's travel time must be counted as hours worked and compensated accordingly.

Work Space

An employee approved to work remotely is responsible for setting up an appropriate work environment. The Court/County will not be responsible for any cost associated with the setup of a remote office. Upon request, the Court/County will consult with an employee on any modifications or requirements to operate County-owned equipment. Employees who require a disability accommodation must follow the established process outlined in the Court Disability Accommodation policy.

As a condition to work remotely, the employee must ensure that the work space is safe and suitable for the purposes of the employee's work. Employees must report any known safety hazards to County/Court-owned equipment or devices, such as water or electrical issues, to their supervisor immediately. An employee may be denied the opportunity to work remotely if the remote worksite is not conducive to a safe and productive work environment.

Equipment and Supplies

General office supplies (e.g. pens and paper) shall be provided by the County and obtained from the traditional worksite. Out-of-pocket expenses for supplies normally available at the traditional worksite will not be reimbursed.

The employee is expected to use their own furniture, telecom/internet services, and other equipment. Any use of private facilities of the employee will be at the employee's discretion and not at the request or expense of Macomb County.

Any equipment assigned for remote work is property of the County. Each department retains the responsibility for the inventory and maintenance of County-owned property. In no situation should County-owned equipment be permanently installed in an employee's home or utilized for non-business purposes.

Any hardware provided by the Information Technology Department to any employee may only be removed from County facilities with the approval of the Chief Judge, or their designee and the approval of the Chief Information Officer, or their designee.

Liability

The employee's remote worksite, when used for working remotely, is an extension of the traditional worksite. Nonetheless, Macomb County is not responsible for injuries to family members, visitors, and others due to an employee working remotely. The employee will not attempt to hold the Court/County responsible or liable for any loss or liability in any way connected to the employee's remote work.

Security and Access to Information

The employee is responsible for maintaining confidentiality and security at the remote worksite, at the same standard as at the traditional worksite. The employee must protect the security and integrity of data, information, paper files, and access to computer systems. All County Information Technology Policies apply while working remotely as they would at the traditional worksite.

Approved:

Chief Judge

Approved: March 18, 2021
Updated: September 1st, 2022
Date

Representation and Indemnification Policy

The County of Macomb, through Corporation Counsel's Office, provides legal representation and indemnification to its employees named as defendants in civil lawsuits. The representation component provides an attorney free of charge to the employee; the indemnification component provides payment of all approved costs associated with defending and resolving the case.

An employee's representation and indemnification is contingent on the following:

1) The lawsuit in which the employee is a defendant must arise from the employee's fair performance of their duties;

2) The employee must cooperate in their own defense;

3) The employee formally requests representation and indemnification using a form available at the Office of Corporation Counsel and presents any court documents received up to that time.

A test will be applied to determine whether the employee was acting in the fair performance of their duties as follows:

1) Was the employee serving a public interest or acting for the benefit of the community at the time and place of the underlying incident(s);

2) Was the employee exercising some manner of authority granted to them by virtue of their County employment position at the time of the underlying incident(s).

Examples of when an employee would not be covered by this policy:

- An employee is acting solely in their own self-interest
- An employee is exercising a right or entitlement common to all individuals (e.g. right to protect one's own home)
- An employee is acting in a malicious or corrupt manner

A determination on representation and indemnification covers all employees for their honest mistakes.

Additionally, it provides representation and indemnification when an employee fails to choose the best course of action from among competing reasonable courses of action.

This policy does not extend to providing representation or indemnification to an employee who is or was:

1) Charged or convicted with a crime related to the same incident which forms the basis of the civil lawsuit;

2) Engaged in an act of intentional misconduct (e.g. sexual harassment, discrimination, bullying);

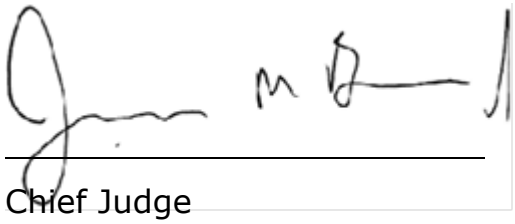
3) Violated the County's Ethics Ordinance;

4) Acted in a personal capacity entirely for their own benefit or was otherwise involved in a private matter unrelated to the employee's employment (e.g. divorce, child custody dispute, property line dispute with a neighbor, automobile collision outside of working hours involving the employee's personal vehicle), etc.

5) Engaged in an act which causes them to be excluded from coverage by the County's insurance carrier(s)

In those civil litigation matters in which the Office of Corporation Counsel is unable to provide representation to an employee for any reason, Corporation Counsel has the exclusive authority to appoint outside counsel with the express approval by the Board of Commissioners as provided in Charter Article VII, Section 7.5.3.(b).

This policy does not preclude any employee of exercising their right to hire their own attorney at their own expense for any purpose.



Chief Judge

Approved: September 1, 2022

RULES OF CONDUCT AND TRIAL COURT EMPLOYEE CANONS

We have certain rules of conduct that have to be followed if we are to get our work done in an efficient and orderly way. Your cooperation is essential, and we urge you to familiarize yourself with those rules of prohibited conduct listed below so you know what is and is not acceptable behavior. In addition, as Court employees, employees must conduct themselves in a manner that upholds and increases public trust and confidence in our Court, and as such we expect all employees to follow the Model Code of Conduct for Michigan Trial Court Employees, attached as Appendix D to this handbook. We know employees who will violate the rules are rare exceptions. Based on common sense and good judgment, these rules are designed to protect your rights, the rights of your fellow employees, and the public we serve.

Violations of the following rules which prohibit the indicated behavior will, in the discretion of the Court, result in disciplinary action up to and including termination:

1. Poor work performance;

2. Insubordination (disobedience to authority or failure to follow instructions);

3. Theft, unauthorized removal of property, or misappropriation of funds of either the Court, employees, customers or other persons employees deal with in conducting their duties;

4. Refusal to participate in any Court investigation or in the maintenance of a safe workplace, including, but not limited to, investigations related to suspected rule violations, suspected legal violations, or customer investigations;

5. Horseplay, scuffling, running, or throwing material or other objects;

6. Causing hazardous or unsafe working conditions or engaging in any action which threatens the safe and efficient operation of the Court;

7. Possession of hazardous or dangerous property such as weapons, firearms, or chemicals on Court premises;

8. Falsification of personnel or other records, dishonesty (including the submission of false or inaccurate records developed by others), or omission of material information;

9. Restricting or interfering with production or attempting to induce others to do so;

10. Damage to, destruction of, or misuse of property and equipment belonging to the Court or its employees, customers, or other persons with whose employees interact in performing their work duties;

11. Leaving the job before the end of the assigned schedule without permission, walking off the job or wasting time, loafing, sleeping on the job, neglect or failure to perform assigned duties, or being away from an assigned area or wasting time without permission;

12. Use of personal radios, tape players, cameras, MP3 players/recorders, TV's or other similar media at work without authorization;

13. Conducting personal business on Court time and/or property;

14. Engaging in other employment without prior approval by the Court including while on a medical or personal leave of absence;

15. Lending keys to Court property to unauthorized persons or duplicating or allowing duplication of keys without prior authorization;

16. Personal conduct which is obnoxious or abusive of other employees including gossip, rumors, and statements of a defamatory nature;

17. Failure to keep a work area clean;

18. Unauthorized entry into the building or Court premises during non-working hours;

19. Conviction of a crime*;

20. Bribery or fraudulent or unethical conduct;

21. Violation of any policy contained in this handbook; or

22. Violation of any Model Code of Conduct canon.

The above rules are not intended to be all inclusive of the proper standards of conduct or other obligations of employees. The Court reserves the right to take disciplinary action for other offenses not specifically listed here. Disciplinary action may include a verbal warning, written warning, suspension without pay and termination. The appropriate disciplinary action imposed will be determined by the Court. The Court does not guarantee that one form of action will necessarily precede another. This listing of Rules of Conduct and any discipline taken (under these rules or otherwise) does not modify the employment status set forth in the Employment Status Policy.

*Note: A conviction record will not necessarily be a bar to employment or cause for termination. Factors such as age, time of offense, seriousness and nature of violation and rehabilitation will be considered.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

SOCIAL MEDIA POLICY

POLICY STATEMENT:

The 16th Judicial Circuit, 42nd Judicial District, and Macomb County Probate Courts ("Court") recognize and understand that social media is a way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. These risks include the risk that your use of social media may affect the Court. To assist you in making responsible decisions about your use of social media as they may affect the Court, we have established these guidelines for the appropriate use of social media.

This Policy applies to all persons who work for the Court.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including but not limited to the following: your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Court, as well as any other form of electronic communication.

The same principles and guidelines found in the Court's policies and Model Code of Conduct for Michigan Trial Court Employees apply to your activities online. *See* attachment. Ultimately, you are solely responsible for what you post online. Before creating online content, consider the risks that are involved. Do not post personal comments on, or observations about, cases handled by the Court because even the appearance of impropriety may undermine the public confidence in the independence, impartiality and integrity of the Court. Keep in mind that content that may adversely affect your job performance, the job performance of other Court employees or the work of the Court; that may disrupt the work environment or interfere with the delivery of administrative or adjudicative services; or that may have the appearance of impropriety may result in disciplinary actions up to and including termination.

GUIDELINES:

A. Know and Follow the Rules

Carefully read the Court's employment guidelines which include the Courts' Human Resources Policies, the Macomb County Internet and County Network Access and Use Policy, and the Model Code of Conduct for Michigan Trial Court Employees. Please ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

B. Be Respectful

Always be fair and courteous to the public, Court vendors, volunteers, Macomb County employees and persons who work in, or on behalf of, the Court. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or supervisor than by posting complaints to a social media outlet. Nevertheless, if you decide to post work-related complaints or criticism, or otherwise identify yourself as a Court employee, do not use statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, intimidating or disparaging, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts that may harm someone's reputation or posts that could contribute to a hostile environment on the basis of race, sex, disability, religion, sexual orientation, age or weight or any other status protected by law or the Court policy.

C. Be Honest and Accurate

Make sure you are always honest and accurate when posting any information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you do not have a reasonable basis to know are true about the Court, co-workers, volunteers, Macomb County employees the public, vendors, other courts or any other person.

D. Post Only Appropriate and Respectful Content

1. Maintain the confidentiality of the Court's confidential information. Do not post internal reports, policies, procedures or other internal court-related confidential information or communication.

2. Do not post, transmit, or otherwise disseminate any information to which you have access as a result of your employment. Do not make personal comments on, or observations about, cases handled by the Court, whether pending or closed, including comments about, or observations on, the substance of the case, a party, a witness, a juror, an attorney or any other person involved.

3. Do not create a link from your blog, website or other social networking site to the Court's website.

4. Express only your personal opinions. Never represent yourself as a spokesperson for the Court. If the Court is a subject of the content you are creating, or if you identify, or have identified, yourself as a Court employee, make it clear that your views do not represent those of the Court or your co-workers. If you do publish a blog or post online related to the work you do or subjects associated with the Court, or if you identify, or have identified, yourself as a Court employee, make it clear that you are not speaking on behalf of the Court. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Court."

5. You may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization (defamation); publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public; using someone else's name, likeness or other personal attributes without that person's permission for an exploitative purpose; or publishing the creative work of another transaction, trademarks, or certain confidential business information without the permission of the owner.

E. Using Social Media at Work

Do not use social media while on work time or on equipment the Court provides, unless it is work-related as authorized by your supervisor or consistent with the Court's Personnel Manual, the Macomb County Internet and County Network Access and Use Policy, and the Model Code of Conduct for Michigan Trial Court Employees. Do not use a Court email address to register on social networks, blogs or other online tools utilized for personal use.

F. Retaliation is Prohibited

The Court prohibits adverse employment action or retaliation against any employee for reporting a possible violation of this Social Media Policy or for cooperating in an investigation of such an alleged violation. Any Court employee who takes adverse employment action or otherwise retaliates against another Court employee for reporting a possible violation or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

G. Media Contacts

The Court employees shall not speak to the media on the Court's behalf without prior approval from the Chief Judge or Court Administrator. All media inquiries should be directed to the Court Administrator or the Chief Judge.

H. For More Information

If you have questions or need further guidance, please contact your Division Administrator.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

SOCIAL SECURITY NUMBER DISCLOSURE

With respect to the social security number of an employee or other individual, Macomb County will not do any of the following:

Publicly display more than 4 sequential digits of the social security number.

Use more than 4 sequential digits of the social security number as the primary account number for an individual.

Visibly print more than 4 sequential digits of the social security number on any identification badge or card, membership card, permit or license.

Require an individual to use or transmit more than 4 sequential digits of their social security number to gain access to an internet website or a computer system or network unless the connection is secure, the transmission is encrypted or a password or other unique personal identification number or other authentication device is also required to gain access to the internet website or computer system or network.

Include more than 4 sequential digits of the social security number in or on any document or information mailed or otherwise sent to an individual if it is visible from outside of the envelope/packaging with or without manipulation.

Include more than 4 sequential digits of the social security number in any document or information mailed to a person, unless one of the following apply:

State or federal law, rule regulation, or court order or rule, authorizes, permits or requires that a social security number appear in the document.

The document is sent as part of an application or enrollment process initiated by the individual.

The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, employee, health insurance benefit or to confirm the accuracy of a social

security number of an individual who has an account, contract, policy or health insurance benefit.

The document or information is mailed by the Court/County under any of the following circumstances:

The document or information is a public record and is mailed in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

The document or information is a copy of a public record filed or recorded with the County Clerk or Register of Deeds office and is mailed by that office to a person entitled to receive that record.

The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record.

The document or information is mailed by or at the request of an individual whose social security number appears in the document or information or at the request of their parent or legal guardian.

EXCEPTIONS TO PROHIBITED SOCIAL SECURITY NUMBER DISCLOSURE:

The above prohibitions to the disclosure of more than 4 sequential digits of a social security number do not apply to any of the following:

A use of more than 4 sequential digits of a social security number that is authorized or required by state or federal statute, rule, or regulation, by court order or rule, or pursuant to legal discovery or process.

A use of more than 4 sequential digits of a social security number by a law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution, or providing more than 4 sequential digits of a social security number to a law enforcement agency, court or prosecutor as part of a criminal investigation or prosecution.

This Policy does permit the use of more than 4 sequential digits of the social security number as the primary account number for an individual; or including all or more than 4 sequential digits of a social security number in any document or information mailed to a person, if the use is in accordance with any of the following:

An administrative use of more than 4 sequential digits of the social security number in the ordinary course of business, by a person, vendor or contractor of a person, to do any of the following:

Verify an individual's identity, identify an individual, or do another similar administrative purpose related to an account, transaction, product, service or employment or proposed account, transaction, product, service or employment.

Investigate an individual's claim, credit, criminal or driving history.

Detect, prevent or deter identity theft or another crime.

Lawfully pursue or enforce a person's legal rights, including, but not limited to, an audit, collection, investigation or transfer of a tax, employee benefit, debt, claim, receivable, or account or an interest in a receivable or account.

Lawfully investigate, collect, or enforce a child or spousal support obligation or tax liability.

Provide or administer employee health insurance or membership benefits, claims, retirement programs or to administer the ownership of shares of stock or other investments.

A use of more than 4 sequential digits of a social security number as a primary account number that meets both of the following:

The use began before March 1, 2005.

The use is ongoing, continuous and in the ordinary course of business. If the use is stopped for any reason, this subsection no longer applies.

CONTROL OF ACCESS TO SOCIAL SECURITY NUMBERS:

Access to records containing social security numbers is limited to employees who need to see those records for the performance of their duties.

Employees' access to records containing social security numbers may be determined through the use of electronic audit trails.

During storage, electronic records containing social security numbers shall encrypt the social security numbers. Records in other media that contain social security numbers shall be stored in locked cabinets or otherwise secured against unauthorized access.

DISPOSAL OF DOCUMENTS THAT CONTAIN SOCIAL SECURITY NUMBERS:

Discarding or destroying records in any medium containing social security numbers must be done so in a way that protects the confidentiality of social security numbers. It shall be accomplished by shredding, erasing, or otherwise modifying that portion of the record containing a social security number to make it unreadable or undecipherable, before the record is discarded.

Approved:

Chief Judge

Approved: September 1, 2022
Date

TEMPORARY EMPLOYMENT

Hiring temporary employees may be permitted, if approved by Human Resources and Labor Relations and Finance and must be in accordance with the Macomb County Home Rule Charter. Temporary employees may be hired, for a period not to exceed six (6) months or 1,000 hours of work, whichever is greater. Human Resources and Labor Relations may grant an extension to allow a temporary employee to be extended for an additional period not to exceed six (6) months for an additional 1,000 hours of work, whichever is greater, but in no case will they be allowed to work longer than one (1) year.

The rate of pay for such temporary employee(s) shall be within the established salary range for the classification of work as authorized by the Court and Human Resources and Labor Relations. Upon the termination of a temporary employee, such employee shall not be eligible for re-hire as a temporary employee in the same department for one (1) year from separation.

Approved:

Chief Judge

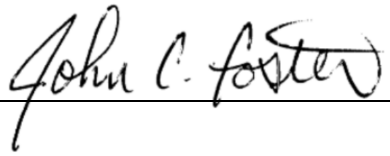
Approved: January 1st, 2017
Revised: November 29th, 2023
Date

VIDEO SURVEILLANCE

The Court has video-cameras installed in certain indoor and outdoor areas of the property (but not in any private bathroom area for Court employees). These areas where videos are installed include but are not limited to the Court entrance-ways, the courtrooms, and other places deemed appropriate by the Court. These cameras will record video, sound, and other information. As such, Court employees should expect that they may be recorded while on the premises by these videos.

Accordingly, employees shall have no right or expectation of privacy in any information, data, pictures, etc. that may be tracked, recorded, assessed, or otherwise obtained in any video tape as outlined herein.

Approved:



Chief Judge

Tuesday, February 10, 2015

Date

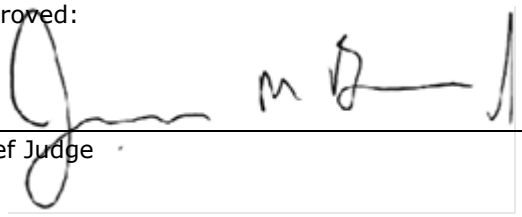
WORKPLACE VIOLENCE

The safety and security of Court employees and visitors is a top priority. Acts or threats of violence made by any person against another person's life, health, well-being, family or property will not be tolerated. This statement applies to any threats made on Court/County property, at Court/County events, or under other circumstances that may negatively impact the Court's ability to provide service. If an employee experiences, discovers or hears any threatening communications or conduct from or concerning an employee, supervisor or the Court, the employee shall report it to their supervisor, Elected Official/Department Head or Human Resources and Labor Relations immediately.

An employee shall not engage in a physical or verbal confrontation with a potentially violent individual. An employee should contact 911 immediately if they encounter an individual who is threatening immediate harm to any employee, visitor, or Court/County property.

It is the Policy of the Court to treat all Workplace Violence complaints seriously. Retaliation against an employee bringing a complaint to the attention of management of the Court is strictly prohibited. All employees are expected to comply with this Policy and must cooperate fully with Human Resources and Labor Relations and any investigation of a reported violation.

Approved:



Chief Judge

Approved: February 10, 2015
Updated: September 1, 2022
Date

SECTION 2: COMPENSATION AND BENEFITS

DEFERRED RETIREMENT OPTION PLAN (DROP)

Eligible employees may elect to participate in the Deferred Retirement Option Plan (DROP). Eligibility, terms, and conditions of DROP participation are set forth below, including the payment of certain fringe benefits to DROP participants, Longevity, Paid Time Off and Sick Leave.

A. An employee who is a member of the Macomb County Employees' Retirement System may voluntarily elect to participate in the DROP with a minimum of a thirty (30) day notice, at any time after attaining the minimum age and service requirements for a normal service retirement. Vesting for purposes of DROP excludes service time under the Reciprocal ACT 88.

B. Participation: The maximum period for DROP payments credited to the account is five (5) years (the "Participation Period"). There is no minimum time period for participation. Employees may continue to work beyond the five (5) years, but DROP payments will cease at the end of the participation period.

C. DROP Payment: Upon termination of employment, the retiree shall receive the monthly pension previously credited to their DROP account. Failure to terminate employment at the expiration of the DROP Participation Period shall result in forfeiture of the employee's monthly pension otherwise payable to the DROP account. Interest on the DROP account will continue to accrue during such a forfeiture.

D. Election to Participate: Participation in the DROP is irrevocable once an employee begins participation. An employee who wishes to participate in the DROP shall be eligible to begin at the start of a pay period and must complete and sign an application form. Such application shall be reviewed by the Human Resources and Labor Relations Department and a determination shall be made as to the member's eligibility for participation in the DROP. On the date upon which the member's participation in the DROP is effective, they shall be considered to be a DROP participant and shall cease to be an active member of the Macomb County Employees' Retirement System. The amount of credited service, multiplier and Final Average Compensation shall be fixed as of the employee's DROP date. When

an employee's Final Average Compensation is calculated, any retroactive wages provided shall be counted as if the retroactive wages were paid to the employee when the wages were paid, not when they were earned by the employee. Increases or decreases in compensation during DROP participation will not be factored into retirement benefits of active or former DROP participants. DROP participants accrue no additional service time credit for retirement purposes pursuant to the Macomb County Employees' Retirement System.

E. DROP Account: The employee's DROP Account shall be the regular monthly pension with interest to which the employee would have been entitled to if they had actually retired on the DROP date. The payment shall be credited monthly to the employee's individual DROP account. At the time an employee elects to participate in the DROP, their optional form of retirement allowance as set forth in the Macomb County Employees' Retirement Ordinance shall be irrevocable. All individual DROP accounts shall be maintained for the benefit of each employee participating in the DROP and will be managed by the Retirement System in the same manner as the primary retirement fund. DROP interest for each employee who participates in the DROP shall be at a fixed rate of 3.5% per annum, calculated in the same manner as the interest in the employee savings accounts in the Macomb County Employees' Retirement System. If a DROP participant separates from employment prior to the end of the calendar year, their interest will be pro-rated for that period and will be credited to their DROP account (i.e. an employee who separates from employment in June will receive 6/12ths of the annual interest).

F. Annuity Withdrawal: An employee who elects to participate in the DROP may elect the Annuity Withdrawal option provided by the Retirement Ordinance at the time of electing DROP participation. Such election shall be made commensurate with the employee's DROP election, but not thereafter. Such annuity withdrawal will be utilized to compute the actuarial reduction of the member's DROP benefit, as well as the member's monthly pension from the Macomb County Employees' Retirement System, after termination of employment.

The annuity withdrawal amount (accumulated contributions and interest) will be disbursed from the Macomb County Employees' Retirement System within sixty (60) days from the first pension check. All withdrawal provisions and options under the Retirement Ordinance, which are available to Retirement System members shall be available to the employee participating in the DROP at such time that they elect to participate in the DROP.

G. Contributions: The employee's contributions to the Macomb County Employees' Retirement System shall cease as of the date that the employee begins participation in the DROP.

H. Distribution of DROP Account: The employee participating in the DROP must choose one, or a non-inconsistent combination of, the following distribution methods to receive payment(s) from their individual DROP account:

1) A lump sum distribution to the employee; AND/OR

2) A lump sum direct rollover to another qualified plan to the extent allowed by Federal law and in accordance with any procedures established by the Retirement System for such rollovers.

Failure to elect one of the above options and receive such distribution within 60 days of termination of employment shall result in a lump sum distribution to the employee.

I. Death During DROP Participation: If an employee participating in the DROP dies either (1) before full retirement, that is before termination of employment with the County, or (2) during full retirement (that is, after termination of employment with the County but before the DROP account balance has been fully paid), the employee's designated beneficiary(ies) shall receive the remaining balance in the employee's DROP account in the manner in which they elect from the previously mentioned distribution methods (above). If there is no such beneficiary, the account balance shall be paid in a lump sum to the estate/trust of the employee. Benefits payable from the Macomb County Employees' Retirement System shall be determined as though the employee participating in the DROP had separated from service on the day prior to the employee's date of death.

J. Disability During DROP Participation: In the event an employee participating in the DROP becomes totally and permanently disabled from further service in the employment of Macomb County, the employee's participation in the DROP shall cease, and the employee shall receive such benefits as if the employee had retired and terminated employment during the participation period.

K. Internal Revenue Code Compliance: The DROP is intended to operate in accordance with Section 415 and other applicable laws and regulations contained within the Internal Revenue Code of the United States. Any provision of the DROP, or portion thereof, that is in conflict with an applicable provision of the Internal

Revenue Code of the United States is hereby null and void and of no force and effect.

L. Other Provisions: The Macomb County Employees' Retirement System is a defined benefit plan. Should that plan be modified to include a defined contribution plan, this DROP account established is only part of a defined benefit plan. It is intended that this DROP be a "forward" DROP only and contains no DROP "back" provision, which would allow members to retire retroactively.

M. Paid Time Off and Sick Leave in Final Average Calculation: Human Resources Policy may provide for the crediting of both Paid Time Off and Sick Leave banks for inclusion in determining an employee's Final Average Compensation for purposes of computing an employee's pension.

At the effective date of an employee's participation in the DROP, an employee's Paid Time Off and Sick Leave bank and longevity shall be "credited" and/or paid as provided by Human Resources Policy or the Macomb County Employees' Retirement Ordinance.

After the effective date of an employee's participation in the DROP, the employee's Paid Time Off and Sick Leave bank shall be determined as set forth by Human Resources Policy.

N. Longevity, Paid Time Off and Sick Leave: After the effective date of an employee's participation in the DROP, the employee's Longevity, Paid Time Off and Sick Leave shall be determined as set forth below.

1. Longevity for DROP Participants:

a. At the time an employee elects to participate in the DROP they shall receive, as part of their payoff, a prorated amount of longevity compensation. Payment for the balance of the DROP years' longevity payment and subsequent longevity payments shall be made in December of each year as described below.

b. For DROP participants, the amount of longevity compensation paid in subsequent years shall be determined by the step level achieved by the employee at the time they elected to DROP. Step levels are listed below.

STEP	CONTINUOUS YEARS OF FULL TIME SERVICE ON OR BEFORE OCTOBER 31ST OF EACH YEAR	AMOUNT
1	15 through 19	$600
2	20 through 24	$800
3	25 and thereafter	$1,000

c. Longevity compensation shall be added to the regular payroll check, when due, for eligible DROP participants. It shall be considered a part of the regular compensation and, as such subject to Federal and State withholding tax, social security, regulations and ordinances of the County of Macomb and other applicable statutes.

d. Payments to eligible DROP participants as of October 31st of any year shall be included in the first regular payroll check of December. The annual period covered in computation of longevity shall be from November 1 of each year through and including October 31st of the following year.

e. DROP participants who terminate employment shall be entitled to and receive a longevity payment upon a pro-rated basis for that portion of the year employed.

2. Paid Time Off for DROP Participants

a. The purpose of Paid Time Off (PTO) is to provide employees with flexible paid time off from work that shall be used for such employee needs as vacation, personal business and other activities, without disrupting the operations of the department. Paid Time Off (PTO) shall also be used for employee absences incurred from inclement weather.

b. Employees who are participants in the Deferred Retirement Option Plan (DROP) shall receive Paid Time Off in the following manner.

DROP participants shall receive, on January 1st of each year of DROP participation, a number of hours of Paid Time Off equal to the number of hours of Paid Time Off earned based upon their years of service at the commencement of DROP participation according to the following schedule:

POLICY: DEFERRED RETIREMENT OPTION PLAN (DROP)
Page 6

YEARS OF CONSECUTIVE FULL-TIME SERVICE COMPLETED:	ANNUAL EQUIVALENT OF:
less than 5	15 days
5	20 days
10	21 days
13	24 days
20	25 days
21	26 days
22	27 days
23	28 days
24	29 days
25	30 days

c. Paid Time Off requests shall be reviewed by the Department Head/designee, and must have their approval. Such approval shall be at the Department Head/designee's discretion to ensure efficient operations.

d. DROP participants may request Paid Time Off conversion to cash payment of up to forty (40) hours per conversion, maximum of eighty (80) hours per year. Employees requesting Paid Time Off conversion must have enough hours available in their bank at the time of the request and the payment—to be eligible for the conversion. The requested Paid Time Off conversion(s) must be submitted following Human Resources and Labor Relations processes and the cash payment will be made in the second pay in March and in the second pay in September in a regular paycheck with normal deductions.

e. Employees whose DROP participation begins at a time of year other than January 1st, shall receive a pro-rata share of Paid Time Off for the balance of the calendar year computed in the same manner as paragraph b. above.

f. Paid Time Off not utilized by an employee by December 31st of a calendar year shall be forfeited.

g. There shall be no compensation for Paid Time Off remaining in the DROP participant's Paid Time Off bank upon separation from employment.

h. DROP participants who utilize Paid Time Off in an amount in excess of a proportionate share prior to voluntarily or involuntarily discontinuing employment shall be obligated to compensate the Employer for all Paid Time Off time used in excess of such proportionate share. This provision shall not apply to a DROP participant whose involuntary discontinuance of employment is caused by duty related death.

3. Sick Leave for DROP Participants

a. DROP participants shall be provided with seventy-two (72) hours of Sick Leave on January 1st of each year the employee participates in the DROP. Sick leave not utilized by an employee by December 31st of a calendar year shall be forfeited.

b. Employees who begin DROP participation at a time other than January 1st, shall receive a pro-rata share of seventy-two hours (72) of Sick Leave for the balance of the calendar year.

c. After the exhaustion of Sick Leave provided for in paragraph 3a, above, DROP participants may utilize ~~that~~ Excess Sick Leave, if available.

d. There shall be no compensation for any Sick Leave time remaining in the DROP participant's Sick Leave bank upon separation from employment.

e. Permissible uses of Sick Leave, or as further defined by PA 338 of 2018, Michigan's Earned Sick Time Act (ESTA), as amended include:

- Due to the medical diagnosis, care and treatment of mental or physical illness, injury or health condition, or for preventative care for an employee or an employee's family member.
- If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care, counseling, meetings, to obtain legal services, relocate, and to participate in any civil or criminal proceedings from such domestic violence or sexual assault.
- For the closure of the employee's place of business, or to care for a child whose school or place of care is closed by order of a public official due to a public health emergency.

- Necessitated by a contagious disease or condition.
- In accordance with the Human Resources Bereavement Leave Policy.

f. Family members include child, parent, spouse or domestic partner, grandparent, grandchild, sibling, daughter-in-law, son-in-law, blood relative, or any person who is normally a member of the employee's household, or as further defined by PA 338 2018, Michigan's Earned Sick Time Act (ESTA), as amended.

g. An employee absent for one of the reasons described in this policy are expected to:

1. Inform their immediate supervisor of foreseeable absences seven (7) days in advance.

2. For unforeseeable absences employees should inform their immediate supervisor at least one (1) hour prior to the start of the employee's shift or as soon as possible in the event of an emergency, according to PA 338 of 2018, Michigan's Earned Sick Time Act (ESTA), as amended.

h. An employee utilizing sick leave for more than three (3) consecutive work days, or in the event of suspected abuse of this policy, may be required to provide a return to work note and/or reasonable documentation to support the use of sick leave time as outlined in this policy.

i. A DROP participant who is seriously ill for more than five (5) days while on Paid Time Off, may, upon application, have the duration of such illness charged against their Sick Leave bank rather than against Paid Time Off. Notice of such illness must be given immediately. Proof of such illness in the form of a physician's certificate shall be submitted by the employee.

Approved:

Chief Judge

Approved: January 1, 2017
Revised: February 15, 2023
Revised: March 18, 2025

EMPLOYEE ASSISTANCE PROGRAM

The Court is committed to maintaining a safe and supportive workplace for its employees while providing quality services to its residents. The Court recognizes that at times employees may face a variety of problems that can affect personal happiness, family relationships, job performance, general health and well being. The Employee Assistance Program (EAP) provides assistance for employees by offering confidential assessment, treatment and referral services. It is the Policy of the Court to assist employees through an Employee Assistance Program as follows:

The Court considers its employees as individuals. It also recognizes that a wide range of personal issues not directly associated with one's job function, can have an affect on an employee's attendance, productivity and job performance. This applies whether the challenge is one of physical, mental, or emotional distress; substance use disorder; financial, marital, or family matters; legal problems; or other concerns.

Confidentiality is of the utmost importance for those who utilize the services of the EAP. Information will not be disclosed outside of the EAP without the express written permission of the employee and/or dependent utilizing EAP services.

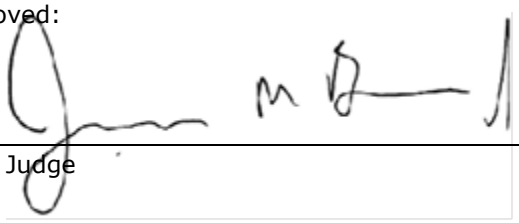
As a person's job performance can be impacted by the concerns of a spouse, children or other family members, the EAP is available to Court employees and their dependents.

There is no cost to the employee or dependent for the initial assessment or follow-up sessions per topic with a Counselor through the EAP. The employee is responsible for the cost of any referral treatment or services or services outside of the EAP. These costs may be covered by the individual's insurance.

This policy in no way supersedes or interferes with union collective bargaining agreements or work rules. Further, nothing in this

statement of Policy is to be interpreted as constituting a waiver of management's right to take disciplinary action or labor's right to contractual grievance procedures.

Approved:



Chief Judge

Approved: February 10, 2015
Updated: September 1, 2022
Date

INSURANCE BENEFITS

The Court provides insurance benefits, as set forth herein. Many aspects of administering these benefits are delegated to the County, as noted below. Insurance benefits include:

A. Life Insurance:

1. Eligible Full-time Employees (including DROP Participants):

   a. The life insurance benefit provided by the County shall be $50,000.

      The County will provide a payroll deduction option for employees wishing to purchase additional $25,000 increments of life insurance to a maximum of $325,000. Rates and conditions shall be those established by the insurance carrier.

      Based on the above language, an employee exercising their ability to purchase the maximum life insurance benefit of $325,000 would then have a total of insurance benefit of $375,000.

2. Retirees: The County will provide a life insurance benefit, in the amount of two thousand dollars ($2,000), to employees covered by this Agreement who retire and are eligible for and receive a retirement allowance under the Macomb County Employees' Retirement Ordinance. Employees hired on or after January 1, 2016 will not be eligible for this life insurance benefit.

B. Insurance Benefits:

1. Only full-time employees (including DROP participants) and their eligible dependents will be eligible for Macomb County's Insurance Benefits which includes medical, prescription drug, dental and vision plans, effective their first day of employment with Macomb County.

2. Dependent Eligibility:

   Full-time employees (including DROP participants) may elect to cover their current spouse on Macomb County's medical, prescription drug, dental and vision plans.

   Full-time employees (including DROP participants) may elect to cover their eligible children up to the age of 26 on Macomb County's medical, prescription drug, dental and vision plans. Supporting documentation must be provided to Human Resources and Labor Relations as necessary.

C. The County shall provide two medical plan options: a Preferred Provider Organization (PPO) and a Health Maintenance Organization (HMO) to all regular eligible full-time employees and their eligible dependents including prescription drug coverage as defined on the Active Non-Union Employee Medical Benefits Summary, available online or available upon request from Human Resources and Labor Relations, or its substantial equivalence.

1. Full-time employees who have a current spouse who is also employed full-time by Macomb County will be entitled to only one (1) medical, prescription drug, dental and vision plan for both employees and all eligible dependents. Such employee shall not be eligible for the insurance waiver.

2. Full-time employees who elect not to participate in Macomb County's medical and prescription drug plans and who has coverage elsewhere shall receive a monthly insurance waiver payment of $167.00. The insurance waiver will be paid in the employee's regular paycheck.

   a. Full-time employees shall establish proof of their eligibility to receive the insurance waiver.

   b. Full-time employees participating in the insurance waiver who lose coverage shall be allowed to enroll in Macomb County's medical, prescription drug, dental and vision plans as soon as administratively possible and the insurance waiver payments shall cease as soon as administratively possible.

D. 1. <u>Retirees:</u>

For full-time employees hired before January 1, 2006, the County will provide a fully paid medical and prescription drug plan to the employee and the employee's eligible spouse as defined in D.1.a., after eight (8) years of actual
service with the County, for the employee who leaves employment because of retirement and is eligible for and receives benefits under the Macomb County Employees' Retirement Ordinance.

Full-time employees hired on or after January 1, 2006, the County will provide a fully paid medical and prescription drug plan to the employee and the employee's eligible spouse as defined in D.1.a., after fifteen (15) years of actual service with the County, for the employee who leaves employment because of retirement and is eligible for and receives benefits under the Macomb County Employees' Retirement Ordinance.

a. Coverage shall be limited to the spouse of the retiree, at the time of retirement or DROP.

b. Coverage for the eligible spouse will terminate upon the death of the retiree unless the retiree elects to exercise a retirement option whereby the eligible spouse receives applicable retirement benefits following the death of the retiree.

2. Full-time employees hired on or after January 1, 2012 will not be eligible for Macomb County's medical, prescription drug, dental and vision plans for the employee's spouse in retirement.

3. All employees who retire or DROP after November 1, 2013, will have the medical and prescription drug plan as defined on the Post November 1, 2013 Retiree Benefits Summary, available online or upon request from Human Resources and Labor Relations, or its substantial equivalence, until they are Medicare eligible, subject to the limitations and provisions of D.2. and D.4. of this Policy. This provision does not apply to employees who retire or DROP prior to November 1, 2013.

4. Full-time employees hired into the County on or after January 1, 2016 will not be eligible for County provided retiree medical, prescription drug, dental or vision coverage and life insurance.

5. Retired employees and/or their eligible spouse as defined in D.1.a., shall apply and participate in the Medicare Program, if eligible, at their expense as required by the Federal Insurance Contribution Act, a part of the Social Security Program. At that time, the County's obligation shall be only to provide medical and prescription drug coverage that will coordinate or supplement with Medicare.

   Failure to participate in the aforementioned Medicare Program shall be cause for termination of County paid coverage of applicable hospital-medical benefits, as outlined herein for employees who retire and/or their eligible spouse as defined in D.1.a.

6. Employees who retire under the provisions of the Macomb County Employees' Retirement Ordinance and eligible spouse as defined in D.1.a., shall, if eligible, apply for and participate in ANY National Health Insurance program offered by the U.S. Government. Failure to participate, if eligible, shall be cause for termination of County paid hospital-medical benefits as outlined.

7. Retirees who are eligible for Macomb County's medical and prescription drug plan and elect not to participate and who has coverage provided elsewhere, shall receive a monthly insurance waiver payment of $167.00. The insurance waiver will be paid in the retiree's regular retirement check.

   a. Retirees shall establish proof of their eligibility to receive the insurance waiver.

   b. Retirees participating in the insurance waiver who lose coverage shall be allowed to enroll in Macomb County's medical and prescription drug plans as soon as administratively possible and the insurance waiver payments shall cease as soon as administratively possible.

E. Dental Plan:

The County shall provide a dental plan to full-time employees (including DROP Participants), as defined on the Active Non-Union Employee Dental Benefits Summary, available online or upon request from Human Resources and Labor Relations, or its substantial equivalence.

F. Vision Plan:

The County shall provide a vision plan to full-time employees (including DROP Participants), as defined on the Active Non-Union Employee Vision Benefits Summary, available online or upon request from Human Resources and Labor Relations, or its substantial equivalence.

G. Liability Insurance:

The County shall provide for each regular employee (including DROP Participants) Bodily Injury and Property Damage Liability Insurance while acting within the scope of their duties and Personal Injury Insurance including "false arrest" when also arising out of and in the line of duty and in the conduct of duly constituted County business. The cost of this insurance will be borne by the County.

H. Long Term Disability:

Full-time employees (including DROP Participants) will be provided a Long Term Disability Program with benefits as currently provided by the present provider or its substantial equivalence.

I. The County shall provide, at its discretion, a Voluntary Benefit Program to include, but not limited to, supplemental life insurance, pet insurance, critical care insurance, short term disability and legal services. The Employer will provide a payroll deduction for employees (including DROP participants) wishing to purchase these voluntary benefits.

J. Part-time and temporary employees shall not be eligible for Macomb County's medical, prescription drug, dental and vision plans, life insurance, Voluntary Benefit Program and long term disability during employment and/or upon retirement.

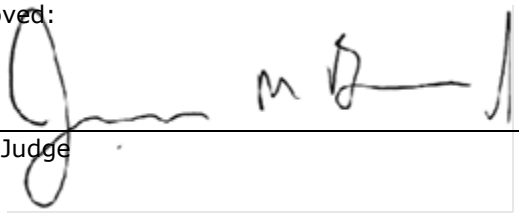
Chief Judge

Approved: January 1st, 2017
Revised: January 15th, 2021
Revised: February 15, 2023

JURY DUTY

If a full-time employee is called for jury duty, the employee shall promptly provide a copy of the official notice to their immediate supervisor. An employee who is assigned to the afternoon or midnight shift must be switched to the day shift as their regularly scheduled shift while serving on jury duty. Should an employee be released from jury duty prior to the end of that shift, the employee must return to the department and work until the conclusion of that shift. The employee will be paid their normal daily wage for the assigned shift. The employee must remit and deliver any payment received as a result of jury duty service to their immediate supervisor. This payment shall be processed for deposit with the Macomb County Treasurer. The employee may retain reimbursed expenses provided to employees as a result of jury duty service, such as mileage, parking or meal expenses.

Approved:



Chief Judge

Approved: February 10, 2015
Updated: September 1, 2022
Date

LONGEVITY PLAN

Participants in the Deferred Retirement Option Plan (DROP) shall receive Longevity in the manner described in the Deferred Retirement Option Plan Policy.

The Court/County recognizes employees who have a record of long continued employment and service and values the experience gained through such length of service.

Eligibility of a full-time employee shall commence when such employee completes fifteen (15) years of continuous full-time employment on or before October 31st of any year.

Continuous employment shall not be considered interrupted when absences arise such as paid vacations, paid Sick Leave, approved Leave of Absence and/or paid Worker's Compensation period not to exceed one year.

The following schedule shall be used as a basis for longevity payments paid to such employees as of October 31st, provided said employees qualify as to length of service as follows:

Step:	Continuous Years of Service on or before October 31st of each year:	Longevity Payment
1	15 through 19	$600
2	20 through 24	$800
3	25 and thereafter	$1,000

Longevity compensation shall be added to regular payroll, when due, for eligible employees. It shall be considered a part of regular compensation and, as such subject to Federal and State withholding tax, social security, retirement deductions, regulations and ordinances of the County of Macomb and other applicable statutes.

Payments to employees eligible as of October 31st of any year shall be included in the first payroll check of December. The annual period covered in computation of longevity shall be from November 1 of each year through and including October 31st of the following year.

POLICY: LONGEVITY
Page 2

Employees leaving the employ of the Court/County by reason of retirement and receiving benefits under the Macomb County Employees' Retirement Ordinance, or by reason of death from any cause shall be entitled to and receive a longevity payment upon a pro-rated basis for that portion of the year employed.

Employees hired into the Court/County after January 1, 2012 will not be eligible for this Longevity Plan.

Chief Judge

Approved: February 10, 2015
Revised: November 25, 2015
Revised: January 1, 2017
Revised: February 15, 2023

MILEAGE REIMBURSEMENT

Mileage reimbursement will be made for employees required to use their personal vehicles to perform authorized Court business. Mileage expense is reimbursed at the IRS published rate, which is subject to change. Mileage reimbursement will be paid based on the rate in effect at the time mileage is incurred.

Mileage reimbursement must be authorized in advance by the Department Head or designee and in accordance with County and Department Policy. If the employee receives mileage reimbursement from any other source, reimbursement from the Court is not permissible.

Reimbursable mileage is the actual mileage measured from the point of departure to the temporary work site and return. In the event that an employee leaves from their place of residence, mileage should be measured based on the starting point that is in closest proximity to the destination. Reimbursable mileage is not to exceed the actual mileage traveled.

Distances must be accurate as they may be checked during periodic audits.

Requests for mileage reimbursement are to be filed on forms authorized by the Finance Department. Forms must be submitted to the Finance Department within forty-five (45) days after the expense has been incurred.

This policy constitutes the maximum amount any employee will receive as reimbursement for mileage. Collective bargaining agreements may institute policies that are more restrictive, but cannot be less restrictive, unless mandated by State or Federal guidelines.

Approved:

Chief Judge

Approved: February 10, 2015
Revised: February 20, 2019
Revised: January 15th, 2021

OVERTIME

Employees determined to be exempt from the provisions of the Fair Labor Standards Act (FLSA) shall not be eligible for overtime consideration. Full-time employees determined to be non-exempt under the provisions of FLSA shall receive compensation at the rate of one and one-half (1 ½) times their regular hourly rate for all hours scheduled and authorized over and above their regular work week. Employees are not to work any overtime hours that are not authorized.

Compensation as used in this policy shall mean either cash payment or compensatory time. The County has the right to offer overtime compensation either in the form of cash payment or compensatory time. An employee has the right to refuse overtime if it is offered as compensatory time; however, the County may then offer the overtime, in the form of compensatory time, in excess of forty (40) hours.

The use of compensatory time must be approved by the Department Head and will not disrupt the operations of the Department. Employees may request to be paid for unused compensatory time and the County shall, within thirty (30) days of such request, pay the employee for unused compensatory time.

Chief Judge

Approved: January 1, 2017
Revised: January 15, 2021
Revised: February 15, 2023

REIMBURSEMENT ACCOUNT PROGRAM

The Court, through the administration of Macomb County, will provide a pre-tax Reimbursement Account Program, as authorized by the Internal Revenue Service (IRS) Code. The Reimbursement Account Program is limited to the Health Care and Dependent Care provisions of the IRS Code. Full-time employees shall have the option of participating in the Reimbursement Account Program.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

RETIREMENT SYSTEM

A. Retirement Benefits: The County shall continue the benefits as provided by the presently constituted Macomb County Employee's Retirement Ordinance, and the County and the employee shall abide by the terms and conditions thereof, provided, that the provisions thereof may be amended by the Retirement Board as provided by the statutes of the State of Michigan. An annual statement of employee's contributions is available upon request.

B. **Full-time employees hired into the County on or before December 31, 2001 or who are vested as of July 24, 2009**:

Employee Contribution: The employee's contribution to the retirement system is 3.5% of the employee's compensation.

County Pension Maximum: The County pension shall not exceed 65% of an employee's Final Average Compensation.

Pension Multiplier: The pension multiplier is 2.4% for the first 26 years of credited service and 1% for each year of credited service thereafter.

Final Average Compensation Formula: The formula for computing Final Average Compensation, used for calculating pension benefits for eligible members, shall be based on the average of an employee's 104 highest consecutive pay periods of compensation out of the last 260 pay periods.

Retroactive Effect: Notwithstanding the provisions of the Retirement Ordinance, when an employee's Final Average Compensation is calculated, any retroactive wages provided shall be counted as if the retroactive wages were paid to the employee when the wages were paid, not when they were earned by the employee.

Pension Calculation: The County pension, which when added to an employee pension, will provide a Straight Life pension benefit equal to the number of years, and fraction of a year, of an employee's credited service multiplied by the sum of 2.4% of the employee's Final Average Compensation for the first 26 years of credited service and 1% for each year of credited service thereafter.

Effective January 1, 2020, in no case shall the Straight Life pension benefit for eligible members under this contract exceed 100% of the employee's base salary

at the time of retirement. Such limitation shall be applied to the eligible member's Straight Life pension benefit calculation prior to an applicable actuarial adjustment, if any, for the member's selection of an optional form of benefit or the annuity withdrawal option and shall also apply to the member's DROP benefit.

Eligibility: employees who meet the following criteria may retire upon their written application filed with the Retirement Board:

1. Attained the age of 60 years and has 8 or more years of credited service; or

2. Attained the age of 50 years and has 8 or more years of credited service, if the employee's age, when added to the employee's years of credited service, equal the sum of 70 or more

Upon the employee's retirement, the employee shall receive a pension as provided in the Macomb County Employees' Retirement Ordinance.

In the event a former member is re-employed by the County as a full-time employee within 4 years from their last separation date, membership is reinstated.

1. For employees who have multiple terms of employment as a member in Macomb County Employees' Retirement System, the following shall apply:

   a. If an employee was vested during the first term of employment, the pension will be calculated per the terms of the original date of hire.

   b. If an employee was not vested during the first term of employment, the pension will be calculated per the terms of the employee's rehire date.

In the event a former member is re-employed by the County as a full-time employee and it has been 4 or more years since their last separation date, their membership will not be re-instated, and they will enter the 401(a) Defined Contribution plan.

C. **Full-time employees hired into the County on or after January 1, 2002**:

Employee Contribution: The employee's contribution to the retirement system is 2.5% of the employee's compensation.

County Pension Maximum: The County pension shall not exceed 66% of an employee's Final Average Compensation.

Pension Multiplier: The pension multiplier is 2.2% for all years of credited service.

Final Average Compensation Formula: The formula for computing Final Average Compensation, used for calculating pension benefits for eligible members, shall be based on the average of an employee's 130 highest consecutive pay periods of compensation out of the last 260 pay periods.

Retroactive Effect: Notwithstanding the provisions of the Macomb County Employees' Retirement Ordinance, when an employee's Final Average Compensation is calculated, any retroactive wages provided shall be counted as if the retroactive wages were paid to the employee when the wages were paid, not when they were earned by the employee.

Pension Calculation: The County pension, which when added to an employee pension, will provide a Straight Life pension benefit equal to the number of years, and fraction of a year, of an employee's credited service multiplied by the sum of 2.2% of the employee's Final Average Compensation for all years of credited service.

> Effective January 1, 2020 in no case shall the Straight Life pension benefit for eligible members under this contract exceed 100% of the employee's base salary at the time of retirement. Such limitation shall be applied to the eligible member's Straight Life pension benefit calculation prior to an applicable actuarial adjustment, if any, for the member's selection of an optional form of benefit or the annuity withdrawal option and shall also apply to the member's DROP benefit.

Eligibility: employees who meets the following criteria may retire upon their written application filed with the Retirement Board:

1. Attained the age of 60 years and has 8 or more years of credited service; or

2. Attained the age of 55 years and has 25 years of credited service

Upon the employee's retirement, the employee shall receive a pension as provided in the Macomb County Employees' Retirement Ordinance.

In the event a former member is re-employed by the County as a full-time employee within 4 years from their last separation date, membership is reinstated.

1. For employees who have multiple terms of employment as a member in Macomb County Employees' Retirement System, the following shall apply:

   a. If an employee was vested during the first term of employment, the pension will be calculated per the terms of the original date of hire.

   b. If an employee was not vested during the first term of employment, the pension will be calculated per the terms of the employee's rehire date.

In the event a former member is re-employed by the County as a full-time employee and it has been 4 or more years since their last separation date, their membership will not be re-instated, and they will enter the 401(a) Defined Contribution plan.

D. **Full-time employees hired into the County on or after January 1, 2012**:

Employee Contribution: The employee's contribution to the retirement system is 2.5% of the employee's compensation.

County Pension Maximum: The County pension shall not exceed 66% of an employee's Final Average Compensation.

Pension Multiplier: The pension multiplier is 2.2% for all years of credited service.

Final Average Compensation Formula: The formula for computing Final Average Compensation, used for calculating pension benefits for eligible members, shall be based on the average of an employee's 130 highest consecutive pay periods of compensation out of the last 260 pay periods.

Retroactive Effect: Notwithstanding the provisions of the Macomb County Employees' Retirement Ordinance, when an employee's Final Average Compensation is calculated, any retroactive wages provided shall be counted as if the retroactive wages were paid to the employee when the wages were paid, not when they were earned by the employee.

Pension Calculation: The County pension, which when added to an employee pension, will provide a Straight Life pension benefit equal to the number of years, and fraction of a year, of an employee's credited service multiplied by the sum of 2.2% of the employee's Final Average Compensation for all years of credited service.

Effective January 1, 2020 in no case shall the Straight Life pension benefit for an eligible member under this contract exceed 100% of the employee's base salary at the time of retirement. Such limitation shall be applied to an eligible member's Straight Life pension benefit calculation prior to an applicable actuarial adjustment, if any, for the member's selection of an optional form of benefit or the annuity withdrawal option and shall also apply to the member's DROP benefit.

Eligibility: employees who meets the following criteria may retire upon their written application filed with the Retirement Board:

1. Attained the age of 60 years and has 15 or more years of credited service; or

2. Attained the age of 55 years and has 25 years of credited service

Upon the employee's retirement, the employee shall receive a pension as provided in the Macomb County Employees' Retirement Ordinance.

In the event a former member is re-employed by the County as a full-time employee within 4 years from their last separation date, membership is reinstated.

1. For employees who have multiple terms of employment as a member in Macomb County Employees' Retirement System, the following shall apply:

   a. If an employee was vested during the first term of employment, the pension will be calculated per the terms of the original date of hire.

   b. If an employee was not vested during the first term of employment, the pension will be calculated per the terms of the employee's rehire date.

In the event a former member is re-employed by the County as a full-time employee and it has been 4 or more years since their last separation date, their membership will not be re-instated, and they will enter the 401(a) Defined Contribution plan.

E. **Full-time employees hired into the County prior to 01/01/2016**:

Annuity Withdrawal: Members may elect to take an Annuity Withdrawal, excluding non-duty disability retirement and non-duty death. The utilization of this option shall be governed by any applicable Annuity Withdrawal provisions of the Macomb County Employees' Retirement Ordinance.

Purchase of Military Service Credits: Members who wish to purchase military service credits as provided in the Macomb County Employees' Retirement Ordinance shall be allowed to purchase said credits through payroll deduction. If a member chooses the payroll deduction option, the cost to purchase military service credit shall be computed as provided in the Macomb County Employees' Retirement Ordinance.

Option D: Members shall have the option of selecting survivor's benefits in conjunction with the retirement option described in the Macomb County Employees' Retirement

Ordinance commonly known as "Option D – Level Income Option". Said survivor's benefits shall correspond to those benefits known as Option A – 100% Survivor Allowance, Option B – 50% Survivor Allowance and Option C – Allowance for 10 Years Certain and Life Thereafter, as described in the Macomb County Employees' Retirement Ordinance.

Pop Up Option: Members may elect this option in combination with Option A or B of the Macomb County Employees' Retirement Ordinance. Under this option, a reduced retirement allowance is payable during the joint lifetime of the retirant and their beneficiary nominated under Option A or B, whichever is elected. Upon the death of the retirant, their beneficiary will receive a retirement allowance for life equal to the percentage specified by Option A or B of the reduced retirement income payable during the joint lifetime of the retirant and their beneficiary. Upon the death of the beneficiary, the retirant will receive a retirement allowance equal to 100% of the amount specified by the Macomb County Employees' Retirement Ordinance for the remaining lifetime of the retirant. The reduced retirement allowance payable during the joint lifetime of the retirant and their beneficiary together with the retirement allowance payable to one upon the death of the other will be actuarially equivalent to the retirement allowance provided by the Macomb County Employees' Retirement Ordinance as a single life annuity. This provision shall be without force or effect

unless or until the retirant submits acceptable documentation of the death of their beneficiary to Macomb County Retirement Services.

Deferred Retirement Allowance Option: In the event a vested member, leaves the employ of the County prior to the date they have satisfied the age and service requirements for retirement provided in the Macomb County Employees' Retirement Ordinance, for any reason except their disability retirement or death, they shall be entitled to retire at the normal retirement age and be subject to the retirement formula in effect at the time they left County employment and as provided for in the Macomb County Employee's Retirement Ordinance, provided that they do not withdraw their accumulated contributions from the employees savings fund. Their retirement allowance under the plan in effect at the employee's termination of County employment shall begin the first day of the calendar month following the date their application for same is filed with the Retirement Board after the employee would have become eligible for retirement under the plan had the employee's employment not been terminated.

A vested former member who withdraws accumulated member contributions and voluntarily forfeits credited service in the System thereby forfeits all rights in and to the portion of the pension attributable to the forfeited credited service.

There shall be no pension paid to an eligible vested former member until an application for retirement is submitted and approved. In the event an eligible vested member dies prior to applying for their pension, their beneficiary or estate/trust shall not be entitled to a pension. The vested member's beneficiary

or estate/trust shall receive the contributions and interest earned as of the date of the vested member's death.

Non-Duty Death Before Retirement, Beneficiary Nominated: Any member who is vested may at any time prior to the effective date of their retirement elect Option A provided in the Macomb County Employees' Retirement Ordinance in the same manner as if they were then retiring from County employment, and nominate a beneficiary whom the Retirement Board finds to be dependent upon the said member for at least 50 percent of their support due to lack of financial means. Prior to the effective date of their retirement a member may revoke their said election of Option A and nomination of beneficiary and they may again elect the said Option A and nominate a beneficiary as provided in this section. Upon the death of a member who has an Option A election in force their beneficiary, if living, shall immediately receive a retirement allowance computed in the same manner in all respects as if

the said member had retired the day preceding the date of their death, notwithstanding that they might not have attained the age of 60 years. If

a member has an Option A election in force at the time of their retirement their said election of Option A and nomination of beneficiary shall thereafter continue in force; provided, that prior to the effective date of their retirement, they shall have the right to elect to receive their retirement allowance as a Straight Life pension benefit or under Option B provided in the Macomb County Employees' Retirement Ordinance. No retirement allowance shall be paid under this section on account of the death of a member if any benefits are paid or will become payable under the Macomb County Employees' Retirement Ordinance on account of their death.

Non-Duty Death Before Retirement, Non-spousal Beneficiary Nominated: In the event of a non-duty death of a vested member prior to retirement, a non-spousal beneficiary shall receive only contributions and interest.

Non-Duty Death Retirement Allowance, Automatic Provisions: Any vested member who continues County employment and (1) dies while in County employment and (2) leaves a spouse, the spouse shall immediately receive a retirement allowance computed in the same manner in all respects as if the member had (1) retired the day preceding the date of the member's death, notwithstanding that the member might not have attained age 60 years, (2) elected Option A in the Macomb County Employees' Retirement Ordinance.

Deferred Retirement Option Plan (DROP): The Deferred Retirement Option Plan (DROP) is detailed in the Human Resources Deferred Retirement Option Plan policy. Vesting for the purposes of DROP excludes service time under Reciprocal Act 88.

F. **Full-time employees hired into the County on or after January 1, 2016**:

1. Will be eligible to receive a one-time fixed payment of $1,000 from the Macomb County Employees' Retirement System. This payment will be made to an employee after separation from employment and who meets the Employer contribution vesting requirements as outlined in Section F.5 and after the completion of 5 years of service.

2. Will not be eligible for or participate in the Macomb County Employees' Retirement System for any other benefit, including DROP, other than for the fixed payment as outlined in Section F.1.

3. Will participate in a Defined Contribution Retirement Plan. Employees shall contribute 3% of the employee's base pay and the Employer shall contribute 6% of the employee's base pay.

   Upon the completion of 5 years of actual service with the Employer, employees shall be eligible to elect to increase their contribution by 1% of the employee's base pay. Per IRS regulations, the additional 1% contribution is a post-tax contribution. If such election is made by the employee, the Employer shall increase its contribution from 6% to 8% of the employee's base pay.

4. Will not be eligible for Employer provided retiree medical, prescription drug, dental or vision coverage and life insurance. The eligible employee, however, shall receive $100 per pay period, deposited by the County, into the Defined Contribution Retirement Plan, not to exceed $2600 per year.

5. Employees shall have the following schedule as it relates to vesting for the Employer contributions:

Completion of 1 year of service	20%
Completion of 2 years of service	40%
Completion of 3 years of service	60%
Completion of 4 years of service	80%
Completion of 5 years of service	100%

Chief Judge

Approved: January 1, 2017
Revised: June 27, 2023

TEMPORARY ASSIGNMENT

Departments may temporarily assign an employee to another classification based on operational needs. The employee selected to work in the temporary assignment must meet the minimum qualifications for that classification. Human Resources and Labor Relations will verify the employee's qualifications prior to the temporary assignment.

Prior to temporarily assigning an employee to a classification in a higher pay grade, a request mut be submitted to Human Resources and Labor Relations for review and approval. Upon approval by the Court, Human Resources and Labor Relations and Finance, said employee will be granted additional compensation only after having worked more than five (5) consecutive working days in the higher pay grade classification.

Upon approval by both Human Resources and Labor Relations and Finance, the employee will receive one of the following:

1. The minimum rate of pay of the higher classification; or,
2. One increment added to their current rate of pay; or,
3. An amount authorized by the Court, Human Resources and Labor Relations and Finance

The approved additional compensation will be calculated back to the first consecutive day of the temporary assignment after the above working period has been met.

Chief Judge

Approved: January 1, 2017
Revised: June 27, 2023

WAGE ADMINISTRATION

Increments

Upon the completion of thirteen (13) consecutive bi-weekly pay periods of satisfactory job performance and attendance, and every thirteenth bi-weekly pay periods thereafter, an employee may be eligible to receive one (1) normal wage increment within the established pay grade, until the employee has reached the maximum of their pay grade.

All increments must be approved by the respective Elected Official/Department Head before becoming effective. Disapproval of an increment by an Elected Official/Department Head must be made in writing, stating the reason(s) for such disapproval. The employee and Human Resources and Labor Relations must be provided a copy of all disapprovals.

Promotions

When the Court has authorized a promotion pursuant to current Human Resources Policy, Human Resources and Labor Relations will implement the authorized change(s) as follows:

1) The promoted employee will be granted a 5.0% increase to the current rate of pay;

2) The promoted employee will then be granted the additional dollar amount necessary to move the employee to the next immediate higher step in the new pay grade.

An alternative salary adjustment amount shall only be processed as authorized by the Court and Human Resources and Labor Relations. The implementation of such change will coincide with the effective date of the authorization.

Chief Judge

Approved: April 18, 2017
Revised: December 13, 2017
Revised: June 27, 2023

WORK RELATED ILLINESS/INJURY

A County employee who is unable to work due to a work related illness or injury may be entitled to receive Workers' Compensation benefits under Michigan Law.

Any employee suffering a work related illness or injury shall immediately notify his/her supervisor. The ill/injured employee shall report to a medical facility approved by the County.

Employees who leave County property during lunch or rest breaks are deemed to be on personal business and said activities do not arise out of or in the scope of their employment. This means that injuries occurring off County premises during these times will not be covered by Worker's Compensation unless a person can demonstrate a connection to his/her employment.

Regular, full-time employees, who are eligible for and receive Workers' Compensation benefits, shall be continued on the County payroll during the period of disability compensation as provided below:

The compensation received by such employee under the Workers' Compensation Act shall be supplemented by payment from his/her accumulated Sick Leave bank

(and the employee's Paid Time Off if the employee so chooses) in the amount of money necessary to equal his/her regular wage. This supplement shall continue for 104 weeks or until the employee's Sick Leave bank (and Paid Time Off if the employee had so chosen) has been depleted, whichever occurs first.

If the employee's Sick Leave bank (and Paid Time Off if the employee so chooses) has been depleted and the employee has been receiving Workers' Compensation payments for less than fifty-two (52) weeks, the County shall pay to such employees a sum of money, in addition to Workers' Compensation payments, whereby the combination of Workers' Compensation payments and such County supplement shall equal two-thirds (2/3) of the employee's regular wage. The County's 2/3rds pay supplement shall be made for a period not to exceed twenty-six (26) weeks; however, in no case shall the combination of the supplement payment exceed fifty- two (52) weeks.

If the employee is unable to return to work upon the expiration of the 52nd week, his/her employment shall end. The County will have no further obligation to the former employee, unless the employee qualifies for and receives retirement benefits as provided in the current Macomb County Employees' Retirement System Ordinance.

Any Sick Leave or Paid Time Off earned and accrued once the County's 2/3rds pay supplement begins shall be paid to the former employee upon termination of the active employment relationship.

For the period during which the regular, full-time employee is receiving pay supplemental to his/her Workers' Compensation, the regular full-time employee will, accrue Sick Leave and Paid Time Off time on hours paid.

A regular, full-time employee returning from Workers' Compensation shall be placed in the same classification, provided that said full-time employee has produced medical certification that he/she can return to duty and perform the essential functions of the job with or without reasonable accommodation.

When the visit to a medical treatment center on the day of the injury, the employee is to be considered at work with no time charged to any employee bank. In order to be considered as a paid excused absence, the first day reporting to a medical treatment center must be within thirty (30) days of the injury.

When an employee has follow-up visits for treatment, physical therapy or recheck during their normal work hours, the employee is to account for any absence from work and must charge the absence against sick leave. Compensatory time or Paid Time Off may be used only at the election of the employee.

An employee visiting a medical treatment center during his/her normal work hours must obtain and provide his/her supervisor a statement of attendance showing the check-in time and check-out time at the treatment center.

The foregoing provisions shall neither restrict nor enlarge upon the provisions and benefits accorded by the Macomb County Employees' Retirement Ordinance relative to total and permanent disability provided for therein.

Approved:

Chief Judge

Approved: April 18th, 2017
Revised: December 13th, 2017
Date

SECTION 3: TIME AND ATTENDANCE

ATTENDANCE

An inherent obligation of employment with the 16th Judicial Circuit, 42nd Judicial District and Macomb County Probate Courts is that employees will report to work at the start of their assigned shift and work to the completion of that shift. Specific standards may be established on a departmental basis. Employees must inform their supervisor of their absence at least one hour prior to their scheduled start time, unless otherwise established. Unsatisfactory attendance may result in disciplinary action.

Unsatisfactory attendance includes, but is not limited to, the following:

- Unexcused absences
- Dock (unpaid) Time
- Tardiness
- Leaving work early without permission
- Excessive absenteeism
- Patterns of absenteeism
- Failure to follow established call-in procedures
- Improper use of time off banks

Employees are required to accurately account for all hours worked. It is the employee's responsibility to monitor their time off banks and to confirm the accuracy of their timesheet.

Chief Judge

Approved: April 18, 2017
Revised: December 13, 2017
Revised: June 27, 2023

BEREAVEMENT LEAVE

Upon presentation of proof as required by the Employer, such as, but not limited to, newspaper death notice or obituary notice, the following apply:

A. A full-time employee may elect to take up to three (3) days off with pay due to a death in the Employee's family as follows: parent, current step parent, current mother-in-law, current father-in-law, current spouse, children, current daughter-in-law, current son-in-law, current step children, brother, sister, grandparent or grandchildren. It shall also include any person who is normally a member of the employee's household.

B. The employee may elect to take up to three (3) bereavement days chargeable to Sick Leave or Paid Time Off due to a death of an employee's friend or family member, other than those listed in section A of this article.

C. Full-time employees are permitted to take up to four (4) hours of bereavement leave with pay to attend the funeral of an employee who worked within the same department, provided attendance is during the employee's normally scheduled work hours and does not interfere with the operational needs of the Department/County.

Bereavement Leave requests made pursuant to sections B and C of this article are subject to prior approval by the Employer and shall not be unreasonably withheld or denied.

Chief Judge

Approved: February 10, 2015

Revised: January 15, 2021
Revised: February 15, 2023

COMPENSATORY TIME POLICY

The 16th Judicial Circuit, 42nd Judicial District, and Macomb County Probate Courts ("Courts"), in accordance with the Fair Labor Standards Act and consistent with collective bargaining agreements, adopt this procedure regarding the accrual and use of compensatory time ("comp time"). Union employees accrue comp time in the manner provided in their applicable collective bargaining agreements. Non-union non-exempt employees accrue comp time in the manner provided in the Macomb County Human Resource Overtime Policy (attached).

Comp time may be limited, preserved, used or cashed out consistent with the provisions of this procedure, respective collective bargaining agreements, Macomb County Human Resources Policy and the FLSA and its applicable regulations. In particular, the following will apply:

- Employees are eligible for comp time, subject to the pre-approval of the Administrators and/or Directors of Court Divisions.
- All comp time shall be recorded as required by the Administrators.
- Employees may not accumulate more than 40 hours of comp time. Employees who reach their maximum will be informed that they have reached their maximum, and asked to take steps to reduce their accumulated comp time by a specified date.
- Compensatory time may be used as part of a Family Medical Leave Act leave.
- Comp time will be accumulated and charged in 0.10 hour increments.
- Charges may be made to compensatory time banks in partial or full-day increments of work on the written request of the employee. Emergency verbal requests may be honored if followed up, as soon as possible but no later than the next work day, with a confirming written request. Employees who fail to make a written request for compensatory time off will have their respective eligible bank charged

with an absence. Failure to follow standards for requesting time off may subject the employee to discipline.

- While the Courts will attempt to honor reasonable requests to use comp time, sometimes requests may be denied if they unduly interrupt the Courts' operations.

**NOTE*: An "Administrator" is defined as Court Administrator, Deputy Court Administrator, Friend of the Court, Juvenile Administrator, Probate Administrator, and District Court Administrator. A "Director" is defined as Chief Domestic Referee, Enforcement Division Director, Chief Juvenile Referee, Juvenile Program Director, Court Services Director, Court Finance Director, Court Information Systems Director, Circuit Legal Services Director, and Probate Legal Services Director.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

HOLIDAYS

The designated holidays for regular full-time employees are as follows:

January 1st (New Year's Day)
Presidents Day
Memorial Day
July 4th (Independence Day)
Columbus Day
Thanksgiving Day
December 24th (Christmas Eve)
December 31st (New Year's Eve)
General Election Day in EVEN numbered years
Martin Luther King, Jr. Day
Good Friday (1/2 day only)
June 19th (Juneteenth)
Labor Day
November 11th (Veterans' Day)
The Day AFTER Thanksgiving
December 25th (Christmas Day)

Regular full-time employees will be granted time off with pay for the designated holidays which will be observed on a weekday.

Should the holiday fall on Saturday, the preceding Friday will be observed as the holiday for that year.

Should the day of the holiday fall on Sunday (except for December 24th and December 31st) the following Monday will be observed as the holiday for that year.

December 24th and December 31st:

Should December 24th and December 31st fall on Friday, the preceding respective Thursdays will be observed as the holidays for that year.

Should December 24th and December 31st fall on Sunday, the preceding respective Fridays will be observed as the holidays for that year.

An employee will receive holiday pay provided that they work the scheduled day before and the scheduled day after the holiday and the holiday, if scheduled, or is excused and paid for the entire day from work.

Chief Judge

Approved: February 10, 2015
Revised: June 27, 2023

LEAVE OF ABSENCE

A. Full-time employees are eligible and may request a leave of absence in writing for any of the following reasons:

1. Personal Leave
2. Medical Leave for Employee and/or Family
3. Military

B. Provisions:

1. Personal Leave:

a. An employee may be eligible for a Personal Leave upon completion of 12 months of service from their date of hire.

b. An employee absent from work for more than 15 consecutive working days shall be required to apply for and submit a request for Personal Leave in writing using forms required by Human Resources and Labor Relations.

c. All requests for a Personal Leave must be submitted at least thirty (30) days prior to the effective date of the Personal Leave.

d. While on an approved Personal Leave, an employee must exhaust paid time off and compensatory time.

e. An approved Personal Leave shall not exceed 6 months.

f. An employee approved for a Personal Leave shall not accrue credited service for retirement during the time which the employee is on said Personal Leave without pay.

g. While on an unpaid personal leave of absence, benefits will be cancelled at the end of the month from the point of unpaid status. Upon return from an unpaid Personal Leave of Absence, insurance benefits will be reinstated in accordance with established waiting periods.

h. The Elected Official/Department Head or designee and the Director of Human Resources and Labor Relations or designee shall approve or disapprove all requests for Personal Leave.

i. An employee that fails to report for duty upon expiration of a personal leave of absence shall be subject to termination of employment.

2. Medical Leave for Employee and/or Family:

a. An employee may be eligible for a Medical Leave upon completion of 6 months of service from their date of hire.

b. An eligible employee who is unable to work due to their own medical condition caused by an illness or injury or the medical condition of a family member caused by illness or injury may request a Medical Leave.

c. A family member shall be defined as parent, current step parent, current spouse, children, current step children, brother or sister, grandparent or grandchild. It shall also include any person who is normally a member of the employee's household.

d. An employee absent from work for more than 5 consecutive working days shall be required to apply for and submit a request for Medical Leave in writing, using forms required by Human Resources and Labor Relations.

e. All foreseeable requests for a Medical Leave must be submitted in writing to the Elected Official/Department Head or designee at least thirty (30) days prior to the effective date of the Medical Leave.

f. An eligible employee must complete a request for Medical Leave of Absence and Certification of Health Care Provider form provided by the U.S. Department of Labor.

g. Medical certification must be received in Human Resources and Labor Relations within 15 days from the employee's last day worked.

h. While on an approved Medical Leave, an employee must exhaust sick leave and compensatory time.

i. Medical Leaves are approved for a period of no more than 6 months. Medical Leave requested beyond 6 months may be approved for an extension, but not to exceed an aggregate total of no more than 12 months.

j. Medical Leave extension requests must be submitted in writing at least 5 working days prior to the expiration of the current approved Medical Leave.

k. An employee on an approved unpaid Medical Leave shall not accrue credited service for retirement during the time which the employee is on said Medical Leave without pay.

l. While on an unpaid Medical Leave, benefits will be cancelled at the end of the month following six (6) months of unpaid status. Upon the return from the unpaid Medical Leave, benefits will be reinstated effective immediately.

m. The County may exercise the right to have the employee examined by a physician selected by the County before approving and granting such request for Medical Leave and/or Medical Leave extension at the County's expense.

n. The Elected Official/Department Head or designee and the Director of Human Resources and Labor Relations or designee shall approve or disapprove all requests for Medical Leave.

o. In order to return from a Medical Leave, the employee must have the ability to perform the essential functions of the job with or without reasonable accommodation. At the County's sole discretion, a medical examination may be conducted at the County's expense.

p. An employee that fails to report for duty upon expiration of a Medical Leave shall be subject to termination of employment.

3. Military:

a. The County complies with the Uniform Services Employment and Reemployment Right Act (USERRA), 38 USC, Chapter 43 Employment and Reemployment Rights of Members of the Uniformed Services. An employee whose absence from employment is necessitated by reason of duty in the uniformed services, shall notify the Elected Official/Department Head or designee of the upcoming military service requirements.

b. Benefits provided for employees absent under this Policy shall be provided consistent with the Uniform Services Employment and Re-employment Right Act (USERRA), 38 USC, Chapter 43 Employment and Reemployment Rights of Members of the Uniformed Services as determined by Human Resources and Labor Relations. Employees absent under USERRA should provide the County with a copy of their military orders.

c. Any employee on an approved USERRA Military Leave of Absence shall be eligible for the following benefits as a result of their Military Leave of Absence: differential pay, medical, prescription drug, dental and vision benefits, life insurance, Retirement eligibility or 401(a) vesting, Sick Leave, Paid Time Off (PTO) and Longevity as determined by Human Resources and Labor Relations.

4. Family And Medical Leave Act: The County shall comply with all aspects of the Family and Medical Leave Act (FMLA). Leaves will run concurrent with any FMLA eligible Leave.

Chief Judge

Approved: January 1, 2017
Revised: January 15, 2021
February 15, 2023

PAID TIME OFF

Participants in the Deferred Retirement Option Plan (DROP) shall receive Paid Time Off in the manner described in the Deferred Retirement Option Plan Policy.

The purpose of Paid Time Off (PTO) is to provide employees with flexible paid time off from work that shall be used for such employee needs as vacation, personal business and other activities, without disrupting the operations of the department. Paid Time Off (PTO) shall also be used for employee absences incurred from inclement weather.

Full-time employees shall be entitled to accrue Paid Time Off according to the schedule listed below**.**

The paid leave provisions in this policy apply only to full time employees working 37.5 hours or more. All other employees accrue paid leave time in accordance with Michigan's Paid Leave Act and that leave time will be administered according to the acts provisions (PA 338 of 2018 as amended).

Years of Consecutive FULL TIME Service Completed	Up to an Annual Maximum of
Less than 5	15 days
5	20 days
10	21 days
13	24 days
20	25 days
21	26 days
22	27 days
23	28 days
24	29 days
25	30 days

Paid Time Off shall accrue to a maximum of thirty (30) work days.

Paid Time Off shall be available for use upon accrual.

Full-time employees shall be entitled to accumulate Paid Time Off, as above, for each fully paid two (2) week period of service. Paid Time Off shall accumulate only on hours paid.

Paid Time Off requests shall be reviewed by the Department Head/designee, and must have their approval. Such approval shall be at the Department Head/designee's discretion to ensure efficient operations.

Full-time employees may request Paid Time Off conversion to cash payment of up to forty (40) hours per conversion, maximum of eighty (80) hours per year. Employees requesting Paid Time Off conversion must have a minimum of one hundred twenty (120) hours of Paid Time Off to be eligible for the conversion. The requested Paid Time Off conversion(s) must be submitted by February with the cash payment to be made on the second pay in March and August with the cash payment to be made on the second pay in September in regular paychecks with normal deductions.

Upon termination of employment, an employee shall be compensated for their accrued Paid Time Off at the rate of pay said employee received at the time of termination.

Chief Judge

Approved: January 1, 2017
Revised: January 15, 2021
February 15, 2023

PAID TIME OFF (PTO) FOR DROP PARTICIPANTS

Employees who are participants in the Deferred Retirement Option Plan (DROP) shall not be subject to the Policy on Annual Leave and shall receive annual leave as follows:

DROP participants shall receive, on January 1st of each year of DROP participation, the number of hours of annual leave equal to the number of hours of annual leave accumulated in the calendar year immediately preceding the commencement of DROP participation.

Employees whose DROP participation begins at a time of year other than January 1st, shall receive a pro-rata share of annual leave for the balance of the calendar year computed in the same manner as in the above.

Annual Leave not utilized by a DROP participant by December 31st of a calendar year shall be forfeited and unpaid.

There shall be no compensation for annual leave time remaining in a DROP Participant's annual leave bank upon separation from employment.

DROP participants who utilize annual leave in an amount in excess of their allocated leave before voluntarily or involuntarily discontinuing employment shall be obligated to compensate the Employer for annual leave time used in excess of such allocation. This provision shall not apply to an employee whose employment is terminated due to death or disability.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

REPORTING IMPROPER SALARY DEDUCTIONS AND OTHER ERRORS IN PAY

The Court intends to pay exempt employees, who are paid on a salary basis, in accordance with the Fair Labor Standards Act, state law, and applicable regulations, and will not make improper deductions. Any employee who feels that he/she has been subject to an improper deduction should notify the Macomb County Human Resources Department, preferably in writing. To the extent your complaint has merit, Human Resources will correct the mistake to promptly reimburse you and take steps to prevent similar improper deductions in the future. Similarly, if employees otherwise suspect they have been paid incorrectly and/or that their time-off benefits are not accurately reflected in applicable documentation, they should see the Macomb County Human Resources Department within five workdays of receiving the paycheck with the suspected error. If, for some reason, the employee is not satisfied with the answer they received, then they should contact the Court Administrator within 30 days of the pay date when the error occurred.

Approved:

John C. Foster

Chief Judge

Tuesday, February 10, 2015

Date

SICK LEAVE AND ACCUMULATED SICK LEAVE PAYOFF

Participants in the Deferred Retirement Option Plan (DROP) shall receive sick leave in the manner described in the Deferred Retirement Option Plan Policy.

Full-Time Employees:

Full-time employees accrue paid sick leave at the rate of up to 12 days per year or as required to be compliant with PA 338 of 2018, Michigan's Earned Sick Time Act (ESTA), as amended. Sick leave will be available for use upon accrual. It is the employee's responsibility to monitor their time off banks to ensure they have sufficient accrued time available before requesting leave.

The maximum earned sick leave accumulation that a full-time employee can earn is one hundred and eighty (180) work days.

For accumulated sick leave payoff purposes the maximum earned sick leave accumulation will retain its cap of one hundred twenty-five (125) work days.

Part-Time and Temporary Employees:

Part-time and temporary employees accrue paid sick leave in accordance with PA 338 of 2018, Michigan's Earned Sick Time Act (ESTA), as amended, at a rate of one (1) hour for every thirty (30) hours worked. Earned sick leave will be available for use upon accrual. It is the employee's responsibility to monitor their time off banks to ensure they have sufficient accrued time available before requesting leave.

Part-time and temporary employees are not eligible for payout of any accrued and unused earned sick leave upon separation from employment.

Permissible uses of Sick Leave, or as further defined by PA 338 of 2018, Michigan's Earned Sick Time Act (ESTA), as amended include:

- Due to the medical diagnosis, care and treatment of mental or physical illness, injury, or health condition, or for preventative care for an employee or an employee's family member.

POLICY: SICK LEAVE AND ACCUMULATED SICK LEAVE PAYOFF
Page 2

- If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care, counseling, meetings, to obtain legal services, relocate, and to participate in any civil or criminal proceedings from such domestic violence or sexual assault.
- For the closure of the employee's place of business, or to care for a child whose school or place of care is closed by order of a public official due to a public health emergency.
- Necessitated by a contagious disease or condition.
- In accordance with the Human Resources Bereavement Leave Policy.

Family members include child, parent, spouse or domestic partner, grandparent, grandchild, sibling, daughter-in-law, son-in-law, blood relative, or any person who is normally a member of the employee's household, or as further defined by PA 338 of 2018, Michigan's Earned Sick Time Act (ESTA), as amended.

The Court/County reserves the right to require an employee to not report to work or to send an employee home from work and require the use of sick leave, if available, if it is determined that the employee's presence at work endangers the health of others in the workplace.

An employee absent for one of the reasons described in this policy, are expected to

1. Inform their immediate supervisor of foreseeable absences seven (7) days in advance.

2. For unforeseeable absences employees are expected to inform their immediate supervisor at least one (1) hour prior to the start of the employee's shift or as soon as possible in the event of an emergency, according to PA 338 of 2018, Michigan's Earned Sick Time Act (ESTA), as amended.

An employee utilizing sick leave for more than three (3) consecutive work days, or in the event of suspected abuse of this policy, may be required to provide a return to work note and/or reasonable documentation to support the use of sick leave time as outlined in this policy.

An employee who is seriously ill for more than five (5) days while on Paid Time Off, may, upon application, have the duration of such illness charged against their Sick Leave bank, rather than against Paid Time Off. Notice of such illness must be given immediately. Proof of such illness in the form of a physician's certificate shall be submitted by the employee.

POLICY: SICK LEAVE AND ACCUMULATED SICK LEAVE PAYOFF
Page 3

Accumulated Sick Leave Payoff:

There is no payout of any accrued and unused sick leave upon separation from employment for individuals other than what is defined below.

1. Accumulated Sick Leave Payoff for employees in the Defined Benefit Plan:

   The maximum ~~a~~accumulated sick leave available to be paid off is one hundred twenty-five (125) working days. Any accumulated sick leave above the one hundred twenty-five (125) work days will be considered excess sick leave.

   Retirement: A regular employee, who leaves employment because of retirement and is eligible for and receives a pension under the Macomb County Employees' Retirement Ordinance, shall be paid for fifty percent (50%) of their accumulated and unused Sick Leave at the full-time employee's then current rate of pay.

   Death: In case of death of a regular employee, payment of their accumulated and unused Sick Leave up to one hundred twenty-five (125) days, at the deceased full-time employee's then current rate of pay, shall be made to the deceased employee's estate/trust.

   Excess sick leave, up to a maximum of 440 hours, will be paid at the time of separation from the Court/County to either those eligible to receive benefits under Macomb County Employees' Retirement Ordinance or to those who have participated in the DROP. The cash payment will be made in the payoff check with normal deductions. This payment will not be included in the Final Average Calculation (FAC).

2. Sick Leave payoff for employees in the Defined Contribution (401(a) Plan):

   Upon separation of employment, an employee shall be compensated for a portion of their unused sick leave up to one hundred twenty-five (125) work days. The rate of pay will be based on the employee's hourly rate at the time of separation. The payoff will be based on a percentage in accordance with the following schedule:

Continuous years of Full Time Service	Percentage Payoff Amount
After 5 years	25% of a maximum of 125 work days
After 10 years	50% of a maximum of 125 work days

POLICY: SICK LEAVE AND ACCUMULATED SICK LEAVE PAYOFF
Page 4

The cash payment will be made in the final payoff check with all normal payroll deductions.

Chief Judge

Approved:	July 8, 2014
Revised:	June 26, 2015
Revised:	September 26, 2016
Revised:	December 13, 2017
Revised:	January 15, 2021
Revised:	February 15, 2023
Revised:	March 18, 2025

APPENDIX A:

Model Code of Conduct for Michigan Trial Court Employees

Model Code of Conduct for Michigan Trial Court Employees

All employees in Michigan's courts hold highly visible positions of public trust. We must conduct our business in an environment and in a manner that favorably reflects the ideals consistent with the fundamental values of the Michigan judicial system, as identified by the Michigan Supreme Court. These values include: fairness, accessibility, accountability, effectiveness, responsiveness, and independence. Our actions at all times should uphold and increase the public trust and confidence in the judicial branch, reflect the highest degree of integrity, and demonstrate commitment to each principle embodied in this model code.

Canon One **Impropriety or the Appearance of Impropriety**	I will avoid activities that could cause an adverse reflection on my position or the court.
Canon Two **Abuse of Position**	I will not use or attempt to use my position to secure unwarranted privileges for myself or others.
Canon Three **Impartiality**	I will provide impartial treatment to all persons interacting with the court.
Canon Four **Proper Use of Public Resources**	I will use the resources, property, and funds of the court judiciously and solely in accordance with prescribed procedures.
Canon Five **Duty to Disclose**	I will respectfully disclose information required by the court.
Canon Six **Confidentiality & Discretion**	I will not disclose confidential or discretionary information gained through my court employment to any unauthorized person.

Canon Seven DISCRIMINATION	I will not discriminate on the basis of race, color, religion, national origin, gender, or other protected group.
Canon Eight POLITICAL ACTIVITY	I am free to participate in political activities during non-working hours as long as such activity does not use or appear to use my position or court in connection with such activities.
Canon Nine DUTY TO SERVE	I will carry out my responsibilities to litigants, co-workers, and all others interacting with the court in a timely, diligent, and courteous manner.
Canon Ten COMPETENCY	I will actively pursue educational opportunities to improve my professional knowledge, skills, and abilities in order to provide quality service to the court and the public.

Guidelines

The following guidelines clarify the aforementioned canons:

Canon One

IMPROPRIETY OR THE APPEARANCE OF IMPROPRIETY

Court employees are highly visible and should conduct themselves in a way that instills public trust and confidence. Their actions reflect not only on themselves, but the court as well. Improper behavior or the appearance of improper behavior may compromise the integrity of the court. Activities an employee engages in that are improper or may be perceived as improper include:

- Violating federal, state, or local laws and regulations.
- Entering into a contract directly or indirectly for services, supplies, equipment, or realty with the court system.
- Outside employment that may conflict or appear to conflict with the employee's job duties. Seek approval from the appropriate authority before accepting outside employment. **NOTE:** No form of outside employment shall be performed utilizing the resources of the court and shall not require or induce the employee to disclose information acquired in the course of his or her official duties.
- Employees shall abide by the Michigan Supreme Court anti-nepotism policy found in AO 1996-11.

Canon Two

ABUSE OF POSITION

The use of the real or apparent power of a position as a court employee to personally benefit the employee or someone else is prohibited. Court employees should never use their position to secure privileges, gifts, special favors, or exemptions. Generally these would be special considerations given by others to the employee specifically because of his or her position as a court employee. The solicitation or acceptance of a gift, favor, or additional compensation can give the impression that something will be done in return for the donor. This contravenes the core ideals of the judiciary.

A court employee shall not attempt to take advantage of his or her access to judges and court files to further any personal interest, or engage in *ex parte* discussions.

Canon Three **IMPARTIALITY**	The official actions of an employee should not be affected or appear to be affected by kinship, rank, position, or influence of any party or person involved in the court system. Many times relationships place temptation upon the employee to provide special service or non-service. Differential treatment in any of these situations undermines the integrity of the employee and the judicial system. Employees need to be able to provide impartial and understandable answers to the public's questions in an efficient manner, without providing legal advice.
Canon Four **PROPER USE OF PUBLIC RESOURCES**	Court employees are stewards of public resources. A court employee shall use the resources, property, and funds judiciously and solely in accordance with prescribed procedure. Pitfalls include temptations such as personal phone calls at the court's expense, personal use of government property (such as office supplies, printers, computers, vehicles, etc.), or the use of court property to assist non-employees as a favor.
Canon Five **DUTY TO DISCLOSE**	A court employee should expect coworkers to abide by the canons set out in this code. A court employee shall report violations of this code or attempts to compel one to violate this code. Court employees must inform the appropriate authority if he or she is arrested in any jurisdiction or involved in any pending legal action at the court of employment. This will allow the court to take the appropriate actions related to the employee's status. When required by law, rule, or regulation, court employees will dutifully disclose all financial interests and dealings.
Canon Six **CONFIDENTIALITY & DISCRETION**	Although most court records are public, some are nonpublic and cannot be released. Court employees need to understand the types of cases, and documents that are considered confidential. Confidential information should never be disclosed to any unauthorized person for any purpose.

Canon Six (con't.) **CONFIDENTIALITY & DISCRETION**	Sensitive information acquired by court employees in the course of performing their official duties should never be revealed until it is made a matter of public record. Even when the information becomes public, court employees should exercise a great deal of discretion. Sometimes breaches of confidentiality do not involve intentional disclosures of official court records. Some are the result of innocent and casual remarks about pending or closed cases, about participants in litigation, or about juries which could give attorneys, litigants, reporters, and the public confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court staff should discuss cases only for legitimate reasons. Court employees shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case. Examples of confidentiality issues are not limited to cases. Personnel, probation, health records, and information accessed through the Law Enforcement Information Network (LEIN) or the judicial data warehouse (JDW) have confidential limitations. Counter clerks should guard against being overheard when discussing legitimate confidential information.
Canon Seven **DISCRIMINATION**	Essential to the administration of justice is allowing equal access and treatment for all. Every day court employees are called upon to assist people, and it is their responsibility to provide customers and coworkers with courteous service, regardless of the individual's race, religion, gender, national origin, political activities, etc. Discrimination can come in varying forms (words and actions), yet court employees should be aware that no form of discrimination is acceptable and when discovered should be exposed and discouraged. Additionally, the evaluation of prospective employees should be based on their employable qualities such as job skills, knowledge, and attitude. Likewise, the evaluation of existing employees should be based upon criteria such as job skills, knowledge, and attitude in the performance of their duties. Therefore, no employee will discriminate in favor of or against any employee or applicant for employment based on the individual's race, religion, gender, national origin, political activities, etc.

Canon Eight **POLITICAL ACTIVITY**	A court employee's ability to participate in the democratic process by working for a political cause, party, or candidate should not be hampered by his or her employment if done outside of working hours. This participation includes, but is not limited to, holding party membership, holding public office[1], making speeches, and making contributions of time and/or money to candidates, political parties or other groups engaged in political activity. This participation in political activity should not transcend into the workplace by the displaying of political material (i.e., literature, badges, signs or other material advertising a political cause, party or candidate), soliciting signatures for political candidacy, or soliciting or receiving funds for political purposes. In addition no government equipment or resources of any kind are to be used for promoting political activity in the workplace before, during, or after work hours.
Canon Nine **DUTY TO SERVE**	For the court to be an effective institution, court employees must reflect a high level of professionalism as they faithfully carry out all assigned duties and enforce the rules/orders provided by the court. Court employees are not to inappropriately destroy, alter, falsify, mutilate, backdate, or fail to make required entries on any court records. Court employees must recognize that colleagues are also customers, and they should be given the same level of professional consideration as public clients.
Canon Ten **COMPETENCY**	When working within the court system, laws and rules of operation are continually changing due to legislation, court rules, administrative orders, caselaw, technology, etc. Therefore, court employees are encouraged to take advantage of educational opportunities that will enhance their skills, advance their understanding, and allow for better service.

Adopted 8/2008

The Michigan Judicial Institute gratefully acknowledges the contributions of the State Court Administrative Office Regional Administrators, the Management Analysts of Trial Court Services, and Court Administrators Donna Beaudet, David Drain, and Michelle Hill who reviewed draft text and provided valuable feedback throughout the revision of this document.

Amended 8/18/2010

The Code was corrected to omit language on Page 4, Canon Three, which erroneously stated court employees could be authorized to give legal advice.

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[1]Holding public office is acceptable unless a conflict of interest exists with employment at the court, or it is prohibited by law. An example of a conflict includes serving on the county board of commissioners whose oversight of budget and other policy issues impact the court.

Acknowledgement of Receipt of the Model Code of Conduct

I have read and understand the Model Code of Conduct. As a court employee, I also agree that I will support the Constitution of the United States and the Constitution of the State of Michigan, and that I will faithfully discharge the duties of my office.

_____ _____

Signature Date

ACKNOWLEDGEMENT AND AGREEMENT

I acknowledge receipt of the 16th Judicial Circuit, 42nd Judicial District, and Macomb County Probate Courts Human Resources Policies dated January 20, 2021. I understand and agree that I am bound by the policies, terms and conditions of employment set forth in these Human Resources Policies.

Also, I understand that during my probationary period, my employment is "at will." This at-will relationship means the Court may terminate the employment relationship and/or change compensation or benefits at any time, for any reason at all, with or without cause, and with or without notice. Similarly the employee may end the employment relationship at any time, for any reason or no reason at all, with or without cause, and with or without notice.

Upon completing my probationary period, my employment with the Court will continue under a just cause standard, except as otherwise provided by County Charter, State law, or defined by the Court as "at-will" in an authorized job description by the Chief Judge.

If, for any reason, I wish to be heard on any question or concern regarding my employment status, I understand that I may request a meeting, in writing, directed to the Court Administrator.

I understand and agree that these Human Resources Policies supersedes and cancels any prior contrary or written policies, statements, understandings or agreements concerning the terms and conditions of my employment with the Court.

_____ _____

Date Employee's Signature

_____

Employee's Printed Name

Approved:

_____ January 20, 2021

Chief Judge Date